

The Salvage Convention and Art 13 – time for a change?

Alex Macinnes

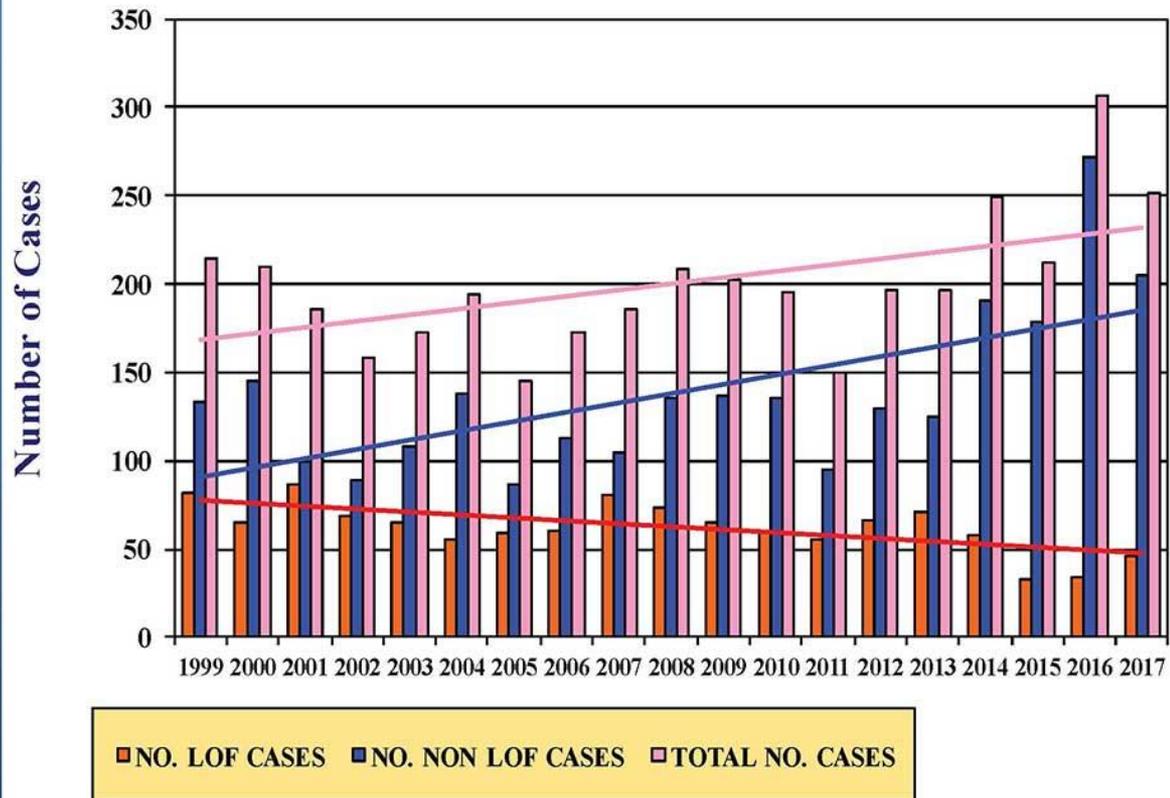
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Marine
solicitors

Proposed Change to Salvage Convention

ISU Salvage Statistics; 1999 - 2017

Number of "Dry" Salvage Services per Year

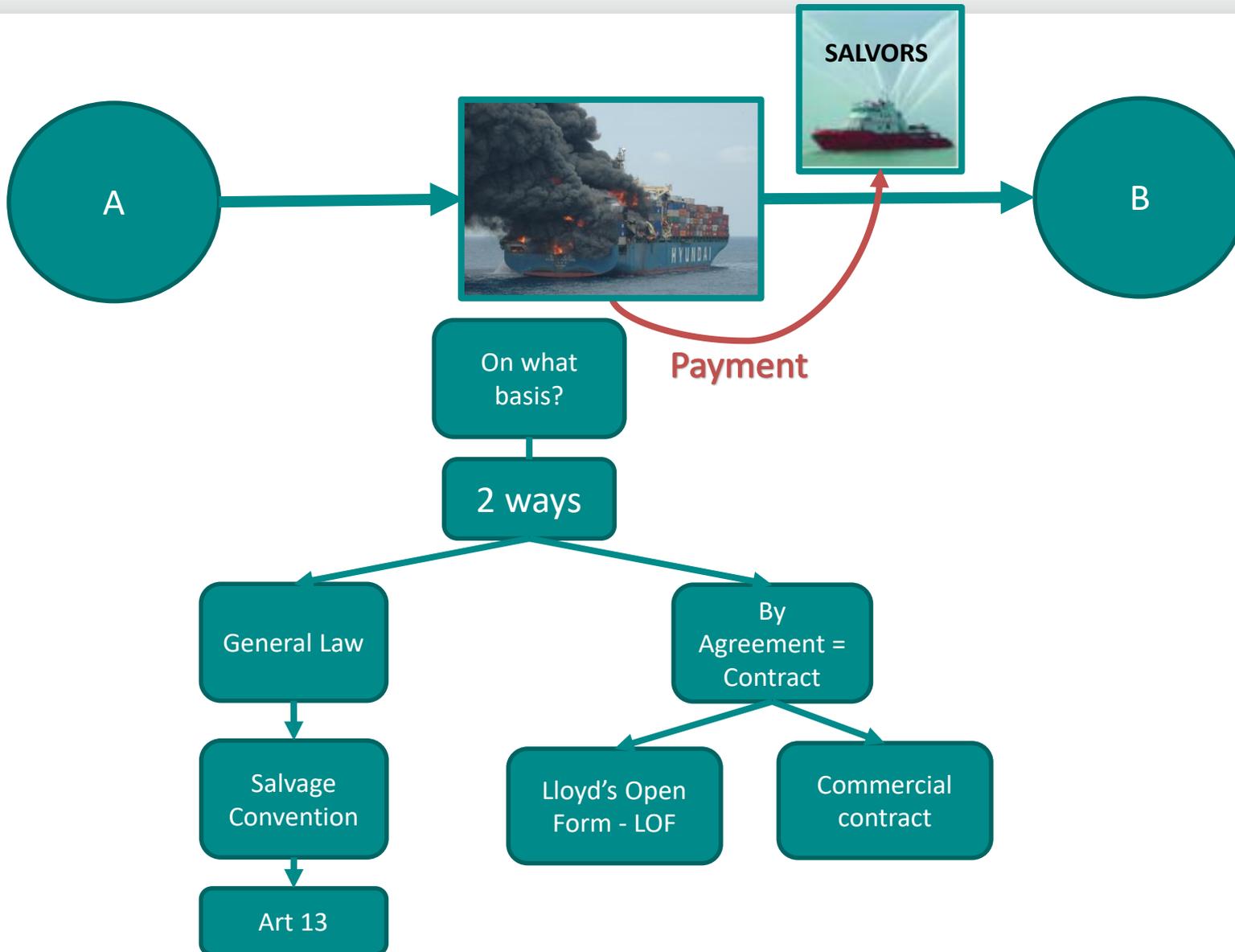


Salvage Convention – Preamble

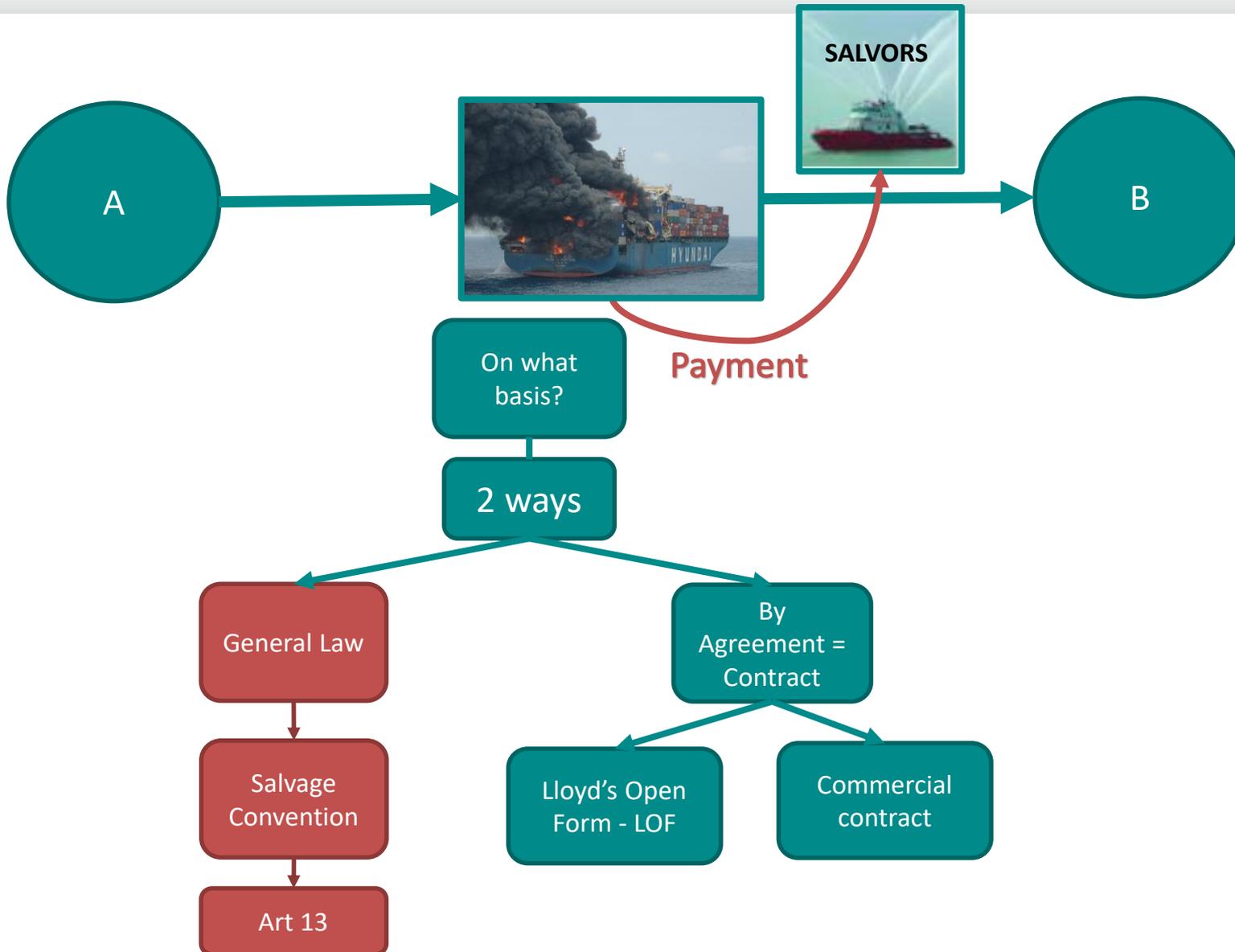
“... *CONSCIOUS* of the major contribution which **efficient and timely salvage operations** can make to the safety of vessels and other property in danger and to the protection of the environment,

CONVINCED of **the need to ensure that adequate incentives are available to persons who undertake salvage operations** in respect of vessels and other property in danger...”

Reminder – How salvage works?



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Salvage – The General Law



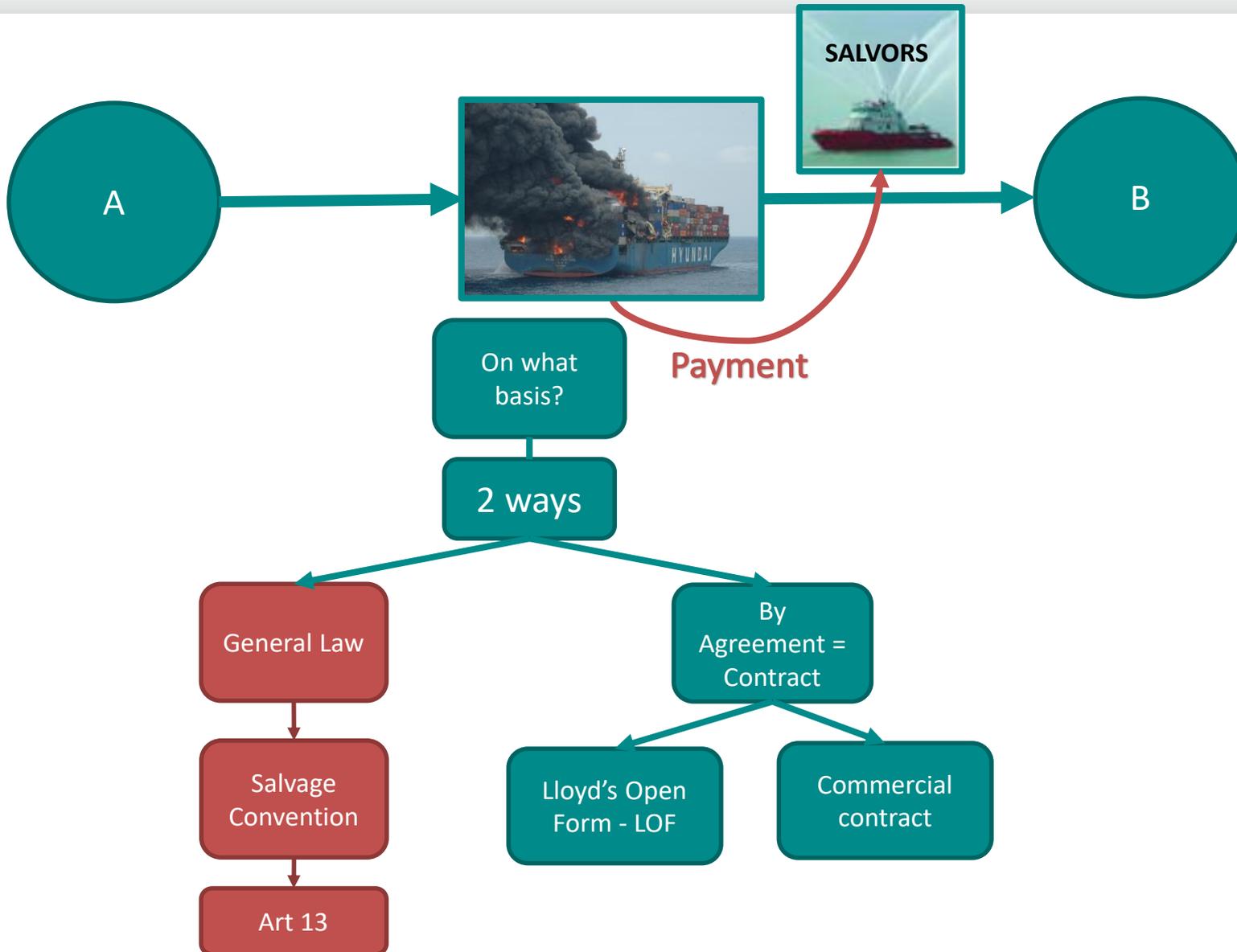
Article 13

Article 13

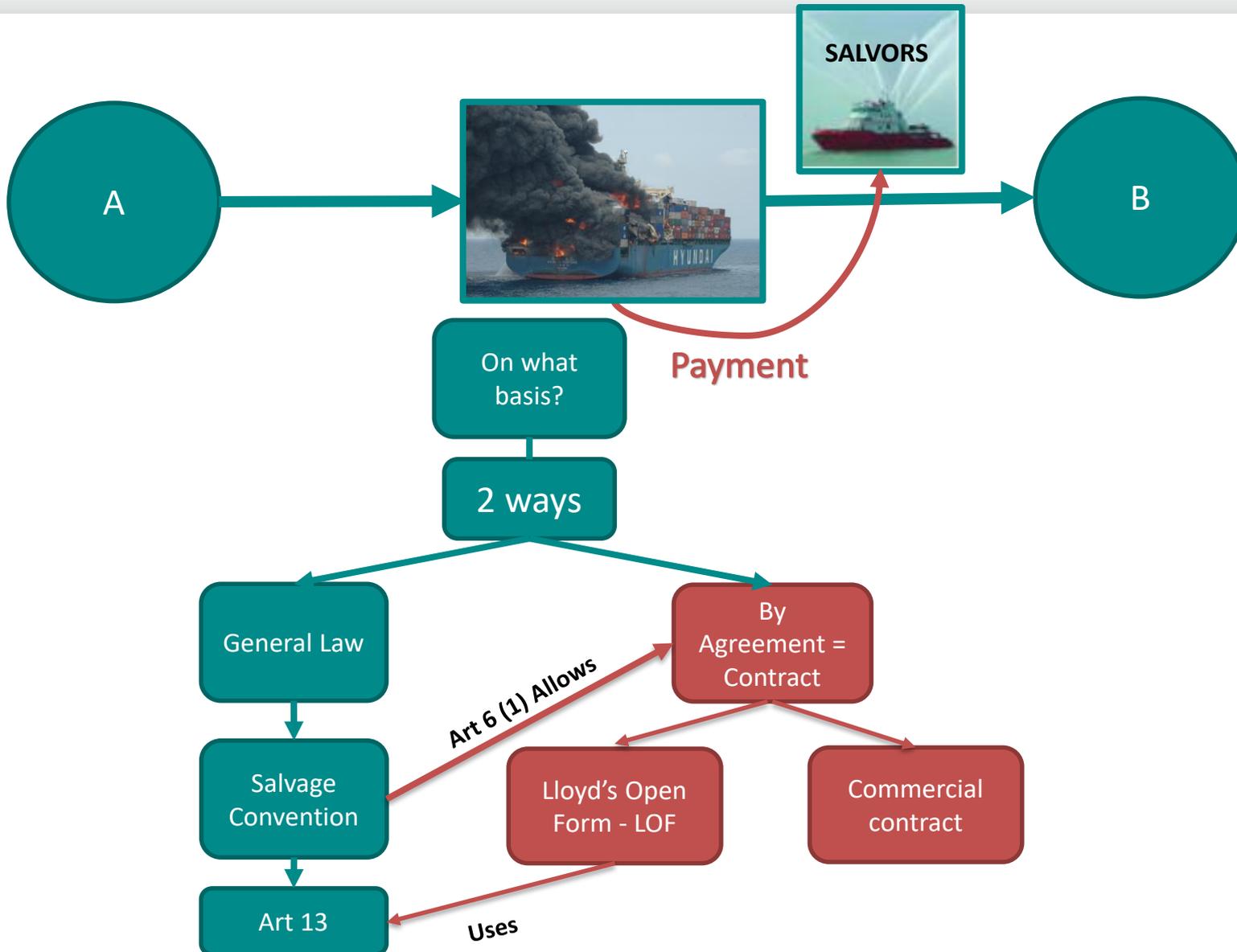
Criteria for fixing the reward

1. The reward shall be **fixed with a view to encouraging salvage operations, taking into account the following criteria** without regard to the order in which they are presented below:
 - (a) ...**salved value** ...;
 - (b) ...preventing or **minimizing damage to the environment**;
 - (c) ...**success**...;
 - (d) ...the **danger**;
 - (e) the **skill and efforts of the salvors** ...;
 - (f) ...
 - (h)
 - (i) ...**the availability and use of vessels or other equipment**...;
 - (j) ...**the state of readiness and efficiency of the salvor's equipment** and the value thereof.

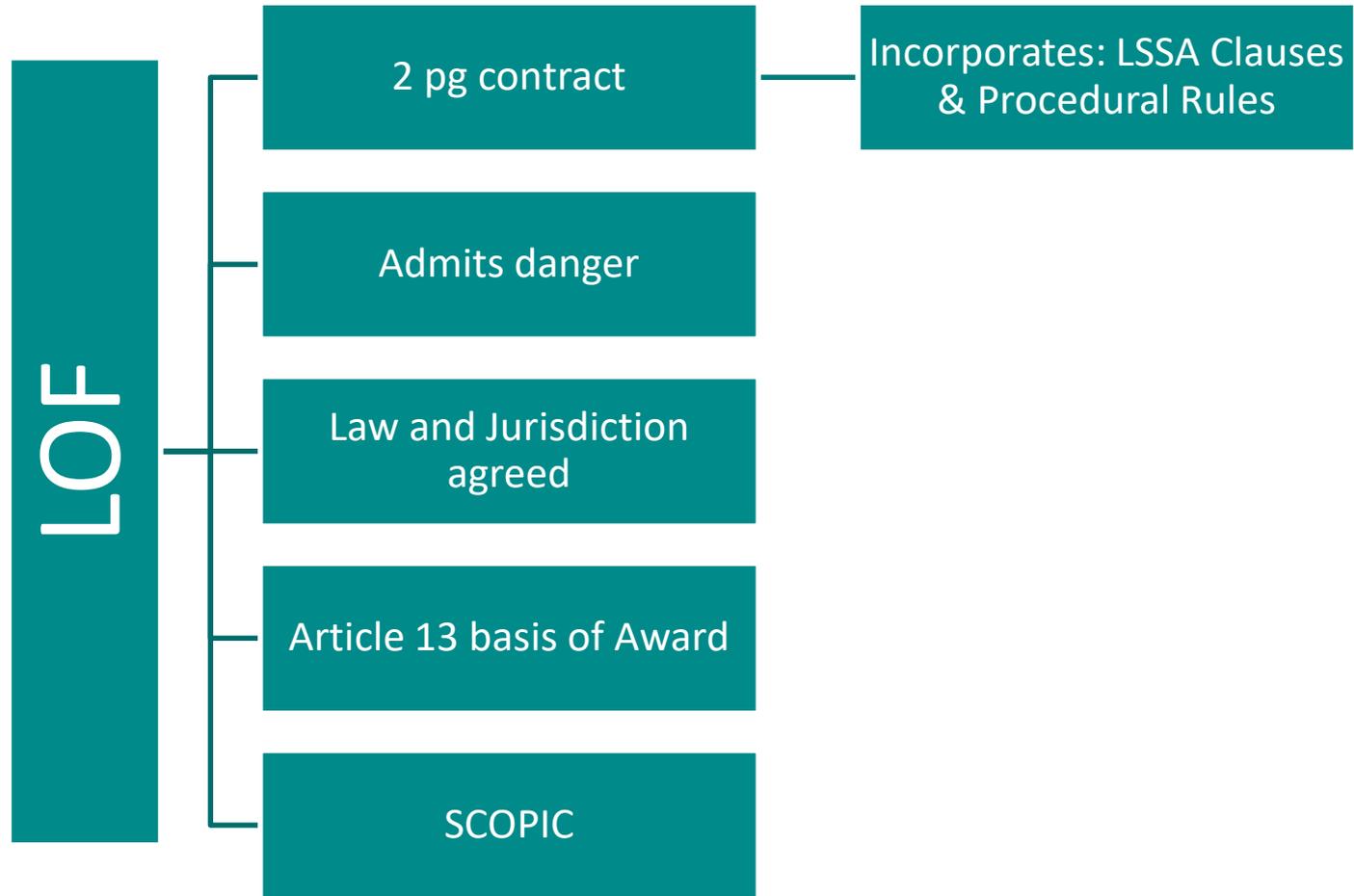
Reminder – How salvage works?



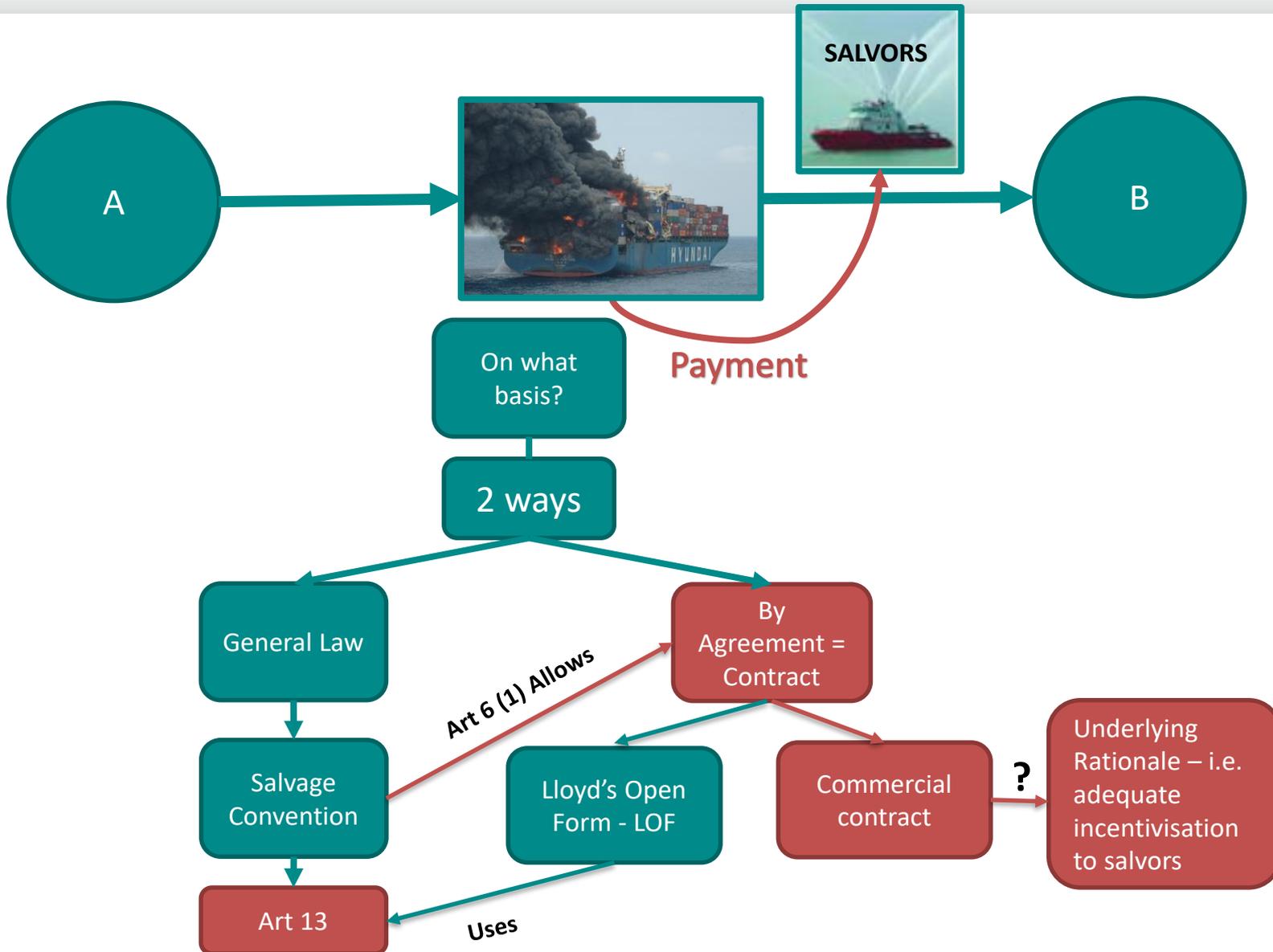
Reminder – How salvage works?



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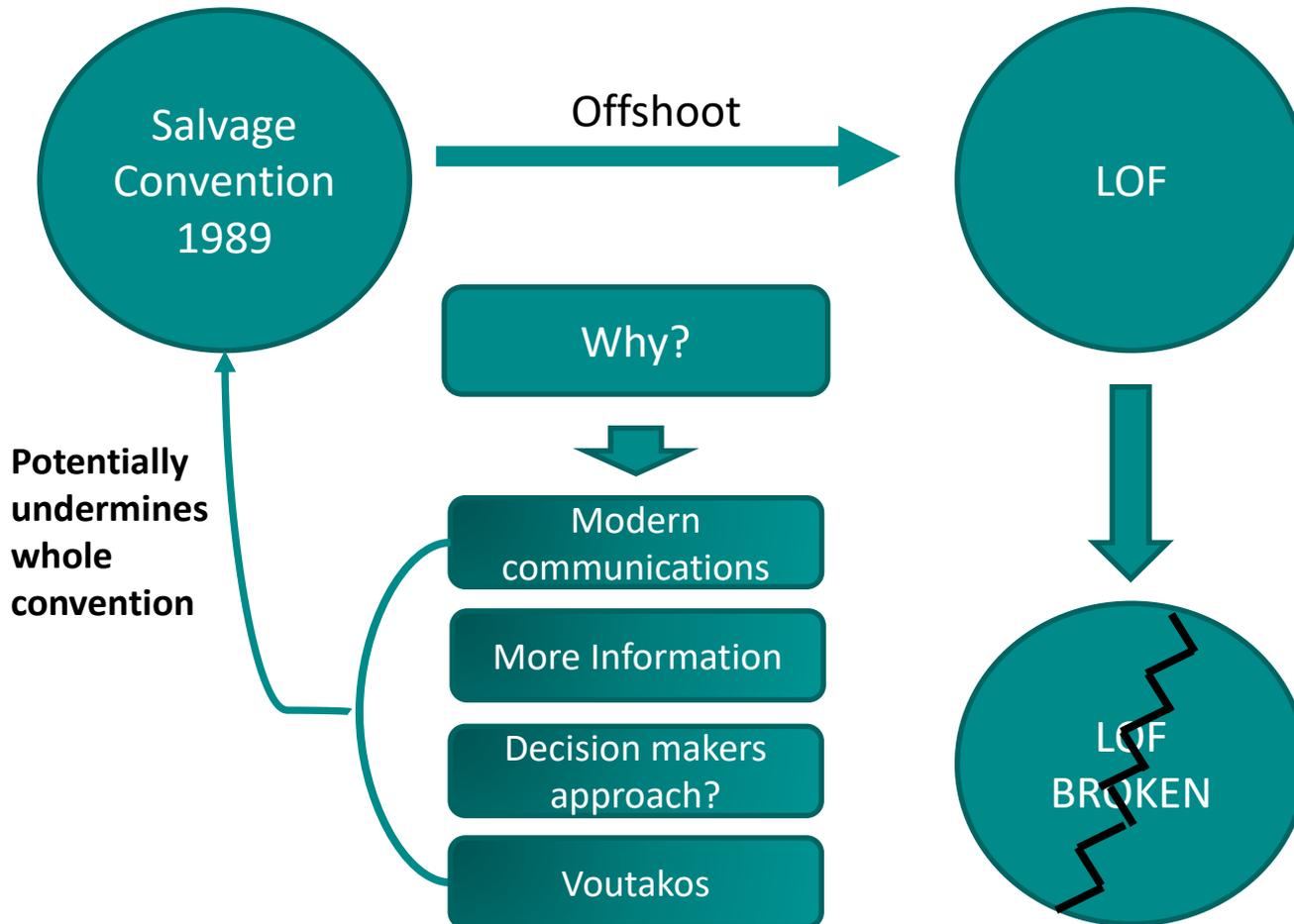


Reminder – How salvage works?

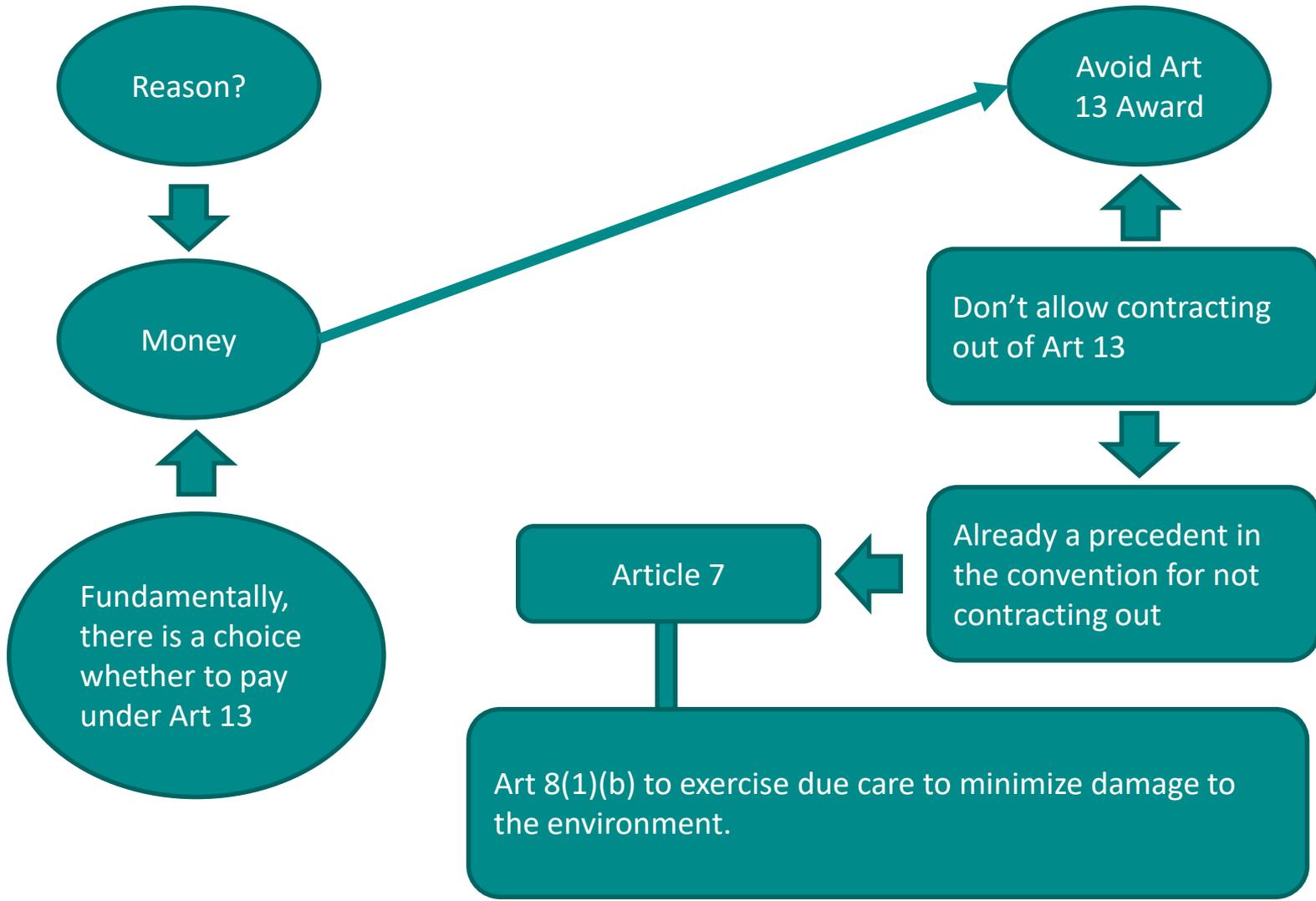


Proposed Change to Salvage Convention

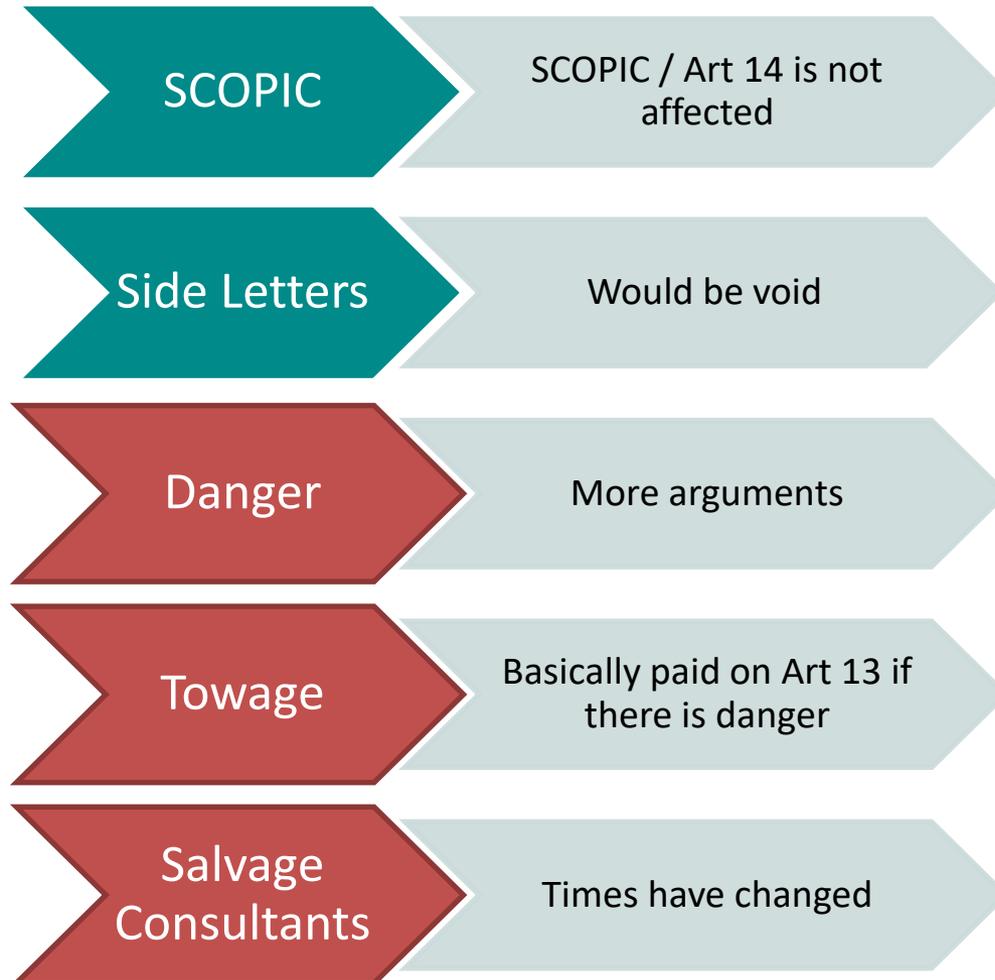
Underlying rationale - To encourage the existence of adequate salvage services



Solutions



Further points



How?

- “**Article 32 - Revision and amendment**

*...2. The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, **at the request of ...one fourth of the States Parties...**”*

How?

Possible Wording

“In circumstances where, but for Article 6(1), an award would be payable in accordance with Article 12 paragraph 1 and Article 13 (the “Award Basis”) then, any services actually provided by agreement to the vessel must be paid for at least on the Award Basis .”

Salvage Convention – underlying rationale

“... *CONSCIOUS* of the major contribution which **efficient and timely salvage operations** can make to the safety of vessels and other property in danger and to the protection of the environment,

CONVINCED of **the need to ensure that adequate incentives are available to persons who undertake salvage operations** in respect of vessels and other property in danger...”

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