DRAFT CONVENTION ON WRECK REMOVAL

Note by the Secretariat

SUMMARY

Executive summary: The Contracting Parties to the London Convention, 1972 (LC) encourage [Governments] [the Organization] to make every effort to conclude the negotiations on the draft wreck removal convention (DWRC) as soon as possible.

Action to be taken: Paragraph 2

Related documents: LEG 90/5, LC 26/15 and LC 26/INF.2

1 The twenty-sixth Consultative Meeting of the Contracting Parties to the London Convention, 1972 (IMO, London, 1 to 5 November 2004), discussed a submission by the Netherlands (LC 26/INF.2) regarding the handling of a particular wreck. In that connection, the LC Meeting, noting that the converging aims of the DWRC and the London Convention, encouraged [Governments] [the Organization] to make every effort to conclude the negotiations on the DWRC as soon as possible. The following is an abstract of the relevant paragraphs of the meeting report.

“Handling of a vessel sunk off the Netherlands coast

6.22 The delegation of the Netherlands provided background information regarding the handling of the wreck of the MV Assi Euro Link (LC 26/INF.2). This document was prepared in response to a request of Greenpeace International at the 27th meeting of the Scientific Group and contained background information on the decisions in the Netherlands regarding the wreck of the MV Assi Euro Link, a brief explanation of the Netherlands policy on wreck removal; and the lessons learned from the maritime accident that resulted in the sinking of this vessel.

6.23 Fifteen months after the incident in January 2003 which led to the sinking of the MV Assi Euro Link, the wreck had been allowed to sink a number of metres in the seabed so as to eliminate any hazard to navigation. Extensive efforts had been made to remove the remaining oil in the ship and the risk to the environment was thus minimized. The wreck did not contain any cargo except for the normal inventory of a ship. For each new wreck in the Netherlands’ EEZ a separate evaluation is made whether it should be removed. The aim is to remove as many wrecks as possible. In the case of the
MV Assi Euro Link, especially in view of the high cost involved with removal, the Netherlands Government had chosen a different solution to address the hazard to navigation while minimizing environmental harm.

6.24 The DWRC was aimed at improving intervention powers in waters beyond the territorial sea, as well as the right of direct access to the insurers for costs related to wreck removal operations. For these reasons the delegation of the Netherlands wished to see the DWRC to be completed and entered into force as soon as possible. This view was supported by Germany and Vanuatu.

6.25 Since the aims of the DWRC and the London Convention and its Protocol converged in this regard, the Meeting encouraged IMO to make every effort to conclude the negotiations on the DWRC as soon as possible."

**Action requested of the Legal Committee**

2 The Legal Committee is invited to take note of the content of this document and to comment and decide as it deems appropriate.