

Resolution A.1057(27) Adopted on 30 November 2011
(Agenda item 10)

ISSUE OF WRECK REMOVAL
CERTIFICATES TO BAREBOAT-REGISTERED VESSELS



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ASSEMBLY
27th session
Agenda item 10

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THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization regarding the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships and other matters concerning the effect of shipping on the marine environment,

RECALLING ALSO the adoption, by the 2007 International Conference on the Removal of Wrecks, of the Nairobi International Convention on the Removal of Wrecks (hereinafter referred to as "the Convention"),

RECALLING FURTHER article 12 of the Convention, stipulating that the registered owner of a ship of 300 gross tonnage and above flying the flag of a State Party shall maintain insurance or other forms of financial security and obtain a State certificate (wreck removal certificate) issued by a State Party to the Convention attesting that such insurance or financial security is in place,

ACKNOWLEDGING that differing interpretations on the matter of the issue of wreck removal certificates by States to ships registered in a bareboat registry should be avoided,

DESIRING to remove ambiguity and assist present and future States Parties to the Convention to apply it in a uniform manner, in particular in cases of bareboat-charter registrations,

BEING CONSCIOUS of the need to provide certainty in the application of the Convention, thereby assisting shipowners, ship operators, ship managers and ship companies in avoiding unnecessary delay or detention of ships and the related administrative burdens,

BEING AWARE that resolution A.1028(26) provides an adequate solution with regard to the issue of Bunkers certificates to bareboat-registered vessels, and that, by contrast, legal questions related to the issue of wreck removal certificates to those vessels must be solved in a coherent manner,

HAVING CONSIDERED the recommendations made by the Legal Committee at its ninety-eighth session,

1. RECOMMENDS that:

- .1 All States Parties to the Convention should recognize that wreck removal certificates should be issued by the flag State if the flag State is party thereto;
- .2 States Parties should not request more than one wreck removal certificate from any ship including ships bareboat-registered in a State Party, and should accept wreck removal certificates issued by such a State Party in accordance with article 12, paragraph 9, of the Convention;
- .3 States Parties should avoid taking action that could cause unnecessary bureaucracy; and
- .4 States Parties which allow ships to be registered as bareboat-chartered should work with each other, in a spirit of understanding and cooperation, to find viable solutions to problems caused by differing interpretations regarding the issue of wreck removal certificates to ships registered in bareboat registries;

2. INVITES Governments to bring this resolution to the attention of masters of ships entitled to fly the flag of their States, shipowners, ship operators, ship managers, shipping companies and all other parties concerned, for information and action, as appropriate.

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