



2007 NAIROBI INTERNATIONAL CONVENTION ON THE REMOVAL OF WRECKS COMES INTO FORCE IN SINGAPORE

On 8 September 2017, the Nairobi International Convention on the Removal of Wrecks (Nairobi Convention) will come into force in Singapore. As of 6 September 2017, 37 states had contracted to the Nairobi Convention.

What is the Nairobi Convention?

The Nairobi Convention recognises the potential danger that wrecks pose to safe navigation at sea and to the marine environment, and seeks to provide a legal basis for the prompt and effective removal of such wrecks from exclusive economic zones of member states and for the payment of compensation associated with the costs involved.

Are there any new requirements for ship owners?

The Nairobi Convention requires owners of ships over 300 GT to take out insurance or provide other financial security to cover the costs of wreck removal to the limits of liability under the applicable national or international limitation regime. All Singapore registered ships and those calling the port of Singapore will now be required to carry on board a 'Wreck Removal Convention Certificate' (WRCC) to attest that insurance or other financial security to cover liability for wrecks is in place.

What does it cover?

The Nairobi Convention cover the following areas (amongst others):

- Reporting and locating ships and wrecks: covering the reporting of casualties to the nearest coastal state; warnings to mariners and coastal states about the wreck; and action by the coastal state to locate the ship or wreck.

- Criteria for determining the hazard posed by wrecks, including depth of water above the wreck, proximity of shipping routes, traffic density and frequency, type of traffic and vulnerability of port facilities. Environmental criteria such as damage likely to result from the release into the marine environment of cargo or oil are also included.
- Measures to facilitate the removal of wrecks, including rights and obligations to remove hazardous ships and wrecks, which sets out when the shipowner is responsible for removing the wreck and when a state may intervene.
- Liability of the owner for the costs of locating, marking and removing ships and wrecks. The registered shipowner is required to maintain compulsory insurance or other financial security to cover liability under the convention.
- Settlement of disputes.

What does it mean for you?

Most international tonnage is already compliant with this requirement, however, if you are not compliant and wish to call Singapore, you will need to ensure that you are carrying a WRCC. All seagoing Singapore-flagged vessels over 300GT will now be required to carry a WRCC, regardless of where they are trading. Please ensure that your vessel is compliant, as failure to comply may lead to fines, detentions and criminal sanctions.

Please contact us for any questions concerning the Nairobi Convention: HFW can assist on all aspect from an English law perspective, whilst our alliance partner, AsiaLegal LLC, can assist on the Singapore law aspects.

For further information please contact the author of this briefing:

TOBY STEPHENS

Partner, Singapore

T +65 6411 5379

E toby.stephens@hfw.com

1. <http://www.imo.org/en/About/conventions/listofconventions/pages/nairobi-international-convention-on-the-removal-of-wrecks.aspx>

HFW has over 500 lawyers working in offices across Australia, Asia, the Middle East, Europe and the Americas. For further information about our shipping capabilities, please visit hfw.com/shipping

hfw.com

© 2017 Holman Fenwick Willan LLP. All rights reserved.

Whilst every care has been taken to ensure the accuracy of this information at the time of publication, the information is intended as guidance only. It should not be considered as legal advice. Holman Fenwick Willan LLP is the Data Controller for any data that it holds about you. To correct your personal details or change your mailing preferences please contact Souhir Jemai on +44 (0)20 7264 8415 or email souhir.jemai@hfw.com

Beirut Brussels Dubai Geneva Hong Kong Houston Kuwait London Melbourne Paris Perth Piraeus Riyadh São Paulo Shanghai Singapore Sydney