



INTERNATIONAL
MARITIME
ORGANIZATION

Wreck Removal Convention

The Nairobi International
Convention on the Removal
of Wrecks, 2007 (Nairobi
Wreck Removal Convention)

LIABILITY AND COMPENSATION FOR WRECKS



What

is the Nairobi Wreck Removal Convention?



2

The Nairobi Wreck Removal Convention also covers any reasonable measures for prevention, mitigation or elimination of hazards created by any object lost at sea from a ship (e.g. lost containers).



3

The Nairobi Wreck Removal Convention makes shipowners financially liable and requires them to take out insurance or provide other financial security to cover the costs of wreck removal. It also provides claimants, including States, with a right of direct action against insurers up to the limit of liability for the ship.



1

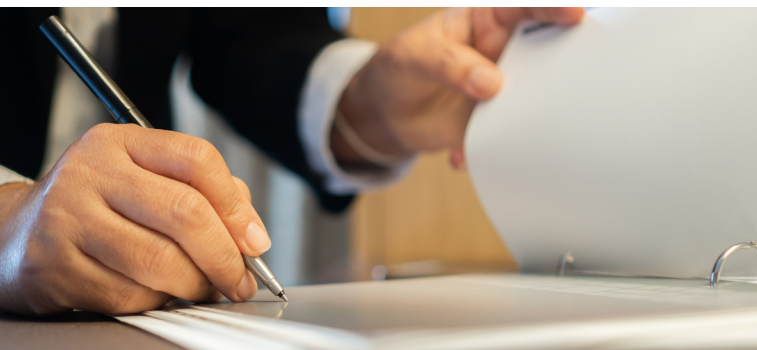
The Nairobi Wreck Removal Convention aims to provide a legal basis for State Parties to remove, or have removed, hazardous wrecks that pose a danger or impediment to navigation, the marine environment, the coastline, property at sea or related interests of one or more States.

- Removal includes any form of prevention, mitigation or elimination of the potential hazard created by the wreck.
- Measures taken by the affected State must be proportionate to the hazard.



4 The Nairobi Wreck Removal Convention applies to ships which, following a maritime casualty, become a wreck in the Convention area:

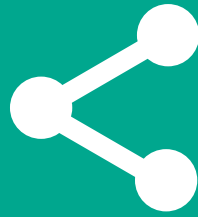
- Ship means all seagoing vessels of any type whatsoever including hydrofoil boats, air-cushion vehicles, submersibles, floating craft and floating platforms, except when such platforms are on location engaged in the exploration, exploitation or production of seabed mineral resources.
- Maritime casualty means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it, resulting in material damage or imminent threat of material damage to a ship or its cargo.



- Wreck is defined as, following a maritime casualty:
 - a sunken or stranded ship;
 - any part of a sunken or stranded ship, including any object that is or has been on board such a ship;
 - any object that is lost at sea from a ship and that is stranded, sunken or adrift at sea; or
 - a ship that is about to, 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.
- Convention area means the exclusive economic zone of a State Party, established in accordance with international law or, if a State Party has not established such a zone, an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured.
- A State Party may extend the application of the Nairobi Wreck Removal Convention to wrecks located within its territory, including the territorial sea.

How

does the Nairobi Wreck Removal Convention relate to LLMC?



1

The Nairobi Wreck Removal Convention establishes strict liability for the costs of locating, marking and removing the wreck.



2

While the Nairobi Wreck Removal Convention does not contain any limits of liability within its provisions, it does not affect any right of shipowners or of the person or persons providing insurance or other financial security from limiting their liability under any applicable national or international regime, such as the Convention on Limitation of Liability for Maritime Claims, 1976 (LLMC), as amended.

- However, there may be circumstances where a shipowner can be held strictly liable for liabilities under the Nairobi Wreck Removal Convention beyond the limit of insurance or financial security that they are required to maintain. This is because even if the shipowner is not entitled to limit their liability, insurers or providers of other financial security may still limit their liability to an amount equal to the amount of the insurance or financial security required by the Nairobi Wreck Removal Convention.



What

are the obligations
of registered
owners?



1

Registered owners are strictly liable for the costs of locating, marking and removing a wreck, subject to certain specific defences from liability.

- Registered owner means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship at the time of the maritime casualty or, in the case of a ship owned by a State and operated by a company which in that State is registered as the operator of the ship, "registered owner" shall mean such company.



2

The registered owner of ships of 300 gross tonnage and above that are either registered in a State Party or entering or leaving the port of a State Party, or arriving at or leaving an offshore facility in their territorial sea, must:

- obtain and maintain insurance or other financial security, such as the guarantee of a bank or similar financial institution to cover their liabilities under the Nairobi Wreck Removal Convention;
 - The amount of insurance or financial security required should not, in all cases, exceed the amount of the ship's limit of liability calculated in accordance with LLMC, as amended.
 - If the registered owner is in any doubt about the amount of insurance or financial security required, they should contact the State where they are applying for their Convention certificate or their insurer or financial security provider (normally a P & I Club).
- obtain a Convention certificate from their flag State if the flag State is a State Party to the Nairobi Wreck Removal Convention or other State Party if their flag is not party to the Nairobi Wreck Removal Convention, attesting that insurance or other financial security is in place; and
- ensure that the Convention certificate, which can be in electronic format, is carried on board the ship at all times.

3

The registered owners of ships of less than 300 gross tonnage are not required to maintain insurance or financial security or to have a Convention certificate, but remain strictly liable for the costs of locating, marking and removing a wreck based on systems of limitation of liability in national law.

4

No party other than the registered owner is required to maintain insurance or other financial security to cover their liability under the Nairobi Wreck Removal Convention.

What

are the obligations
of the master and
operator of the ship?



1

The master or the operator of the ship must report to the affected State without delay when that ship has been involved in a maritime casualty resulting in a wreck.

- Operator of the ship means the owner of the ship or any other organization or person such as the manager or the bareboat charterer who has assumed responsibility for the operation of the ship from the owner of the ship and who, on assuming such responsibility, has agreed to take over all duties and responsibilities established under the International Safety Management Code, as amended.

2

Any such report shall provide the name and the principal place of business of the registered owner and all the relevant information necessary for the affected State to determine whether the wreck poses a hazard within the meaning of the Convention.

What

are the obligations of insurers and providers of financial security?



1

When providing a certificate of insurance, hereinafter referred to as a "blue card", to the registered owner, as evidence that insurance or financial security is in place which covers all liabilities under the Nairobi Wreck Removal Convention, the insurer or provider of financial security should:

- ensure that the blue card is addressed to the relevant State authorities;
- accept the right of direct action against them by claimants in respect of any claim for costs arising under the Nairobi Wreck Removal Convention that have suffered loss and damage caused by pollution damage; and
- ensure that the insurance policy, or financial security, satisfies the requirements of the Nairobi Wreck Removal Convention and covers the registered owner's liabilities under the Nairobi Wreck Removal Convention and up to the required financial limit of insurance or other financial security.

2

It is generally accepted that the blue card only needs to be issued in English.



3

If the insurance policy or financial security ceases for reasons other than expiry, or where the policy is amended so that it no longer satisfies the requirements of the Nairobi Wreck Removal Convention, the insurance or financial security provider must give three months' notice of termination to the issuing State Party. The insurance policy will cease before the expiry of this three months' notice period if:

- the certificate issued by the State Party is returned to that State Party; or
- a new Nairobi Wreck Removal Convention certificate is issued within this three month period.

What

information is needed on a Nairobi Wreck Removal Convention Certificate of Insurance or Other Financial Security issued by a State Party?



1

The following information must be included in a Convention certificate issued by the State Party to the registered owner:

- name of ship, distinctive number or letters and port of registry;
- gross tonnage of the ship;
- name and principal place of business of the registered owner;
- IMO ship identification number;
- type and duration of security;
- name and principal place of business of the insurer or other person giving security and, where appropriate, place of business where the insurance or security is established; and
- period of validity of the certificate, which shall not be longer than the period of validity of the insurance or other security; and statement that the policy covers liabilities under article 12 of the Nairobi Wreck Removal Convention.



2

To facilitate processing applications, the information identified above should also be included on blue cards issued by insurers or providers of financial security.



What

are the obligations of States Parties?



1 Accept evidence of insurance or financial security taking into account the guidelines in [Circular Letter No.3464](#).

2 Ensure that the blue card contains all the information necessary to issue a Convention Certificate of Insurance or Other Financial Security.



3 Issue Convention certificates to registered owners based on evidence of insurance or other financial security sufficient to satisfy the requirements of article 12 of the Nairobi Wreck Removal Convention.

4 Issue the certificate in the official languages of the issuing State Party but where this language is not English, French or Spanish then the text must include a translation into one of these three languages.



5 Not permit ships of 300 gross tonnage and above flying their flag to operate without carrying a valid Convention certificate on board.

6 Require the master or the operator of a ship flying its flag to report to the affected State without delay when that ship has been involved in a maritime casualty resulting in a wreck.

7 Take appropriate measures under their national law to ensure that:

- their registered owners remove a wreck determined to constitute a hazard; and
- when a wreck has been determined to constitute a hazard, the registered owner shall provide the competent authority of the affected State with evidence of insurance or other financial security.



What

are the roles of
a State Party
affected by a wreck
(the affected State)?



1

Affected States determine whether a wreck poses a hazard and play an important role in locating, marking and removing a wreck.

- **Determining whether the wreck poses a hazard:**

- Determine if a wreck poses a hazard by applying the criteria set out in the Nairobi Wreck Removal Convention.

- **Locating a wreck:**

- Warn mariners and other States concerned of the nature and location of the wreck.
- Ensure that all practicable steps are taken to establish the precise location of the wreck.

- **Marking a wreck:**

- Ensure that all reasonable steps are taken to mark the wreck.

- **Removing a wreck:**

- Inform the State of the ship's registry and the registered owner and proceed to consult the State of the ship's registry and other States affected by the wreck regarding measures to be taken.
- Set a reasonable deadline for the registered owner to remove the wreck and inform the registered owner of the deadline it has set.
- Tell the registered owner that if it does not remove the wreck within that deadline, the State may remove the wreck at the registered owner's expense.
- Tell the registered owner that it intends to intervene immediately in circumstances where the hazard becomes particularly severe.
- If the registered owner does not remove the wreck within the deadline or the registered owner cannot be contacted or in circumstances where immediate action is required, remove the wreck by the most practical and expeditious means available, consistent with considerations of safety and protection of the marine environment.
- When the wreck removal has commenced, intervene in the removal only to the extent necessary to ensure that the removal proceeds effectively in a manner that is consistent with considerations of safety and protection of the marine environment.

- Such measures shall not go beyond what is reasonably necessary to remove a wreck which poses a hazard.

What

are the obligations of port States who are States Parties?

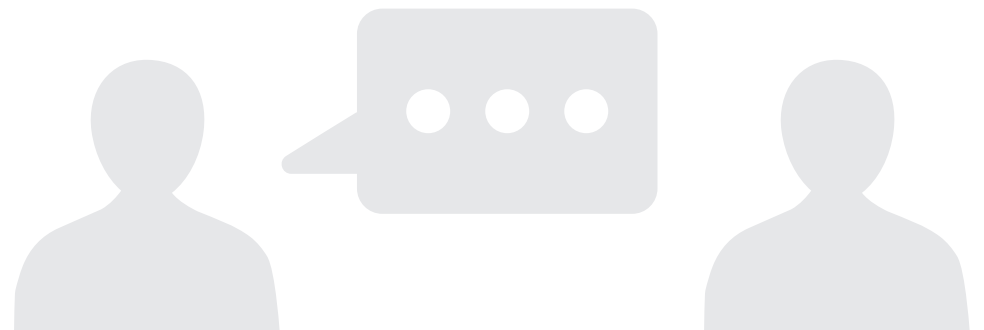


1 Require ships of 300 gross tonnage and above, under national law, to have on board a State-issued Convention certificate when entering or leaving a port in their territory or arriving at or leaving an offshore facility in their territorial sea.

2 Accept certificates issued or certified under the authority of another State Party.



3 Request consultation with the issuing State, if necessary, if it believes that the insurer or financial security provider named in the Nairobi Wreck Removal insurance certificate is not financially capable of meeting the obligations imposed under the Nairobi Wreck Removal Convention. It is not necessary for a port State that is a State Party to see the ship's blue card.



Other IMO brochures and information material on
LIABILITY AND COMPENSATION CONVENTIONS
are available at the following links:



Bunkers Convention brochure



Civil Liability Convention brochure



This is an informational brochure developed by the Legal Committee of the International Maritime Organization (IMO) on the Wreck Removal Convention. It is part of a series of brochures aimed at providing information on the responsibilities of shipowners, insurers or other financial security providers, and States Parties (flag States, or other certifying States and port States) regarding IMO's liability and compensation conventions.

This brochure has no legal standing, but it is intended to provide concise information on the Wreck Removal Convention. The information brochure should not be used as a substitute for competent legal advice.

