

COMITE MARITIME INTERNATIONAL
BEIJING CONFERENCE 2012

Ad Hoc International Working Group on General Average

Meetings of the CMI Ad Hoc Working Group on General Average were held in Beijing on 16th and 18th October 2012 in the course of the Conference. The Report of International Working Group dated 21st July 2012 on the possible amendment of the York Antwerp Rules 2004, circulated to National Maritime Law Associations with the President's letter dated 25th July 2012, was discussed, together with the responses from certain National Maritime Law Associations and from the International Chamber of Shipping, and together with a synopsis prepared by the Rapporteur.

After careful consideration it was decided by the meeting that the proposed amendments put forward by the Working Group were not acceptable to the assembled delegates, and that they should not be put to the CMI Assembly for adoption.

Consideration was also given to a compromise proposal put forward by the British Maritime Law Association in their reply document whereby the text of Rules XIV(b), XX, XXI and XXIII of YAR 2004 would be incorporated into the 1994 York Antwerp Rules. The majority of delegates considered that these changes had been put forward too late to enable National Maritime Law Associations to enable their membership to consider these amendments, without this being understood as an objection to the substance of the changes suggested by the BMLA. It was therefore decided that these amendments could not be adopted at this Conference.

However the meeting recommended to the CMI Executive Council that it should appoint a new International Working Group on General Average, with a mandate to carry out a general review of the York Antwerp Rules on General Average, and, noting that the York Antwerp Rules 2004 had not found acceptance in the ship-owning community, to draft a new set of York-Antwerp Rules which met the requirements of the ship and cargo owners and their respective insurers, with a view to their adoption at the 2016 CMI Conference.

Without limiting the scope of such a review, it was considered by the meeting that the following topics might be included in its work:

- whether the York Antwerp Rules need special provisions to deal with larger multi cargo and container ships, following the example set by the 2011 revision of Lloyds Form of Salvage Agreement covering unresponsive and unrepresented cargo interests;
- whether aspects of substituted expenses need to be reviewed;
- whether more detailed provisions are required to deal with situations where the voyage is, or may be, frustrated;
- whether anticipated changes in international conventions, such as the Rotterdam Rules, will require changes to the way general average works in practice;
- whether new developments, such as special insurances covering cargo's GA liabilities, can be assisted by changes in the York Antwerp Rules.

Such a review would also provide an opportunity for interested parties to propose the further consideration of a revision of the Rules governing Salvage and Crew's Wages at a Port of Refuge, after more consultation and discussions between the various interests. All MLA's and observers are invited to identify any further topics to be included in the work, once they have had the opportunity to consider the matter. This should, however, be done as soon as possible.

Bent Nielsen – Chairman

Richard Shaw - Rapporteur