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SALVAGE & WRECK

MANAGING LEGAL ISSUES POST SALVAGE

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SCENARIO



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THE LEGAL AFTERMATH OF SALVAGE



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THE LEGAL AFTERMATH OF SALVAGE





- The London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 and the 1996 Protocol (the "Dumping Convention")
 - The OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic 1992 (the "OSPAR Convention")
 - General prohibition that Contracting States shall take all possible steps to prevent and eliminate pollution by dumping
 - 2 exceptions:
 - In case of *force majeure* when the safety of human life or of a vessel is threatened (Article 7)
 - In an emergency (Article 9)
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DUMPING AT SEA



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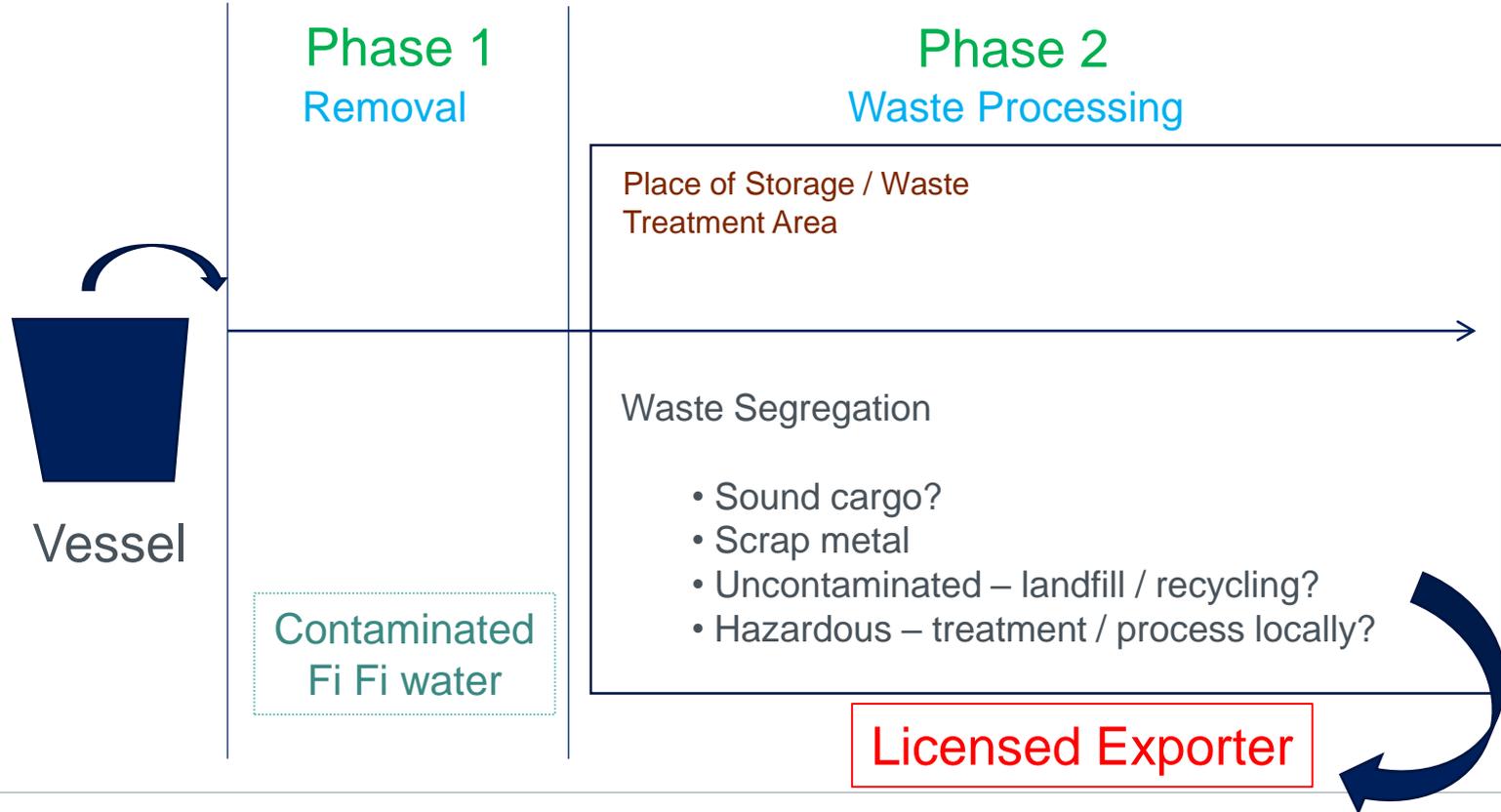
OPERATIONAL CHALLENGES

- Resources and infrastructure available
 - Storing and disposal of cargo
 - Local contractors
 - Berthing arrangements
- What is the end game?
 - H&M v P&I
 - Excavation of waste
 - Scrap the vessel



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WASTE MANAGEMENT





WASTE MANAGEMENT DUTY OF CARE



Department
for Environment
Food & Rural Affairs

Waste Duty of Care Code of Practice

March 2016

Presented to Parliament pursuant to Section 34(9) of the Environmental
Protection Act 1990

- Waste holders have a responsibility to take all reasonable steps to ensure that when they transfer waste to another waste holder that the waste is **managed correctly** throughout its **complete journey to disposal or recovery**.



CONTRACTUAL ISSUES

Phase 1
Removal

CONTRACTORS??

No Objection Certificates

KNOCK-4-KNOCK

Permissions

Local law

SECURITY

Waste Handling

Cargo Abandonment

Securing Evidence for Recourse Action

Insurance

WASTE MANAGEMENT PLAN APPROVAL

Proceeds of Sale

TRANSFRONTIER SHIPMENT

Phase 2
Waste Processing



BASEL CONVENTION

ON THE CONTROL OF TRANSBOUNDARY
MOVEMENTS OF HAZARDOUS WASTES
AND THEIR DISPOSAL



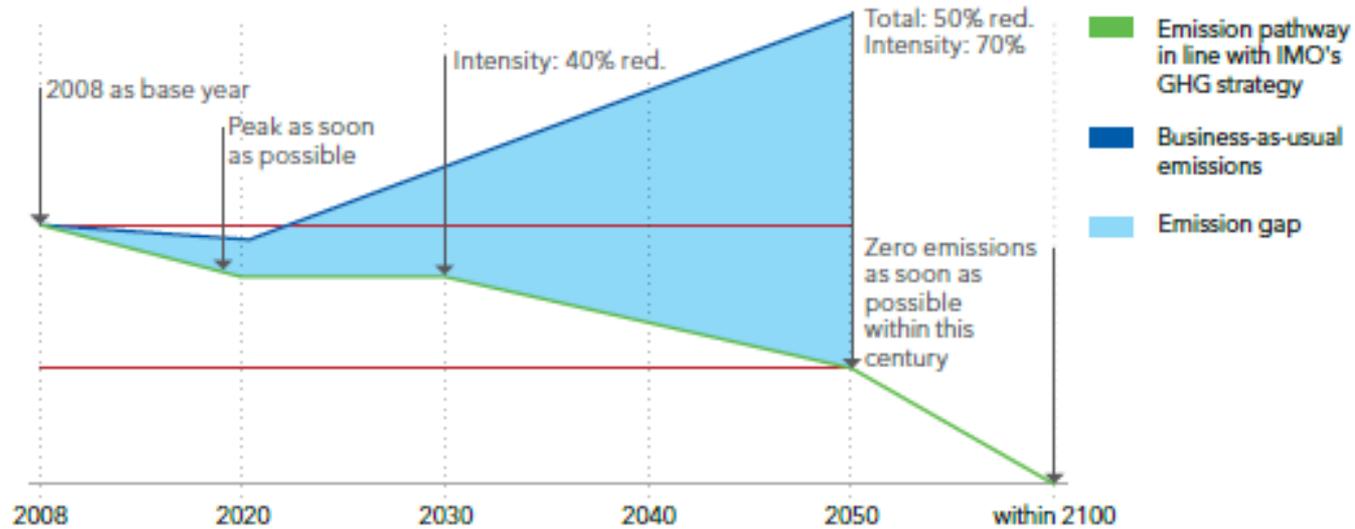
- Transboundary Movement of Waste Regulations 2007
 - Council Regulation (EEC) No 259/93 on supervision and control of shipments of waste within, into and out of the European Community
 - Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste
 - Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste
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- Waste to be shipped into the EC from a foreign jurisdiction, then Regulation (EC) No 1013 (2006) applies.
 - Article 2(15)(b) deals with import of waste into EC from non-member state
 - “**holder**” is defined as the producer of the waste (*here the ship owner*) or the natural or legal person who is in possession of it.
 - “**notifier**” is the person designated by the law of the country of destination, or in the absence of any designation, the “**holder**” at the time the export took place.
 - Article 4(4) requires the conclusion of a contract between the “notifier” and the “consignee”
 - But the a party cannot contract with itself as “notifer” and “consignee”
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HOW CAN SALVAGE GO GREEN?

GHG emissions





HOW CAN SALVAGE GO GREEN?

- Corporate Social Responsibility
- Environmental and sustainability objectives aligning with insurance
- Alternative fuels: Salvage and wreck removal



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