

POLISH MARITIME LAW ASSOCIATION

Plac Rodła 8/XII Floor, 70-419 Szczecin, Poland
tel.: +48 91 359 44 30; fax: +48 91 359 44 32; e-mail: biuro@pmla.org.pl

Szczecin (Poland), 18th January, 2014

Mr Louis Mbanefo
Chairman
Mr Deucalion Rediadis
Rapporteur
Comite Maritime International

by e-mail (info@mbanefolaw.com; dr@rediadis.gr) only

Dear Mr Mbanefo, Dear Mr Rediadis,

re.: questionnaire – Working Group “Promoting Ratification of Maritime Conventions”.

Reference is made, with thanks, to Mr Rediadis e-mail of 04th October, 2013, attaching the questionnaire.

Please find below responses of the Polish MLA to the questionnaire.

I. United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (Rotterdam Rules) 2009.

- 1. If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?**

Poland has signed the Rotterdam Rules at the official signing ceremony on 23rd September 2009. The Maritime Law Codification Committee is currently working on the report containing proposals for the amendment of the Polish Maritime Code based on the Rotterdam Rules.

- 2. If so, what is the likely procedure and time frame for such ratification to take place?**

It is expected that the government will consider possible ratification after it is presented by the Maritime Law Codification Committee with proposal on provisions introducing Rotterdam Rules into the Polish Maritime Code. The works within the Maritime Law Codification Committee are on an advanced stage and are supposed to be completed before the end of 2014. The Maritime Law Codification Committee will take into consideration status of ratifications of the Rotterdam Rules by the other countries while deciding on the date of submitting such proposal to the government.

- 3. Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?**

No.

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4. **If so, please give briefly the reasons (bullet points will suffice).**

N/A

5. **If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or other industry body in your country can do to assist the government reaching a decision?**

A number of Polish Maritime Law Association's members are also active members of the Maritime Law Codification Committee, including Professor Maria Dragun-Gertner being a chair of the PMLA as well as the Maritime Law Codification Committee. Within the works of the Maritime Law Codification Committee provisions are being drafted to enable introduction of Rotterdam Rules into the Polish Maritime Law Code. Upon that proposal the government will consider the ratification. Thus, through its members, PMLA will have a direct impact on facilitating the adoption of Rotterdam Rules. Shall there be any necessity PMLA is opened to convey meetings, consultations of an informational nature with interested entities.

II. Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea 1974.

1. **If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?**

Yes.

2. **If so, what is the likely procedure and time frame for such ratification to take place?**

Poland is a Party to the Athens 74/76 Convention. The ratification of the 2002 Protocol requires prior amendment of the Maritime Code. Such amendment is planned for 2015. The ratification procedure is expected to be completed by the end of 2015.

3. **Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?**

No.

4. **If so, please give briefly the reasons (bullet points will suffice).**

N/A

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5. **If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or other industry body in your country can do to assist the government reaching a decision?**

N/A

III. **International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea 1996 and Protocol of 2010.**

1. **If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?**

The bill authorizing accession of Poland to the HNS 1996 Convention was adopted by the Polish Council of Ministers, but it was thereafter suspended in the Polish Parliament, pending the IMO proposal for the 2010 HNS Protocol. At the moment Poland considers accession to the 2010 Protocol.

2. **If so, what is the likely procedure and time frame for such ratification to take place?**

The government is likely to take this step following the ratification by other EU and Baltic States.

3. **Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?**

Yes, the Government has adopted a 'wait and see' approach.

4. **If so, please give briefly the reasons (bullet points will suffice).**

Technical concerns connected with reporting procedure of various HNS goods covered by the Convention, in contrast to the IOPCF system that covers only some categories of oils. Increase of the bureaucracy. Costs of the reporting system. Possible increase in the costs of imported HNS substances.

5. **If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or other industry body in your country can do to assist the government reaching a decision?**

PMLA may undertake actions aimed at promoting legal framework established by the Convention and at emphasizing particular benefits which its ratification would bring in the respected area. Such activity may take the form of, among others,

consultations, active participation in conferences and seminars, preparation of publications etc.

IV. The Nairobi International Convention on the Removal of Wrecks 2007, including extension of its scope of application to the territory of States Parties under Art. 3(2).

1. **If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?**

No, the government is not considering to take any steps in order to become a party.

2. **If so, what is the likely procedure and time frame for such ratification to take place?**

N/A

3. **Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?**

Yes.

4. **If so, please give briefly the reasons (bullet points will suffice).**

It was considered back in 2007 and decided at that time that the possibility of ratification would be re-examined after the entry into force of the Convention.

5. **If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or other industry body in your country can do to assist the government reaching a decision?**

PMLA may undertake actions aimed at promoting legal framework established by the Convention and at emphasizing particular benefits which its ratification would bring in the respected area. Such activity may take the form of, among others, consultations, active participation in conferences and seminars, preparation of publications etc.

V. Protocol of 1996 to the Convention on Limitation of Liability for Maritime Claims 1976.

The 1996 Protocol has been ratified and entered into force on 15 February 2012. Poland has also finished the internal procedure for acceptance of the new limits, adopted by the IMO LEG in 2012. The new limits will enter into force on 8 June 2015.

VI. Maritime Labour Convention 2006.

The MLC convention entered into force on 20 August 2013.

VII. MARPOL Protocol of 1997 (MARPOL Annex VI - Prevention of Atmospheric Pollution by Ships).

Accession on 29.4.2005. MARPOL Protocol of 1997 entered into force on 29 July 2005.

VIII. Convention on Facilitation of International Maritime Traffic 1965.

The FAL convention has been ratified on 25 July 1969 and entered into force on 23 September 1969.

IX. International Convention for the Safe and Environmentally Sound Recycling of Ships (Hong Kong), 2009.

- 1. If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?**

Yes, the EU regulation on ship recycling has transposed all the requirements of the Hong Kong Convention into EU law. Therefore, the government has been encouraged to ratify the Convention.

- 2. If so, what is the likely procedure and time frame for such ratification to take place?**

Ratification probable in 2 - 4 years.

- 3. Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?**

Considered ratification preliminarily in 2012 but did not arrive at a firm decision or commitment to ratify.

- 4. If so, please give briefly the reasons (bullet points will suffice).**

The main reason behind was the complete lack of ratifications by any other state by 2012. Currently one ratification as of 2013 (NO). Reluctance to ratify stems from the understanding that the Convention will take very long to enter into force, especially because ratifications by the main recycling states (China, India, Pakistan, Bangladesh) are necessary for its entry into force.

- 5. If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or other**

industry body in your country can do to assist the government reaching a decision?

PMLA may undertake actions aimed at promoting legal framework established by the Convention and at emphasizing particular benefits which its ratification would bring in the respected area. Such activity may take the form of, among others, consultations, active participation in conferences and seminars, preparation of publications etc.

X. Seafarers' Identity Documents Convention (Revised) (ILO 185), 2003.

- 1. If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?**

No, the government is not considering to take any steps in order to become a party.

- 2. Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?**

Yes.

- 3. If so, please give briefly the reasons (bullet points will suffice).**

Costs and administrative burdens, in particular due to biometric identification requirements. Limited recognition of ILO 185 identity documents.

- 4. If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or other industry body in your country can do to assist the government reaching a decision?**

PMLA may undertake actions aimed at promoting legal framework established by the Convention and at emphasizing particular benefits which its ratification would bring in the respected area. Such activity may take the form of, among others, consultations, active participation in conferences and seminars, preparation of publications etc.

XI. International Convention on Arrest of Ships 1999.

- 1. If the government of your country has not yet ratified or acceded to any of the conventions listed above, is it considering to take the necessary steps in order that your country become party to any of them?**

No, the government is not considering to take any steps in order to become a party.

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2. **If so, what is the likely procedure and time frame for such ratification to take place?**

N/A

3. **Has your government already considered the possible ratification of any of the conventions listed above and come to the conclusion that such ratification is not advisable?**

Yes.

4. **If so, please give briefly the reasons (bullet points will suffice).**

The ratification would have to be preceded by the EU decision authorizing the government to do so. The Convention concerns the area of EU competences (Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters).

5. **If the government in your country is undecided as to whether to ratify a Convention is there anything that your Maritime Law Association or other industry body in your country can do to assist the government reaching a decision?**

PMLA may undertake actions aimed at promoting legal framework established by the Convention and at emphasizing particular benefits which its ratification would bring in the respected area. Such activity may take the form of, among others, consultations, active participation in conferences and seminars, preparation of publications etc.

The responses were contributed by: Mr Paweł Krężel, Mrs Zuzanna Pepłowska-Dąbrowska, Mr Piotr Gajlewicz and Mr Tomasz Nadratowski – Members of the Polish MLA.

In case of any doubts or questions, please feel free to ask anytime.

With Best Regards,



MAREK CZERNIS
Vice-President



PAWEŁ MICKIEWICZ
Secretary