

Resolution A.1124(30) Adopted on 6 December 2017  
DELEGATION OF AUTHORITY TO ISSUE CERTIFICATES OF INSURANCE OR OTHER  
FINANCIAL SECURITY REQUIRED UNDER THE 1992 CIVIL LIABILITY CONVENTION  
AND THE 2010 HAZARDOUS AND NOXIOUS SUBSTANCES CONVENTION

ASSEMBLY  
30th 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, the prevention and control of marine pollution from ships and other matters concerning the effect of shipping on the marine environment,

RECALLING ALSO that the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002 and the Nairobi International Convention on the Removal of Wrecks, 2007 allow a State Party to authorize an institution or organization recognized by it to issue certificates of insurance or other financial security required by these Conventions, subject to the conditions they prescribe,

NOTING that, in contrast, the International Convention on Civil Liability for Oil Pollution Damage, 1992 (the 1992 Civil Liability Convention) and the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010 (the 2010 HNS Convention) do not provide an explicit legal provision for the delegation of authority to issue certificates of insurance or other financial security,

NOTING ALSO the advantages, in terms of efficiency and effectiveness, that may accrue from the delegation of authority to issue all certificates of insurance or other financial security required by the above-mentioned Conventions under similar conditions,

BEING CONSCIOUS of the need to provide certainty in the application of the 1992 Civil Liability Convention and the 2010 HNS Convention on the possibility to delegate the authority to issue certificates of insurance or other financial security, despite the absence of an explicit legal provision in those Conventions,

DESIRING to remove ambiguity and assist States Parties to the 1992 Civil Liability Convention and the 2010 HNS Convention in applying them in a uniform manner,

ACKNOWLEDGING the need to ensure that the delegation of authority in this context does not have any consequences for the relevant international compensation funds, and

HAVING CONSIDERED the recommendations made by the Legal Committee at its 103rd and 104th sessions,

1 CONFIRMS that a State Party to the 1992 Civil Liability Convention or the 2010 HNS Convention can authorize an institution or an organization recognized by it to issue the certificates of insurance or other financial security required by these Conventions;

2 REMINDS States Parties that the delegation of authority to issue the certificates of insurance or other financial security required by the 1992 Civil Liability Convention and the 2010 HNS Convention would not affect the potential liability the delegating State may have in relation to those certificates;

3 EMPHASIZES that it is incumbent on the delegating State Party to perform due diligence to ensure that a certificate of insurance or other financial security issued on its behalf by an institution or an organization recognized by it is equivalent to a certificate issued directly by that State Party;

4 AFFIRMS that a State Party, to meet its due diligence responsibilities for delegated certificates under the 1992 Civil Liability Convention and the 2010 HNS Convention, should follow the same requirements as provided by the conventions that include an explicit legal framework for such delegation;

5 RECOMMENDS therefore that a State Party delegating the authority to issue the certificates of insurance or other financial security required by the 1992 Civil Liability Convention and the 2010 HNS Convention should:

- (a) fully guarantee the completeness and accuracy of those certificates and undertake to ensure the necessary arrangements to satisfy this obligation;
- (b) notify the Secretary-General of:
  - (i) the specific responsibilities and conditions of the authority delegated to an institution or organization recognized by it;
  - (ii) the withdrawal of such authority; and
  - (iii) the date from which such authority or withdrawal of such authority takes effect;
- (c) empower the institution or organization authorized to issue certificates to withdraw these certificates if the conditions under which they have been issued are not complied with;
- (d) require the institution or organization to report such withdrawal to the State on whose behalf the certificate was issued; and
- (e) submit information on the delegation of authority to the Global Integrated Shipping Information System (GISIS);

6 URGES Member States to instruct their port State authorities to accept 1992 Civil Liability Convention certificates issued on behalf of a State Party by an institution or an organization recognized by it, and, once the 2010 HNS Convention enters into force, HNS certificates issued on behalf of a State Party by an institution or an organization recognized by it;

7 INVITES Governments to bring this resolution to the attention of shipowners and insurers;

8 REQUESTS the Secretary-General to circulate copies of the present resolution to all States which have signed or acceded to the 1992 Civil Liability Convention and the 2010 HNS Convention.

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