



COMITÉ MARITIME INTERNATIONAL

HAMBURG 2014 EXCO

Minutes of meetings of the CMI Executive Council Sunday, 15 June 2014 at 09.00 to 16.30 at the Atlantic Hotel, Hamburg, Germany

FIRST MEETING OF THE EXECUTIVE COUNCIL, 15 JUNE 2014 09h00 - 16h30

Present

President:	Stuart HETHERINGTON
Past-President:	Karl-Johan GOMBRIL
Vice-President:	Giorgio BERLINGIERI
Vice-President:	Christopher DAVIS
Secretary-General:	John HARE
Administrator:	Lawrence TEH*
Treasurer/Head	
Office Director:	Benoit GOEMANS
Councillors:	Tomotaka FUJITA
	Måns JACOBSSON
	Louis MBANEFO
	Jorge RADOVICH
	Andrew TAYLOR
	Dihuang SONG
	Dieter SCHWAMPE
	Alexander von ZIEGLER

*(Absent from the meeting as he was involved in the ISC meetings taking place on Judicial Sales)

In attendance: Anne Verlinde (by invitation)

Welcome

The President welcomed Councillors to the meeting, recording greetings to and reporting news of Nigel Frawley and his ongoing medical treatment. CMI's best wishes are with him.

1. Approval of Minutes

(a) Dublin meetings on 29 September and 1 October 2013

The Minutes of those meetings were duly approved and were signed by the President and the Secretary-General.

(b) Confirmation of Resolutions passed on 27-29 November (re New York 2016) and November/December 2013 (CMI Officers/Committees).

These Resolutions were duly confirmed and were signed by the President and the Secretary-General.

2. Matters arising from Minutes and Resolutions referred to in paragraphs 1(a) and 1(b).

Capt Kim of the Planning Committee has submitted a draft memo on the collision issues which he would like examined. The Planning Committee will report further on this issue during the

ensuing year.

Kiran Khosla has been invited to prepare a memo outlining the concerns she has about increasing claims against shipowners for the debts of their charterers. Informal discussions were held between John Hare and Ms Khosla, and the matter will be followed up post-Hamburg for reporting to next meetings.

The liability of classification societies was reopened for discussions at the Hamburg conference. See further comment in the minutes of EXCO meeting #2. The Secretary-General reported that Rosalie Balkin had accepted appointment as the CMI observer to the IOPC Funds, and that this appointment had been cleared with Jose Maura, Director of the IOPC Funds.

On the issue of criminality and of the protection of human rights on board ship (brought to the attention of EXCO by David Hebden) it was decided to refer the matter to Olivia Murray on the Fair Treatment IWG.

3. (a) Minutes of a meeting of Management Committee in Antwerp 16 and 17 March 2014

The President reported on the useful meeting of the President himself, the Secretary-General, the Administrator, the Treasurer and Anne Verlinde, the newly appointed CMI Administrative Assistant, at the new offices of the CMI in Antwerp. The Minutes of that meeting were duly tabled and noted.

(b) Matters arising from Minutes of Management Meeting (not on the Agenda for this EXCO meeting)

(i) The Secretary-General reported that the signed originals of all Resolutions of EXCO and of the Assembly would from now on be filed in a master file at the Antwerp office. Copies are then to be made available to EXCO and on the CMI website.

(ii) The Dublin database and the Hamburg database have been captured by Ms Verlinde and will be used for future CMI events. The Secretariat will look into constructing and maintaining a searchable database of NMLAs, Titulary and Consultative members to be available at least to EXCO members. The format of this database (Excel or Access) should allow easy bulk mailing to all classes of members by the Secretariat, and easy maintenance of changes.

(iii) The Secretary-General has been in touch with Prof Sturley on the possibility of a Travaux Préparatoire of the Rotterdam Rules. He has been informed by Prof Sturley and Prof Fujita that they are co-authoring a publication on the Travaux of the Rules. The CMI will maintain contact with them to assess if there is any possibility of joint publication so that the CMI can co-publish a volume as part of its series of Travaux.

4. Finances.

(a) Treasurer's report including accounts; Audit Committee report; Budget for 2015

EXCO considered two alternative budgets which had been prepared for discussion by the Treasurer – one with an increase in subscriptions in 2015, the other without. An increase of 10% for 2015 subscriptions would achieve a surplus of €1194. No increase would produce a deficit of approximately €18500. After considerable discussion it was decided that the Treasurer should recommend to the Assembly that the CMI should operate one more year on a deficit budget but that he should alert the Assembly that there will need to be an increase in subscriptions for 2016 in order to keep the CMI reserves to approximately €500000. Thereafter the CMI should aim to break even or make a modest surplus.

The Treasurer explained that we have over the last 15 years in fact achieved significant savings. If you apply an inflation factor over that period, the CMI has in fact this past year spent about half of the money spent per annum 15 years ago. The CMI built up reserves approaching €1m which was considered by the Audit Committee to be too high. In a conscious step to reduce the reserves which had been built at the expense of NMLAs, the decision was taken to have a subscription 'holiday' and thereafter to reduce subscriptions.

These were recognised at the time as temporary measures. In addition subscriptions for Titulary Members were done away with. With reserves now at an acceptable level, the CMI should be reverting to a policy where budgets should be estimating a small surplus rather than a deficit. It was however thought that because of significant efforts to reduce expenses, there could be one last year with no subscription increases.

The Treasurer explained that these savings are to a large extent due to more efficient management of CMI and taking advantage of developments which have enabled more efficient management – digitising etc. Another saving comes from the reduction of EXCO actual meetings. Travelling is a large part of costs of CMI. One electronic meeting a year is efficient. Revenues have been much improved from a significant effort through Karl Gombrii and Chris Davis to recover bad debts.

The surplus reserve of €600K is invested in terms of the post 2008 policy that the CMI spread the investments over investment houses and across several industries. Most are with BNP Paribas, but the actual investments are spread across various countries.

The President has investigated the possibility of investing in, for example, Australia or other economies where a better rate of interest can be gained. However money laundering legislation would require CMI to be incorporated in other jurisdictions. The Treasurer also confirmed that the CMI could get better rates for longer term investments - like six years. But we would then be tied into a long term rate and could lose rather than gain. Higher rates of interest were usually tied to foreign exchange rate risks in the currencies that gave such higher rates. CMI policy has usually been to maintain finances in a single currency. Higher rates in other currencies presume increased currency risks. Presently all CMI funds are held in Euros except reimbursement funds in relatively small amounts in currencies where reimbursement is common.

The President enquired whether maybe half of the reserves should go into longer term investments. The Treasurer confirmed that the return remains 2 -3 % even for three year terms, and considered it too limiting to invest longer term and that at these current low rates, the CMI is probably losing value from inflation.

There followed further discussion concerning the advantages and disadvantages of various investments including industry bonds, and the retention of investment advisers.

It was determined that further consideration needed to be given to this issue and Andrew Taylor and Måns Jacobsson undertook to look into investment policy further, and to report to EXCO.

The Treasurer reported cash at bank of €607000.

The Secretary-General then explained the Conference item figures in the budget against the actual Hamburg expenses for which he was maintaining a spreadsheet to enable him to keep track of concessions and costs falling to the CMI account. He explained the way in which the Hamburg PCO had been instructed to maintain three journals of the Conference costs: detailing the CMI expenses, the Conference expenses and the DVIS expenses separately. He indicated that the exposure of the CMI for the Conference was in the region of €65000. This figure was likely to reduce because of the good attendance at Hamburg which should boost revenues. The figure includes the cost of EXCO members and the CMI business of the Conference.

(b) Report of collection of outstanding subscriptions.

Chris Davis tabled a report. He reported that the President has corresponded with the Russian MLA, and he is in correspondence with the Korean MLA. He was authorised to seek to enter into a deferred payment agreement for arrears. Spain has made proposals for a deferred payment of arrears which was tabled. This was agreed for sign-off by the President.

South Africa – John Hare was tasked to chase South Africa's arrears for previous years (their current subscriptions having been paid on time).

The arrears of other countries were reported and a further contact with those MLAs is to take place. It was agreed that EXCO recommend to the Assembly that expulsion process should commence for Pakistan and Bulgaria.

Costa Rica and Netherlands Antilles had both ceased to operate, and it was resolved to remove both from the CMI list of members.

(c) Approval of nomination of Mal Meuldermans & Partners BVBA as auditor of the 2015 accounts.

Approved.

[The meeting was at this stage joined by members of the Turkish MLA – Prof Didem Light, Mr Surtaç Sayhan, and his daughter Bahar Sayhan. EXCO was given a short presentation to confirm the offer of the Turkish MLA to host the CMI 2015 Assembly and Colloquium in Istanbul. The delegation was invited to make a presentation to the Assembly which would be asked to confirm the arrangements for Istanbul 2015 (see 10(a) below).]

(d) John Hare: reimbursement.

The Secretary-General excused himself from discussions.

After discussion, approval was given for the Secretary-General's stipend for 2014 to remain at €12000 pa, increasing to €15000 pa for 2015.

(e) The Treasurer's retirement.

Benoit Goemans confirmed to the meeting that he had told the Management Committee meeting in March that he wished to retire with effect from the end of 2014. He confirmed that he (and the Belgium MLA) recommended to the CMI that Peter Verstuyft be appointed as Treasurer of the CMI. Mr Verstuyft is currently the CEO of the Belgian Shipowners Association. He has already reached retirement age but has been asked by the Association to carry on initially to Dec 2014 and now until May 2015.

He confirmed that Peter Verstuyft remained willing to take the position. The President was mandated to continue discussions with Peter Verstuyft with a view to his taking over as Treasurer from early 2015. This will have financial implications for the CMI, and will involve moving the CMI administration from the Goemans office to the registered premises of the CMI which is already at the Belgian Shipowners. Anne Verlinde would then work with Peter Verstuyft at the new office.

Benoit Goemans undertook to prepare the 2014 accounts for presentation to the 2015 Assembly and that he (Benoit) would oversee the transition.

It was recorded that if Benoit Goemans indeed steps down at the end of December (in mid term) EXCO has the power to appoint a new Treasurer as an interim, to be confirmed at the Istanbul Assembly. Benoit Goemans will discuss with Peter Verstuyft and the President, and report further to EXCO at the virtual meeting in November.

(f) Bookkeeper

The Treasurer informed the meeting that the CMI employs the services of a bookkeeper @ €1500 pa and that this would continue into the appointment of his successor to assist with continuity and transition. These fees are recorded in the accounts as being part of the audit fees.

(g) Archive

Anne Verlinde reported that the archive has been removed from Wim Franzen's office. She has done a stocktake and inventory and is in the process of working out the costs of storage for the future.

A selection of CMI publications and products had been brought to Hamburg for sale.

(h) CMI Charitable Trust

(i) Valuation of securities 12 May 2007

(ii) **Retirement of Charles Goldie as Trustee.**

These items from the Charitable Trust were tabled for noting only. The approval of EXCO for the resignation of Charles Goldie was given, and it was reported that the approval of the appointment by the Trustees of Anne Fenech and Stuart Hetherington as Trustees was recorded as part of the Resolution for appointment of IWG and ISCs.

EXCO noted thanks to Charles Goldie for his long service to the Trust.

(i) **Employment of Anne Verlinde**

Anne Verlinde excused herself from the meeting.

The Treasurer reported that Ms Verlinde had been hired on a part-time basis for approx. 8 hours per week, and that we were tied to the agency until the end of August. There was consensus that she is doing an excellent job, and that in principle we would like to employ her once our contract with the agency comes to an end. Terms are to be negotiated with Ms Verlinde by the Treasurer and Secretary-General and submitted to EXCO for approval. We should ensure that her contract accords with Belgian employment law.

(j) **Registration of seat of CMI**

This is now complete, and the CMI is officially located at its registered office.

5. Members and appointments

(a) **New member applications:**

(i) **Senegal**

The President reported that there was CMI history in relation to Senegal, which had fallen into arrears with subscriptions and been expelled in 2005. Their representative, Abubacar Fall, was in Hamburg for the Conference and has reported that their MLA has revived. Jean-Serge Rohart, Patrick Griggs and Karl Gombrii who had all been involved with the Senegal membership in the past have all agreed that it would be appropriate to recommend its readmission.

Agreed to recommend readmission of Senegal to the Assembly, at an annual subscription of €500. Louis Mbanefo to include Senegal in his portfolio.

(ii) **Romania**

The President reported that some of the members attended at Dublin and were registered for Hamburg, and that in the lead up to Dublin they were encouraged to increase the breadth of their membership and delay seeking membership of CMI. They had since increased their membership and activities.

Agreed to recommend admission of Romania to the Assembly at a subscription of €500. Alex von Ziegler to include Romania in his portfolio.

(iii) **East Africa Regional MLA**

The President, Secretary-General and Louis Mbanefo reported their dealings with the EARMLA. Their application for membership was considered excellent and there was consensus that the Regional MLA was a good development for the CMI.

It was agreed to recommend admission of EARMLA to the Assembly for membership at an initial subscription of €500.

Louis Mbanefo to include the EARMLA in his portfolio.

(b) **Provisional membership**

(i) **Theis Klauberg (Latvia)**

Dieter Schwampe reported meeting with Theis Klauberg, the applicant, in Dublin and offering him help from the German association. Both the President and Karl Gombrii had encouraged him to form an MLA. The application was approved for recommendation to the Assembly.

(ii) Kwabena Asare (Ghana)

The Secretary-General tabled a letter of application received from Kwabena Asare with whom he and Louis Mbanefo had been corresponding and both considered the application to be in order. It was supported by Kofi Mbiah and resulted from contact made by the Secretary-General last year during his participation in a maritime seminar for judges. Mr Asare will be attending the Assembly.

The application was approved for recommendation to the Assembly.

(c) Consultative Member: Nautical Institute

The Secretary-General reported on his dealings with the Nautical Institute and that we are already cooperating with their expert on Polar Shipping. Agreed that the Nautical Institute be recommended to the Assembly as a Consultative Member.

(d) Titulary Members

The following nominations have been timeously and properly received:

- (i) Francis Nolan
- (ii) Hal Watson
- (iii) Gregory O'Neill
- (iv) Benoît Goemans
- (v) Måns Jacobsson
- (vi) Gregory Timagenis

It was unanimously agreed that all the nominees be recommended to the Assembly for election as Titulary Members.

(e) Expulsion of MLAs

(i) Guatemala

The President reported that Guatemala had been sent a notice, in accordance with the Constitution, concerning possible expulsion for continued non-payment of subscription arrears.

There having been no response, it was agreed that the Assembly be asked to expel Guatemala.

(ii) Costa Rica

Costa Rica – The President reported on an email received from Tomas Nassar confirming that the Costa Rica MLA no longer exists. It was agreed that Costa Rica will therefore be removed from list of members. The President has invited Mr Nassar to ascertain interest in setting up a regional MLA in Central America. Mr Nassar has now notified Jorge Radovich that he is willing to proceed.

The Secretary-General will send Mr Nassar a copy of the application of East Africa as pro forma after clearing with them.

(f) Resignation of Netherlands Antilles

The President and Taco van der Valk have made efforts to obtain confirmation that the Netherlands Antilles MLA is no longer in existence. The former treasurer has confirmed that the Association is no longer a member of the CMI.

It was agreed to remove the Netherlands Antilles from the list of members and to write off arrears.

(g) Spanish MLA proposal

As reported above, the President was authorised to sign the tabled agreement for a phased settlement of arrears.

(h) Review of Norman Martinez (Honduras) provisional membership

The President has been in touch with Norman Martinez who has relocated to Malta and has also had correspondence with Mr Cesar Garcia about the development of a Honduran or regional MLA. It was agreed that in the circumstances there was little point in the retention of his provisional membership. The President will communicate further with Mr Martinez.

(i) Report on potential new members and current members

The President's report was tabled. Alex von Ziegler reported on the position of the Swiss MLA. The MLA was part of the Swiss Shipping Association. That relationship has now ended. This involves no real change for the CMI. The new Swiss MLA has full autonomy. As the Swiss MLA is the successor to the old, the CMI is not required to do anything, other than to note this development.

6. Work in Progress**(a) Acts of Piracy and Maritime Violence**

Andrew Taylor tabled an Update which will be put before the Assembly. There was nothing further to report.

(b) Fair Treatment of Seafarers

Olivia Murray's report was tabled for presentation to the Assembly by Kiran Khosla.

(c) Recognition of Foreign Judicial Sales of Ships

Henry Li's report was tabled for presentation to the Assembly, in concert with the outcome of the Plenary to be held at Hamburg to finalise the text of the instrument.

The appreciation and commendation of EXCO for Henry Li and his team were recorded.

(d) Marine Insurance

Dieter Schwampe's report on Marine Insurance for presentation to the Assembly was tabled. Prof Schwampe reported that the scope of the remit of the IWG is continually narrowing and that it now focuses on those aspects which are summarised on the last page of the report as:

- The recommendation that national governments require insurers to provide confirmation that cover provided is at least for minimum convention requirements,
- That the IMO be encouraged to extend the Bunker Convention financial security requirements to other convention security requirements.
That the IWG does not proceed with attempts to harmonise time limits for direct actions against insurers at this stage;
- That the IWG be authorised by EXCO to put out a questionnaire to NMLAs on practices and procedures in the case of termination of insurance cover. Not all countries have systems in place as to what to do with the notification of termination of cover, and ships continue to trade without cover although in most cases the insurer remains on risk for 3 months after termination. That consideration be given as to whether amendments to current PSC/MoU systems are in need of amendment in relation to this issue.
- It was agreed that the IWG prepare a short questionnaire to go out via the Secretary-General, but only after the text has been approved by EXCO.

Dieter Schwampe has submitted his resignation as Chair but confirmed that he will stay on the IWG. He proposed Joseph Grasso (USA) as his successor. Mr Grasso until recently chaired ML AUS Marine Insurance Committee. The President suggested that the IWG be asked to discuss the proposed questionnaire with the new IMO Legal Committee Director, Fred Kenney. Especially as to where a questionnaire would lead if done.

The Secretary-General remarked that the appointment of Mr Grasso and the proposed contact between Mr Grasso and Mr Kenney would be good for cooperation with the USA in the lead-up to New York 2016. The issues could well be included in the programme for 2016, and replies to a questionnaire would inform those discussions.

The President was tasked to discuss the proposal that Mr Grasso take over the chairmanship of the IWG with the US MLA and if approved to invite Joseph Grasso to take the chair of the Marine Insurance IWG, to brief him on important issues about the content of CMI questionnaires, and invite him to contact Fred Kenny to assess IMO interest on these issues. The IWG is asked to report to the November EXCO virtual meeting, maybe with a memo and draft questionnaire. Dieter Schwampe offered to assist this process.

(e) Cross-border Insolvency

Chris Davis tabled the report on Cross-Border Insolvency for presentation to the Assembly.

(f) Arctic/Antarctic Legal Regimes (now Polar Shipping)

The Secretary-General reported that Nigel Frawley had tendered his resignation as Chair of the IWG, though he would like to remain on it. Prof. Aldo Chircop was recommended as his successor by Mr Frawley, and was running the IWG for the Hamburg conference.

Prof. Chircop's appointment was agreed and the composition of the IWG would be further discussed within the IWG and referred to EXCO for approval. It was suggested that the IWG should be expanded to include representation from the East and the deep South.

The Secretary-General proposed that the name of the IWG be changed to "Polar Shipping" to reflect its remit and scope better. This had the approval of the IWG. The name change was agreed.

Prof. Chircop's report for presentation to the Assembly was in preparation. It is now attached to these minutes as Attachment 21A but was not available at the time of the EXCO meeting.

(g) Review of the Rules on General Average

The IWG report on General Average was not yet available for the EXCO meeting. Taco van der Valk would be presenting the report to the Assembly, and at a session of the seminar in Hamburg.

The appointment of Richard Cornah as Joint Rapporteur was agreed.

The President advised that Bent Nielsen had raised informally with him an issue that has arisen concerning cash deposits in GA where adjusters take cash deposits, and that in consequence there are security issues. The question has been asked whether there is any role the CMI can take in rationalising the way in which these GA security deposits are held – often in very large amounts. And often also in many security deposits. Discussion pointed out that the CMI would have to employ someone from the industry and it would involve risks/insurance. Andrew Taylor expressed the opinion that this is a problem for the industry to solve, notwithstanding that we are keepers of the YAR. Adjusters need to solve this issue and perhaps insure as part of the costs of adjustment.

The issue was noted, and reservations expressed, but no decision was required of EXCO at this stage.

Lunch adjournment 13h00 to 14h00

(h) Rotterdam Rules

Tomotaka Fujita tabled the report of the Rotterdam Rules IWG for presentation to the Assembly.

The President reported on his meeting with IMO Legal Committee Director Fred Kenney. It appeared to the President after that meeting that the Rules are still far off from ratification in the USA and thus the President's campaign in the shipping press to promote the incorporation of the Rules by a Clause Paramount in contracts of carriage. (Subsequent information from the USA indicates that the Transmittal Package is now with the Secretary of State and ready to be sent to the White House.)

Tomotaka Fujita reported on the deliberations of the UNCITRAL working group on electronic commerce. This is mentioned also in the IWG report.

Karl Gombrii expressed the view that incorporation by Clause Paramount will require the support of the International Group and that to that end, the IWG needs to cooperate with the IG and the ICS to gather support for the Clause Paramount route. The President advised that

he was in communication with individual Clubs and the International Group, but there is a lack of urgency in the Clubs to see the Rotterdam Rules comes into effect.

(i) Offshore Activities

The report of the Patrick Griggs as chair of the IWG on Offshore Activities was tabled for presentation to the Assembly.

Offshore Activities - Pollution Liability and related issues

A supplementary report was also received from Patrick Griggs dealing with the issue of liability and compensation for transboundary pollution from offshore exploration and exploitation activities. The report recorded the participation of the CMI observers at the IMO Legal Committee meeting in London in April 2014 and that the IMO had recommended bi-lateral and regional agreements be considered rather than international convention regulation. It recorded that all present at the Legal Committee had been of the view that further work needs to be undertaken. The CMI observers reported to the Legal Committee that the CMI had sent out a questionnaire, but that to date there has been limited reply. The IWG is to debate the issue further in Hamburg and to report further to EXCO.

(j) Arbitration (Ad hoc IWG)

No formal report of this IWG was tabled. An exchange of informative and helpful emails between Luc Grellet, David Martowski, Vincent de Orchis, Leo Kailas and Liz Burrell however was put before EXCO. The essence of this exchange was that “the CMI is uniquely suited to promote uniform international maritime arbitral practice and procedure, and that an important first step would be an impartial and expert review/comparison of the various fora”.

The President was asked to request Luc Grellet, Chair of the IWG, to let EXCO have a further report for November meeting to decide on the way forward.

(k) Cape Town Convention

The President tabled correspondence from ICS suggesting that it was indicated that the proposed protocol to extend the reach of the Convention to ships was not likely to proceed, at least at this stage. This confirms correspondence received by the President from Jose Faria, UNIDROIT Secretary-General on 25 February 2014 when he advised that UNIDROIT is gathering information on financing practices and advised that UNIDROIT would welcome any information that CMI could provide concerning financing practices in the maritime sector, The Secretary-General reported on contact with Prof Roy Goode of Oxford who Chairs the Convention committee, confirming the CMI's interest in the Convention, yet making it clear that the CMI sees problems in extending the Convention to ship finance agreements. He hopes to meet with Prof Goode during future visits to Oxford.

In the circumstances, no decision was necessary to form a new IWG dealing with the Cape Town Convention, but EXCO will monitor future developments.

7. Standing Committees

(a) Jurisprudence on Maritime Conventions

The Treasurer reported on this project and especially on the involvement of Audile Plegat. EXCO was referred to the minutes of the March 2014 Management Committee meeting for further details. In essence, Ms Plegat had organised the distribution of a questionnaire, and had made a start with gathering submissions. She had worked with Admission (the CMI's web managers, now renamed Vanilla) and website has been built though it is not accessible nor searchable at this stage. Ms Plegat's contract had not been renewed when it came to an end in March.

The Management Committee had discussed ways forward for this initiative and had resolved to approach Prof Stephen Girvin of the National University of Singapore to ascertain his willingness to drive the project from a Singapore base. Prof Girvin has expressed positive indications, but acceptable details now need to be discussed between Prof Girvin, the Singapore Port Authority who have offered to meet some administrative costs of the CMI Singapore regional office. The Administrator was tasked with taking this further, in

consultation with Taco van der Valk who has provided valuable input to the initiative. The Treasurer questioned whether the CMI D&O covers any errors that may arise in the database or its use. If not we should make provision for waiver of liability, perhaps by means of a login or tick box on the database site.

(b) Implementing and Promoting the Ratification of Maritime Conventions

Louis Mbanefo as Chair of this Committee, reported not much development since Dublin, though he introduced Patrick Griggs's email report on the resolution of the IMO to adopt its theme for 2014 as the ratification of existing conventions.

(c) Young CMI

The report of Taco van der Valk was tabled for presentation to the Assembly. It confirms the work of the Committee, culminating in the cooperation of Young CMI with the Young Maritime Lawyers Group (Belgian, British, Dutch, French and German young maritime lawyers) during the Hamburg Conference, when each were to attend the deliberations of the other. This was considered to be a valuable exchange.

Taco van der Valk was commended for his driving of Young CMI and its related projects such as the convening speakers at CMI events and CMI on LinkedIn.

(d) Constitution Committee

The President (at the suggestion of the Chair of the Nominating Committee) proposed an amendment to Article 15 aiming to tidy up the nomination process to be put before the Assembly.

The Treasurer as Chair of the Constitution Committee confirmed that the Committee is considering other more general amendments to the constitution which will be put before EXCO in time to promote at the 2015 Assembly. Some of these amendments seek to remedy the differences in the two language versions - French and English. Amendments to Article 3 are also under consideration.

The Secretary-General has suggested to EXCO that a more general and wider amendment of Article 15 may be appropriate for consideration by the Constitution Committee and referral in due course to EXCO and the Assembly.

The Secretary-General asked leave to join the Constitution Committee, which was agreed. It was suggested also that the Committee should invite Philippe Boisson to serve on the Committee or to nominate a substitute.

(e) General Average Interest Rates

A draft resolution for the Assembly was tabled as supplied by Chair Bent Nielsen.

It was agreed that Andrew Taylor and Taco van der Valk join Bent Nielsen on this Committee.

8. Monitoring MLAs by Executive Council

The Secretary-General expressed the concern that perhaps there had not been as much contact between EXCO members and their NMLA charges as the guidelines in his document envisages. He will be encouraging EXCO members in the future to engage more actively with their NMLAs.

9. Publications

Discussions ensued on the Yearbook and Newsletter; LinkedIn; the CMI website and the Handbook on Maritime Conventions.

Giorgio Berlingieri reported that the first thing to be done is the Newsletter. Mr Berlingieri confirmed that the Newsletters are not mailed any more.

He is busy on the 2014 Yearbook – and will update entries after Hamburg. These will then be sent to the CMI website. He will aim to have it published by the end of 2014 and for it to include papers from Dublin and Hamburg.

No progress was reported on the CMI Handbook on Maritime Conventions, and the Secretary-General was tasked with checking with Frank Wiswall, with whom he has recently been in contact.

The issue of putting the full text of conventions on the CMI site was raised. The IMO has been opposed to this because it generates revenue, although the conventions are available on many websites.

10. Colloquium and Conferences

(a) Colloquium in 2015

Chris Davis reported on his recent visit to Istanbul and gave a favourable opinion on the suitability and capability of the Turkish MLA to host the 2015 Colloquium. He recorded that the political situation in Turkey, though still volatile, was more stable. The President reported that Prof Kerim Atamer had sent a written retraction of his belief that the Istanbul event should not be held, and had pledged his support for Istanbul 2015.

In the light of Chris Davis' observations, and in consequence of the excellent Turkish presentation given earlier in the meeting, it was decided to proceed with the Istanbul Colloquium in 2015, and to ask the Assembly to confirm its decision in Dublin to convene the 2015 Assembly in Istanbul. The Turkish delegation was also invited to make a short presentation to the Assembly.

The Secretary-General was mandated to recommence discussions for Istanbul 2015 with the re-formed Turkish organising committee.

(b) Conference (2016) - New York

The President reported ongoing discussions with the MLAUS organising committee, headed up by Vincent Foley. He reported that the New York Hilton is the hotel of choice at a probable rate of \$279. The President tabled the Hilton Confirmation Agreement setting out the basics of the CMI/MLAUS agreement with the Hilton.

It had been decided to try to overlap MLAUS and CMI committee meetings during the Conference week and Chris Davis was tasked with putting the two working groups/committees together by inviting their chairs to make contact with a view to suggesting matters of mutual interest that may be put on the work programme.

The Secretary-General reported that the MLAUS had suggested that he attend the 2014 Spring meeting to help prepare the work programme and that he will make every effort to do so, enabling him to report fully to EXCO at its Istanbul meeting.

11. IMO Legal Committee (Report by Patrick Griggs)

The report of Patrick Griggs on his attendance at the 101st Session of the IMO Legal Committee was tabled and noted.

The report is detailed, and deals with the implementation of the HNS Convention; Fair Treatment; Piracy; Technical cooperation; the MLC; Places of Refuge; IMLI and the status of conventions.

12. CMI Regional Office in Singapore

The Administrator reported that the registration of the representative office of the CMI in Singapore had been renewed for a further year to 25 April 2015.

The President reported that there had been an approach from the UNCITRAL Regional Centre for Asia and the Pacific who wish to increase levels of coordination and cooperation with the CMI in Asia. It has singled out in particular the Rotterdam Rules as something on which it is keen to set-up a regional expert group. It has suggested that a meeting of the regional expert group could take place around the time of the Singapore MLA's yearly Asian Maritime Law Conference next spring. The Administrator outlined the content of a letter to this effect which he had received from UNCITRAL-RCAP and indicated that such an initiative would be in accord with and serve the continuation of the defined 'Activities' of the CMI Regional Office registration as defined by the office of International Enterprise in Singapore in Attachment 30.

EXCO agreed that the Administrator may go ahead and open discussions with UNCITRAL-RCAP with a view to cooperating with UNCITRAL as envisaged, and to report further to EXCO.

13. EU representation

The Secretary-General reported that Vincent Power had agreed to act as CMI Rapporteur of EU Shipping Law. This was a very positive step towards the CMI keeping up with EU shipping law developments. The intention is that Mr Power will submit regular EU Shipping Bulletins to EXCO and that he would be asked each year to prepare a short summary report for the Assembly.

The Secretary-General was tasked with follow-up.

14. CMI - The Future

The report of Liz Burrell, as chair of the Ad hoc Committee on the Future Role of the CMI, was tabled in which it was reported that there had been seven telephone conferences between members of the committee. The committee is still deliberating the issues it has identified and is examining ways of collecting input from CMI members. It has no recommendations to proffer at this stage.

15. Planning Committee

The Secretary-General as chair of the Planning Committee reported contact between members since Dublin, resulting in Prof Michael Sturley joining the Committee. This was considered by the Committee to be a useful step in working with the MLAUS towards 2016 New York.

Only four members of the Committee are attending Hamburg, and thus a full meeting will not be possible during the Hamburg week.

The Committee has been in discussions with Prof Eric van Hooydonk in connection with his proposed project for the CMI to attempt a Restatement of the General Principles of Maritime Law. A copy of his proposal was tabled. It was agreed that the project could proceed, and that an IWG or an Ad hoc Committee should be established. The Secretary-General, Alex von Ziegler, Andrew Taylor and Tomotaka Fujita indicated willingness to serve. The view was expressed that there should be South American representation and that Prof Martin Davies should be approached to join the group.

The Secretary-General and Alex von Ziegler were tasked with setting up an initial committee, under the chairmanship of Prof van Hooydonk.

16. D&O Insurance Summary of Policy

The President tabled a summary of €1m cover negotiated from AIG for the CMI's Directors and Officers' Liability Insurance.

17. IMLI and Ravenna Prizes

There has as yet been no award of these prizes.

18. IMO Prize

There has been no award as yet.

19. Richard Shaw Memorial

The President tabled an email from the Institute of Maritime Law requesting a contribution towards an endowment in memory of Richard Shaw. After discussion in which it was reiterated that the loss of Richard was keenly felt by all in the CMI, it was considered not appropriate for EXCO to vote funds in this way.

EXCO wishes however to acknowledge the enormous contribution of Richard Shaw to the CMI, and it was agreed that the 2014 Yearbook should open with a photo and tribute to Richard. This was considered particularly appropriate because of Richard's almost invariable contribution to successive Yearbooks over many decades.

The CMI would then present Avril Shaw with a specially bound copy.

20. Places of Refuge

The President reported on exchanges he had had with the Secretary-General of the IMO arising from The *Maritime Maisie* incident in which the vessel was repeatedly denied a place of refuge. The President repeated the CMI's call for a convention, based upon the work of the IWG some years ago. As aide memoire, the President tabled the report of the CMI to the IMO Legal Committee in January 2009 with which the CMI draft instrument was submitted to the IMO.

Also tabled was the IMO's reply in which the Secretary-General of the IMO invited the CMI to bring the matter before the Legal Committee. This was duly done by Patrick Griggs as reported in his report (see para 11). It would appear that there was no resolve within the IMO Legal Committee to take the matter further.

21. Elections

(a) Election of officers

The report of the Chairman of the Nominating Committee was tabled. EXCO noted the recommendation of the Committee that the Assembly

- (i) Elect John Hare as Secretary-General
- (ii) Re-elect of Jorge Radovich as Executive Councillor
- (iii) Elect Ann Fenech as Executive Councillor.

(b) Retirement of Måns Jacobsson

The President thanked and commended Måns Jacobsson for his many years of dedicated service to the CMI, stating that it had been an honour and a privilege to serve with him. His service, drawing on his background and history, has enhanced the CMI greatly. His efforts on the Audit Committee were particularly valued.

An acclaim and vote of thanks to Måns Jacobsson was unanimously adopted.

22. Other business

(1) The following correspondence was tabled and noted

(a) Francesco Berlingieri

A letter from Prof Berlingieri thanking the CMI for the gift of a Waterford crystal lighthouse received in Dublin.

(b) Dan Gunasekera

A letter from Dan Gunasekera giving an update on the formation of an MLA for Sri Lanka and its proposed constitution.

(c) Professor David Attard (IMLI) and IMLI E-News

Correspondence with IMLI relating to its election as a Consultative Member of the CMI.

(d) Letter to IACS

Correspondence with IACS relating to its election as Consultative Member.

(e) Email from Patrick Griggs to Rosalie Balkin

Correspondence between Patrick Griggs and Rosalie Balkin re IOPC Funds and IMO Legal Committee representation.

(f) Black Sea Freight Forum 8-9 September 2014

Invitation to attend the above forum.

(2) **Indian MLA Change of Name**

It was noted that the Indian Maritime Law Association was changing its name to avoid its name being too close to CMI.

(3) **Review of the 50% discount of the registration costs of Consultative Members for CMI Conferences**

The Secretary-General pointed out that the CMI Guidelines for Conferences para 5(e) suggests a 50% discount on the registration fee of representatives of Consultative members. However the guidelines do not specify what is to happen where more than one member of a particular organisation wishes to attend. There is at present no limit as to how many delegates from one Consultative member should be given this discount. For Hamburg, one Consultative member sought three discounts. While the Secretary-General realises that the CMI wants Consultative members to send delegates to CMI Conferences, he doubts that there is economic justification for the discount because Consultative members are corporate. He reminded the meeting that Consultative members pay no subscription fee. He suggests that the Guidelines be amended either to remove the discount, or to limit it to the first delegate should there be more than one. There is no discount provided for in the Colloquium or Symposium Guidelines.

It was decided that the Guidelines for Conferences be amended to limit the discount for Consultative members to one person.

(4) **Guidelines for the reimbursement of air travel costs of EXCO members**

The Secretary-General tabled a set of Guidelines for EXCO air travel, which were approved with the addition proposed by Chris Davis that EXCO members be invited to give due credit towards air travel costs where their flights are used also for business travel.

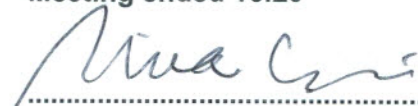
(5) **Report of CMI Observer to IOPC Funds**

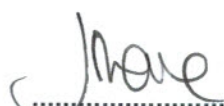
A draft report from Rosalie Balkin had been submitted to the Secretary-General but was not ready for release. The Secretary-General will approach Ms Balkin for a finalised version for publication in the Newsletter.

23. Next meeting of the Executive Council

The Executive Council will meet for its second Hamburg meeting on 17 June 2014 and thereafter would convene a Virtual meeting in the week commencing 24 November 2014.

Meeting ended 16:20


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STUART HETHERINGTON
PRESIDENT


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JOHN HARE
SECRETARY-GENERAL