

Minutes of the Ad Hoc International Working Group on General Average (in the course of re-formation) – Kempinski Hotel Beijing – 19 October 2012

Present:

Ben Browne (IUMI/Thomas Cooper)
Michael Harvey (AMD/Harvey Ashby Ltd)
Jiro Kobu (Tokio Marine & Nichido Fire Insurance)
Bent Nielsen
Richard Shaw (BMLA/University of Southampton)
Taco van der Valk (NVZV/AKD)

Composition of the Ad Hoc International Working Group (IWG)

The meetings of the IWG during the CMI Conference in Beijing concluded in a recommendation to the CMI Executive Council (ExCo) to appoint a new IWG on General Average with a mandate to carry out a general review of the York-Antwerp Rules.

Bent Nielsen reported that prior to this meeting he had communicated with Nigel Frawley and understood that he expected the ExCo to decide to establish a new IWG on General Average consisting of those present at this meeting together with Richard Cornah (AAA), Linda Howlett (ICS/BIMCO) and another person from a Norwegian hull insurer (to be recommended by Richard Cornah). Bent Nielsen was asked to serve as chairman. The ExCo would deal with this matter at their meeting this afternoon.

The members of the new IWG will act in their personal capacity and not as representative of an organization they may work for.

Richard Shaw and Taco van der Valk are to serve as co-rapporteurs.

Time Table

A new questionnaire should be sent out, at the latest on 1 December 2012. Responses should be in within four months, with the possible exception of BIMCO (in view of the May meeting of BIMCO's Documentary Committee).

The new questionnaire will also be posted on the CMI website in order to attract a possible response from countries with a somewhat inactive NMLA.

Topics that may be considered to be included in the scope of the review of the York-Antwerp Rules

The following topics may be considered to be included in the new questionnaire:

- Salvage
- Crew wages
- Rotterdam Rules (Bent Nielsen reported that he had spoken to Stuart Beare who had undertaken to consider and report about possible amendments of the YAR that he thought may be made in the light of the Rotterdam Rules.)
- Large container vessels (obtaining security; ignoring small interests; unrepresented

cargo; standard values)(to be extended on the basis of Richard Cornah's presentation during the meeting in Beijing)

- Interest
- (Other) issues which were part of the 2004 YAR revisions (time bar; commission; temporary repairs)
- Frustration
- Substituted expenses
- Piracy (ransom)
- Standard General Average Documentation
- Adjusters fee
- Format of adjustments

How to communicate

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Taco van der Valk will have a data room set up to store the relevant documents.