

COUNCIL  
108th session  
Agenda item 8

C 108/8  
1 May 2012  
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## CONSIDERATION OF THE REPORT OF THE LEGAL COMMITTEE

### Note by the Secretary-General

#### SUMMARY

<i>Executive summary:</i>	This document reports on the outcome of the ninety-ninth session of the Legal Committee
<i>Strategic direction:</i>	1, 2, 3, 4, 6 and 8
<i>High-level action:</i>	1.1.2, 1.2.1, 1.3.1, 1.3.5, 2.0.1, 3.5.1, 5.2.4, 6.1.2, 6.2.1, 6.2.2, 6.3.1 and 8.0.3
<i>Planned output:</i>	1.1.2.6, 1.1.2.41, 1.1.2.42, 1.2.1.4, 1.2.1.5, 1.3.1.1, 2.0.1.14 to 2.0.1.17, 3.5.1.4, 5.2.4.5, 6.1.2.1, 6.2.1.2, 6.2.1.3, 6.2.2.3, 6.3.1.1, 6.3.1.2 and 8.0.3.2
<i>Action to be taken:</i>	Paragraph 19
<i>Related document:</i>	LEG 99/14

#### INTRODUCTION

1 The report of the ninety-ninth session of the Legal Committee (LEG 99/14) is submitted to the 108th session of the Council in accordance with the provisions of Article 34(b) of the IMO Convention.

2 The ninety-ninth session of the Legal Committee was held from 16 to 20 April 2012. It was attended by 85 Member States; two Associate Members; one United Nations system organization; two intergovernmental and 18 non-governmental organizations. The Chairman was Mr. Kofi Mbiah (Ghana) and the Vice-Chairmen were Mr. Jan de Boer (Netherlands) and Mr. Walter de Sá Leitão (Brazil).

3 Decisions of the Committee of interest to the Council are summarized in the ensuing paragraphs with reference to the relevant paragraphs of document LEG 99/14.

#### CONSIDERATION OF A PROPOSAL TO AMEND THE LIMITS OF LIABILITY OF THE PROTOCOL OF 1996 TO THE CONVENTION ON LIMITATION OF LIABILITY FOR MARITIME CLAIMS, 1976 (LLMC 96), IN ACCORDANCE WITH ARTICLE 8 OF LLMC 96

4 The Committee adopted, by resolution LEG.5(99), amendments of the limitation amounts in the Protocol of 1996 to the Convention on Limitation of Liability for Maritime Claims, 1976 under the tacit acceptance procedure of article 8 of the Protocol (LEG 99/14,

paragraphs 4.1 to 4.17 and annex 2). The amendments are expected to enter into force 36 months from the date of notification, in accordance with that procedure.

## **APPLICATION OF THE COMMITTEE'S GUIDELINES**

### **Review of planned outputs for the 2012-2013 biennium**

5 The Committee made progress in its review of the planned outputs for the 2012-2013 biennium (LEG 99/14, paragraphs 11.1 to 11.6) and decided where duplication of planned outputs for the 2012-2013 biennium can be eliminated.

6 The Committee took no decision at this session on the revision of its planned outputs to ensure that they are expressed in SMART terms (i.e. specific, measurable, achievable, realistic and time bound); however, this matter will be considered further at its 100th session, particularly with the aim of ensuring that appropriate wording is agreed for submission to the High-level Action Plan for the next biennium (2014-2015).

7 In reviewing those planned outputs which contain the word "continuous" in the target completion date, the Committee agreed that the planned output concerning input to the ITCP on maritime legislation (PO 3.5.1.4) should remain as a continuous agenda item. The Committee will consider this matter further at its 100th session.

8 The Committee agreed to forward the above decisions to the Council for its endorsement.

### **Status of planned outputs**

9 The Committee agreed that the status for the planned output concerning strategies to facilitate entry into force of the 2002 Athens Protocol, the 2005 SUA Protocols and the 2007 Nairobi Wreck Removal Convention (PO 2.0.1.15) were completed (LEG 99/14, paragraphs 11.7 and 11.8).

10 The Committee further agreed to its report on the status of planned outputs for the 2012-2013 biennium, reflecting developments during LEG 99, as set out in LEG 99/14, annex 4.

### **Amendments to the Committee's Guidelines: checklist for identifying administrative requirements and burdens**

11 The Committee agreed to amend its Guidelines on the organization and method of its work (LEG.1/Circ.6) to include a checklist for identifying administrative requirements and burdens; and requested the Secretariat to issue a revised circular to reflect the amendments (LEG 99/14, paragraphs 11.9 to 11.11).

### **Proposed unplanned output**

12 The Committee made progress on the item and, in line with Assembly resolution A.1058(27), agreed to include in its agenda a proposed unplanned output on the collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of victims, with a target completion date of 2014, noting that work could continue beyond that date, if necessary (LEG 99/14, paragraphs 11.12 to 11.19).

13 In accordance with paragraph 8.13 of Assembly resolution A.1013(26) on Guidelines on the Application of the Strategic Plan and the High-level Action Plan of the Organization, the Council is invited to endorse the Committee's decision on the unplanned output.

#### **Evaluation of the Committee's workload**

14 The Committee made progress on the item and agreed that, at its 100th session, it would consider the number of meeting weeks it would need for the next biennium (2014-2015), taking into account the Committee's anticipated workload (LEG 99/14, paragraph 11.25).

#### **ANALYSIS OF LIABILITY AND COMPENSATION ISSUES CONNECTED WITH TRANSBOUNDARY POLLUTION DAMAGE FROM OFFSHORE EXPLORATION AND EXPLOITATION ACTIVITIES, INCLUDING A RE-EXAMINATION OF THE PROPOSED REVISION OF STRATEGIC DIRECTION 7.2**

15 The Committee considered the request of the Council, at its 106th session, that the Committee re-examine its proposed revision of Strategic Direction (SD) 7.2, concerning liability and compensation issues connected with transboundary pollution damage resulting from offshore oil exploration and exploitation activities, under the "Any other business" item of its agenda (LEG 99/14, paragraphs 13.1 to 13.19).

16 The Committee agreed to inform the Council that it wished to analyse further the liability and compensation issues connected with transboundary pollution damage resulting from offshore oil exploration and exploitation activities, with the aim of developing guidance to assist States interested in pursuing bilateral or regional arrangements, without revising SD 7.2.

17 The Committee recognized that bilateral and regional arrangements were the most appropriate way to address this matter and that there was no compelling need to develop an international convention on this subject.

#### **OTHER ITEMS**

18 The Committee made progress on other items including monitoring the implementation of the HNS Protocol 2010 (LEG 99/14, paragraphs 3.1 to 3.10); provision of financial security in cases of abandonment, personal injury to, or death of, seafarers in the light of the progress towards the entry into force of the ILO Maritime Labour Convention, 2006 and of the amendments relating thereto (LEG 99/14, paragraphs 5.1 to 5.7); fair treatment of seafarers in the event of a maritime accident (LEG 99/14, paragraphs 6.1 to 6.12); piracy (LEG 99/14, paragraphs 7.1 to 7.12); and technical co-operation activities related to maritime legislation (LEG 99/14, paragraphs 9.1 to 9.5).

#### **ACTION REQUESTED OF THE COUNCIL**

19 The Council is invited to:

- .1 consider the report of the ninety-ninth session of the Legal Committee (LEG 99/14) and, in accordance with Article 21(b) of the IMO Convention, transmit it, with any comments and recommendations, to the twenty-eighth session of the Assembly;
- .2 note resolution LEG.5(99) on the adoption of amendments of the limitation amounts in LLMC 96 (paragraph 4);

- .3 endorse the Committee's decision regarding the duplication of outputs for the 2012-2013 (paragraphs 5 and 8);
- .4 note the Committee's report on the status of planned outputs for the 2012-2013 biennium, (paragraph 10);
- .5 note the Committee's agreement to amend its Guidelines on the organization and method of its work (document LEG.1/Circ.6) to include a checklist for identifying administrative requirements and burdens (paragraph 11);
- .6 endorse the decision of the Committee for the inclusion of a new agenda item on the collation and preservation of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of victims, with a target completion date of 2014, noting that work could continue beyond that date, if necessary (paragraph 12);
- .7 note the Committee's agreement that, at its 100th session, it would consider the number of meeting weeks it would need for the next biennium (2014-2015), taking into account the Committee's anticipated workload (paragraph 14); and
- .8 note the Committee's decision that it wished to analyse further the liability and compensation issues connected with transboundary pollution damage resulting from offshore oil exploration and exploitation activities, with the aim of developing guidance to assist States interested in pursuing bilateral or regional arrangements, without revising SD 7.2 (paragraphs 15 to 17).

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