

CMI STANDING COMMITTEE ON GENERAL AVERAGE

QUESTIONNAIRE TO NATIONAL MARITIME LAW ASSOCIATIONS

Background

One of the Standing Committee's current tasks is a revision of the Guidelines to General Average. One of the major challenges is the attempt to include recommended wordings for general average securities. The SC is aware that standard forms (e.g. the Lloyd's Average Bond and the AAA/ILU approved Average Guarantee) have been and are in wide international use. Nevertheless, in order to prepare wordings that can be approved by the CMI Assembly the SC deems it appropriate to try and find out about potential national peculiarities which might influence the format of such securities. That is what this short questionnaire aims at.

Responses

are requested by 6 March 2020 to Jörn Groninger: jg@groninger-welke.de in order to allow sufficient time before the Tokyo Conference for preparatory work within the SC as well as the necessary discussions with the industry bodies involved (namely ICS and IUMI).

Questions

1. Does the law of your country contain provisions on general average?
 - 1.1. If so, does such law provide that contributing parties have to provide security in respect of such contributions?
 - 1.2. If so, are there statutory requirements for such security?
 - 1.3. If the law only requires security to be provided but no particular form, is it common in your country that cargo interests issue general average bonds and insurers issue general average guarantees?
2. Are there any wordings generally used in your country for such securities?
3. Does the law of your country have any requirements for the validity of such security (like original signature, notarization, consideration)?
4. Do such securities usually contain provisions on applicable law and jurisdiction?

16 January 2020
Jörn Groninger, Chair