



Direção-Geral de Recursos Naturais,
Segurança e Serviços Marítimos

Direção de Serviços de Administração Marítima

Avenida Brasília 1449-030 LISBOA, PORTUGAL

Telefone: 21 3035700 - Fax: 21 3035702

Circular N.º 18

Approved: 14-10-2015

Pages: 5

Subject:	Nairobi International Convention on the Removal of Wrecks, 2007
To:	Owners, Companies, Operators, Agents e Ship Masters

PURPOSE

The purpose of this Circular is to inform on the application and entry into force of the Nairobi International Convention on the Removal of Wrecks, 2007 (herein as the “Nairobi Convention”), its requirements and certification.

INTRODUCTION

The Nairobi Convention has been adopted by an international conference held in Kenya, 2007, and entered into force at an international level in April 14th 2015.

The Nairobi Convention provides to the States Parties to the Convention, an international legal framework for a quicker and faster removal of wrecks of ships which may have the potential to adversely affect the safety of human lives, goods and properties at sea, as well as the marine environment.

The Nairobi Convention fulfils this way a gap in the existing international legal framework, providing a first set of international harmonised rules allowing to ensure the fast and effective removal of wrecks located beyond the territorial sea and includes still an optional clause allowing the States Parties to apply certain requirements of the Nairobi Convention to its territory, including the territorial sea.

The Nairobi Convention establishes the obligation of the registered owner of a ship of 300 gross tonnage and above shall be required to maintain insurance or other financial security, such as a guarantee of a bank or similar institution, to cover the costs of removal of the wrecks and gives the States Parties the right to act accordingly against the insurers.

For the purposes of the Nairobi Convention, the following definitions shall be considered:

1 - “Wreck”, following upon a maritime casualty, means:

- (a) a sunken or stranded ship; or
- (b) any part of a sunken or stranded ship, including any object that is or has been on board such a ship; or
- (c) any object that is lost at sea from a ship and that is stranded, sunken or adrift at sea; or
- (d) a ship that is about, 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.

2 - “Related interests” means the interests of a coastal State directly affected or threatened by a wreck, such as:

- (a) maritime coastal, port and estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;
- (b) tourist attractions and other economic interests of the area concerned;
- (c) the health of the coastal population and the wellbeing of the area concerned, including conservation of marine living resources and of wildlife; and
- (d) offshore and underwater infrastructure.

3 - “Removal” means any form of prevention, mitigation or elimination of the hazard created by a wreck. “Remove”, “removed” and “removing” shall be construed accordingly.

4 - “Registered owner” means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owing the ship at the time of the maritime casualty. However, 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.

ENFORCEMENT

As from April 14th 2015, the registered owners of a ship of 300 gross tonnage and above shall be required to maintain insurance or other financial security, such as a such as a guarantee of a bank or similar institution, to cover the costs of removal of the wrecks and gives the States Parties the right to act accordingly against the insurers.

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY

A certificate attesting that the ship has valid insurance or other financial security according to the established in the Nairobi Convention shall be issued by the appropriate authority of the State Party after determining that the requirements of paragraph 1, rule 12 of the Nairobi Convention have been complied with.

The certificate shall be in the form of the model set out in the annex to the Nairobi Convention, and shall contain the following particulars:

- (a) name of the ship, distinctive number or letters and port of registry;
- (b) gross tonnage of the ship;
- (c) name and principal place of business of the registered owner;
- (d) IMO ship identification number;
- (e) type and duration of security;
- (f) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established; and
- (g) period of validity of the certificate, which shall not be longer than the period of validity of the insurance or other security.

Certificates of ships registered in a State which is not a State Party to the Nairobi Convention

In case of ships non-registered in a State Party, the certificate shall be issued or endorsed by the competent authority of any State Party. For this purpose, please see in annex (**Annex 1**) a list of contacts of the States Parties to the Nairobi Convention which may issue the Certificates of Insurance or other Financial Security required by this Convention for ships flying the Portuguese flag.

STATES PARTIES TO THE CONVENTION

Annex 1 shows a list of the States which are Parties to the Nairobi Convention (by October 2015).



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FINAL NOTE

Companies are invited to transmit to Direção-Geral de Recursos Naturais, Segurança e Serviços Marítimos any difficulties whatsoever in obtaining the Certificate required by Nairobi Convention, using for this purpose the following email address:
dsam.requerimentos@dgrm.mam.gov.pt.

ANNEX 1

Germany

Antigua & Barbuda

Bulgaria

Congo

Cook Islands

Cyprus

Denmark

India

Iran

Kenya

Liberia

Malaysia

Malta

Marshall Islands

Morocco

Nigeria

Niue

Palau

Tonga

Turkmenistan

United Kingdom