

Wreck Removal and Port State Control

Nairobi International Convention on the Removal of
Wrecks, 2007
(NAIROBI WRC 2007)

Wreck Removal

Entry into force: 14 April 2015

- To provide the legal basis for states to remove, or have removed, shipwrecks that may affect adversely the safety of lives, goods and property at sea, as well as the **marine environment**.
- To provide a set of uniform international rules ensuring the prompt and effective removal of wrecks located beyond the territorial sea.

Wreck Removal

Difference between removal and salvage

- Removal is for removal of a threat e.g. for safe navigation and marine environment.
- Salvage is for recovery of the property of ship and cargo.
- Background is the abandonment of owners when the salvage costs are higher than the remaining value of vessel and cargo. The insurers then also might have no interest in salvage operations.

Wreck Removal

States of ROPME Area

Bahrain	Iran	Iraq	Kuwait	Oman	Qatar	Saudi Arabia	UAE
no	yes	no	no	no	no	no	no

Source: <http://www.imo.org/en/About/Conventions/StatusOfConventions/Pages>; 01.19

Wreck Removal

What it means: “shipwrecks”

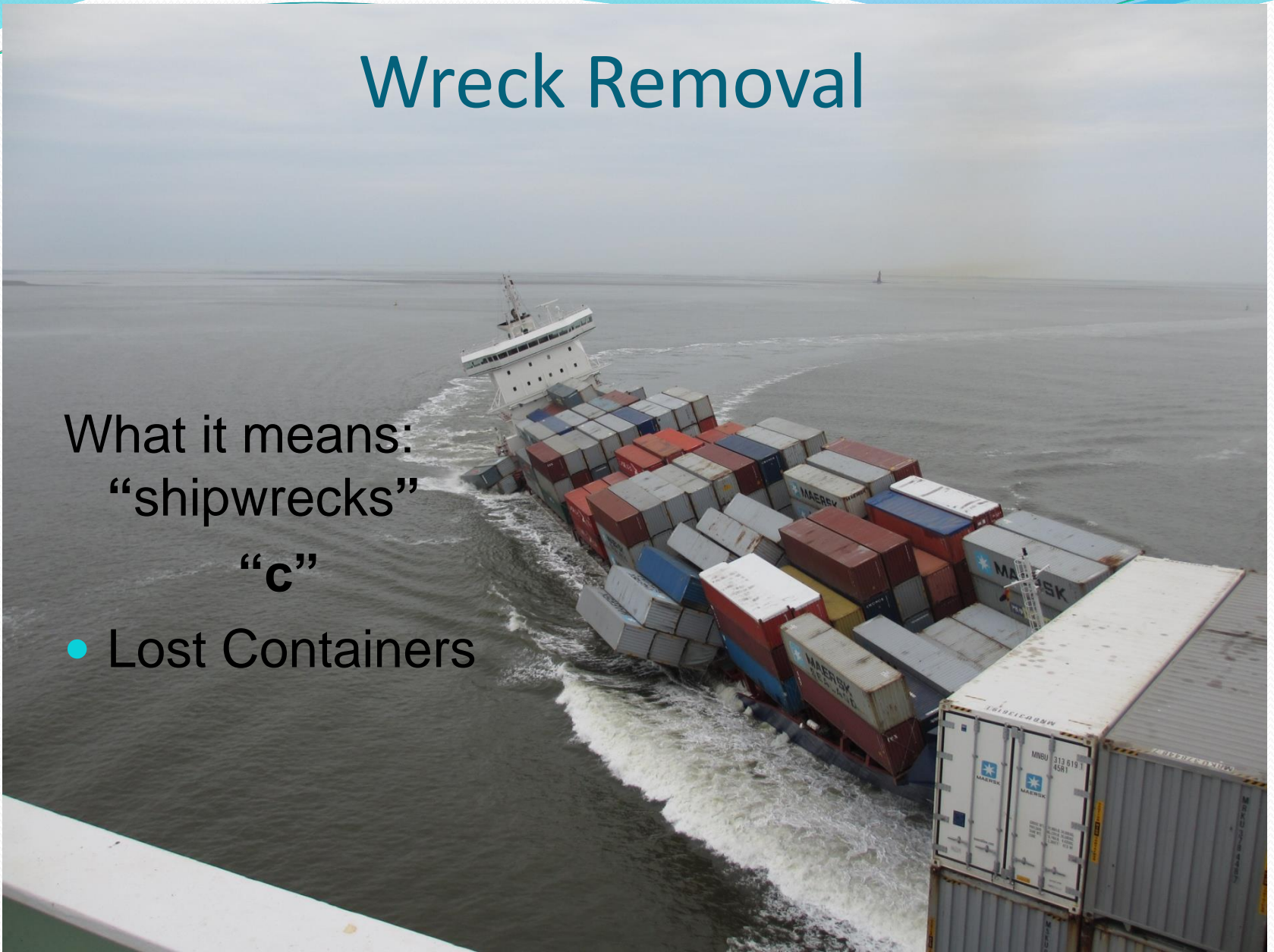
- (a) a sunken or stranded ship; or
- (b) any part of a sunken or stranded ship, including any object that is or has been on board such a ship; or
- (c) any object that is lost at sea from a ship and that is stranded, sunken or adrift at sea; or
- (d) a ship that is about, or may reasonably be expected, to sink or to strand, where effective measures to assist the ship or any property in danger are not already being taken.

Wreck Removal

What it means:
“shipwrecks”

“C”

- Lost Containers



Wreck Removal

What it means:

“to remove, or have removed”

any form of

- prevention,
- mitigation or
- elimination

of the hazard created by a wreck.

Wreck Removal

What it means:

“located beyond the territorial sea”

- The “convention area”
- The Exclusive Economic Zone (EEZ)
- If no EEZ is proclaimed 200 nm from baseline



Source: www.marineregions.org/eezmapper.php

Wreck Removal

Maritime Zones

National Waters

International Waters

Territorial Sea

Contiguous Zone

Internal Waters

EEZ

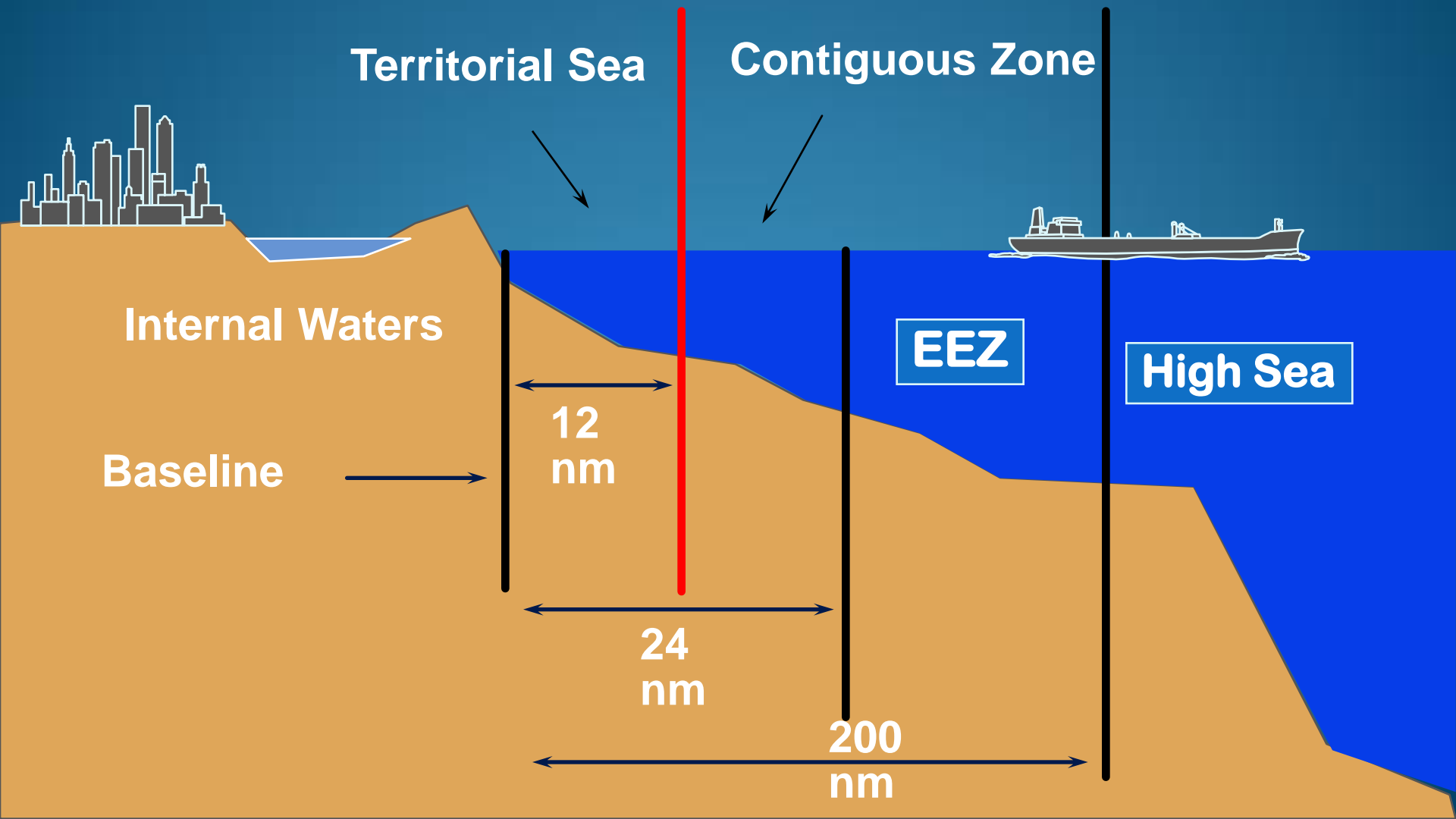
High Sea

Baseline

12
nm

24
nm

200
nm



Wreck Removal



Inside territorial seas not “the problem” (covered by usual P&I-insurance) **and:**

“The Convention also includes an optional clause enabling States Parties to apply certain provisions to their territory, including their territorial sea.”

As harmonizing Instrument.
(e.g. done by Bulgaria and UK)

Wreck Removal

What it means:

“prompt and effective removal of wrecks”

- The Affected State shall: (a) set a **reasonable deadline** within which the registered owner must **remove** the wreck, taking into account the nature of the hazard determined [by the Affected State]
- In no case shall an action under rights to recover costs be brought after **six years** from the date of the maritime casualty that resulted in the wreck

Wreck Removal

Reporting duty of master and operator:

- when their ship has been involved in a maritime casualty resulting in a wreck
- to the affected state regarding its “convention area”
- Containing:
 - (a) the precise **location** of the wreck;
 - (b) the type, size and construction of the wreck;
 - (c) the nature of the damage to, and the condition of, the wreck;
 - (d) the nature and quantity of the cargo, in particular any **hazardous and noxious substances**; and
 - (e) the **amount and types of oil**, including bunker oil and lubricating oil, on board.

Wreck Removal

The evidence of the compulsory insurance cover in respect of liability for the removal of wrecks :

- Each ship of 300 gross tonnage and above (and flying the flag of a State Party, or entering one of their ports)
- Not exceeding an amount calculated in accordance with article 6(1)(b) of the Convention on Limitation of Liability for Maritime Claims, 1976, as amended
- Certificate attesting that insurance or other financial security is in force in accordance with the provisions of the convention

Wreck Removal

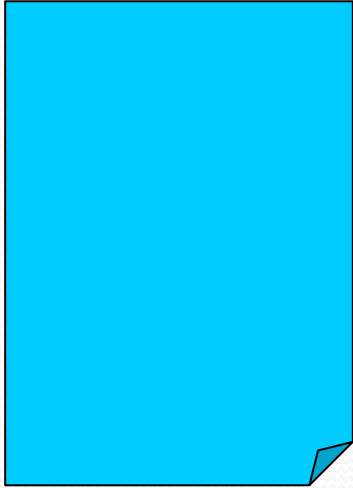
The compulsory insurance cover in respect of liability for the removal of wrecks :

Not exceeding an amount calculated in accordance with article 6(1)(b) of the Convention on Limitation of Liability for Maritime Claims, 1976, as amended:

- (i) 1 million Units of Account for a ship with a tonnage not exceeding 2.000 tons,
- (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):
 - for each ton from 2.001 to 30.000 tons, 400 Units of Account;
 - for each ton from 30.001 to 70.000 tons, 300 Units of Account; and
 - for each ton in excess of 70.000 tons, 200 Units of Account.

(Units of Account = Special Drawing Right, SDR; 1 SDR = 1,4 US\$ (02.2019))

Wreck Removal

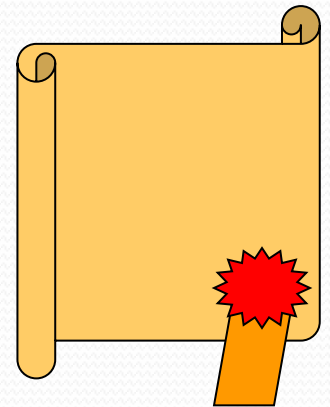


Step 1

- Insurance (P&I Club) issues a „Blue Card“ for the individual vessel

Step 2

- Registerstate Administration issues a certificate
- 1 year valid
- - beginning mostly on 20th February
- on change of owner or flag



Wreck Removal

- **The certificate shall contain the following particulars:**
 - (a) name of ship, distinctive number or letters and port of registry;
 - (b) name and principal place of business of the registered owner;
 - (c) IMO ship identification number;
 - (d) type and duration of security;
 - (e) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established;
 - (f) period of validity of the certificate which shall not be longer than the period of validity of the insurance or other security.

Wreck Removal

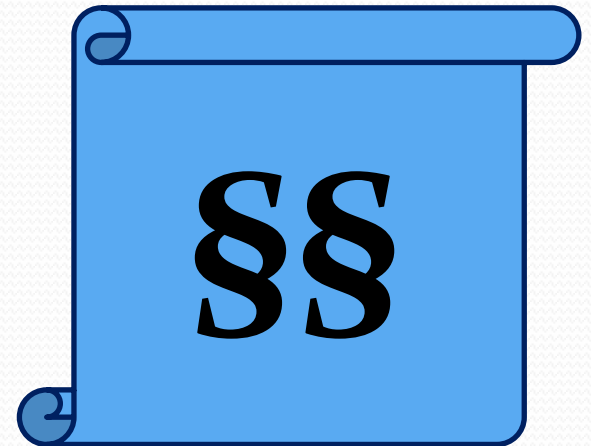
- **The task of PSC (of state parties) regarding WRC:**
- **To check whether the certificate is on board and insurance is maintained.**
- **All ships of 300 gross tonnage or more arriving in ports of state parties whether registered in a state party or not. (The flagstate might be different in case of bareboat-charter.)**
- **Without insurance / certificate no operation in convention area and territorial area of states parties allowed.**
(Art. 12 No. 12 WRC)

Wreck Removal

Enforcement / Sanctions:

National transformation e.g. in Germany:

Seeversicherungs nachweisgesetz



Wreck Removal

Enforcement / Fines:

Seeversicherungsnachweisgesetz

- As registered owner not maintaining insurance
 - or not providing the certificate to the vessel
 - intentionally or negligently
 - As master intentionally or negligently not keeping the certificate on board
- Fines up to 5.000 €, in practise: 600,- €

Wreck Removal and Port State Control



End