1 At the thirty-fifth extraordinary session of the IMO Council, relating to the conflict in Ukraine, the Council requested that IMO committees consider ways to enhance the efforts of Member States and observer organizations in supporting affected seafarers and commercial vessels, consider also the implications of this situation for the implementation of the Organization’s instruments, take appropriate action and report back to Council.

2 In accordance with this request, the Legal Committee notes the following implications for IMO instruments under its purview:


.2 Due to recent sanctions against Russian banks and other interests, including prohibitions on certain origin cargoes and ships from the Russian Federation, insurers or other financial security providers will be required to comply with the applicable sanctions or measures in their respective jurisdictions. The introduction of these economic sanctions may in some cases restrict the insurers or other financial security providers referred to in the certificate from processing claims or prohibit the payment of claims arising under these conventions. This could lead to the insurer or financial security provider cancelling the coverage.

.3 The absence of insurance or other financial security in accordance with the requirements of the conventions may lead to insufficient compensation for States and victims of pollution and other incidents. It may also expose the IOPC Funds and its contributors to the risk of having to pay all of the compensation for oil spills from tankers because there is not sufficient insurance to cover the shipowner’s liability.
Against this background, the Legal Committee recommends the following actions:

.1 If a State Party to the following conventions has issued certificates pursuant to Article VII of the 1969 Civil Liability Convention, Article 7 of the 1992 CLC Protocol, Article 7 of the 2001 Bunkers Convention, Article 4bis of the 2002 Athens Protocol and Article 12 of the 2007 Nairobi WRC, the issuing State or its designated authority should ensure that it cancels the certificate in accordance with the conventions if or when they receive notification of termination of the insurance or other financial security.

.2 In the meantime, State Parties to these conventions should continue to honour their obligations by complying with the recommendations set out in Circular Letter No.3464 and this guidance.

.3 In particular, flag or certifying States issuing certificates based on Russian insurers or Russian financial security providers should verify that the coverage meets the criteria outlined in Circular Letter No.3464. Port States encountering certificates involving Russian insurers or financial security providers should consult with the issuing or certifying State whose responsibility is to ensure that the insurance or financial security remains adequate, as called for in the IMO liability and compensation conventions.

4 The Committee requests that Member States bring the contents of this circular to the attention of the managers of their shipping registries, port State control authorities and other interested parties.