

# *Shipowner/insurer*

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- *Professor  
Erik Røsæg*
- *Scandinavian Institute  
of Maritime Law, Oslo*
- *[erik.rosag@jus.uio.no](mailto:erik.rosag@jus.uio.no)*
- *Tel +47 2285 9752*
- *[folk.uio.no/erikro](http://folk.uio.no/erikro)*

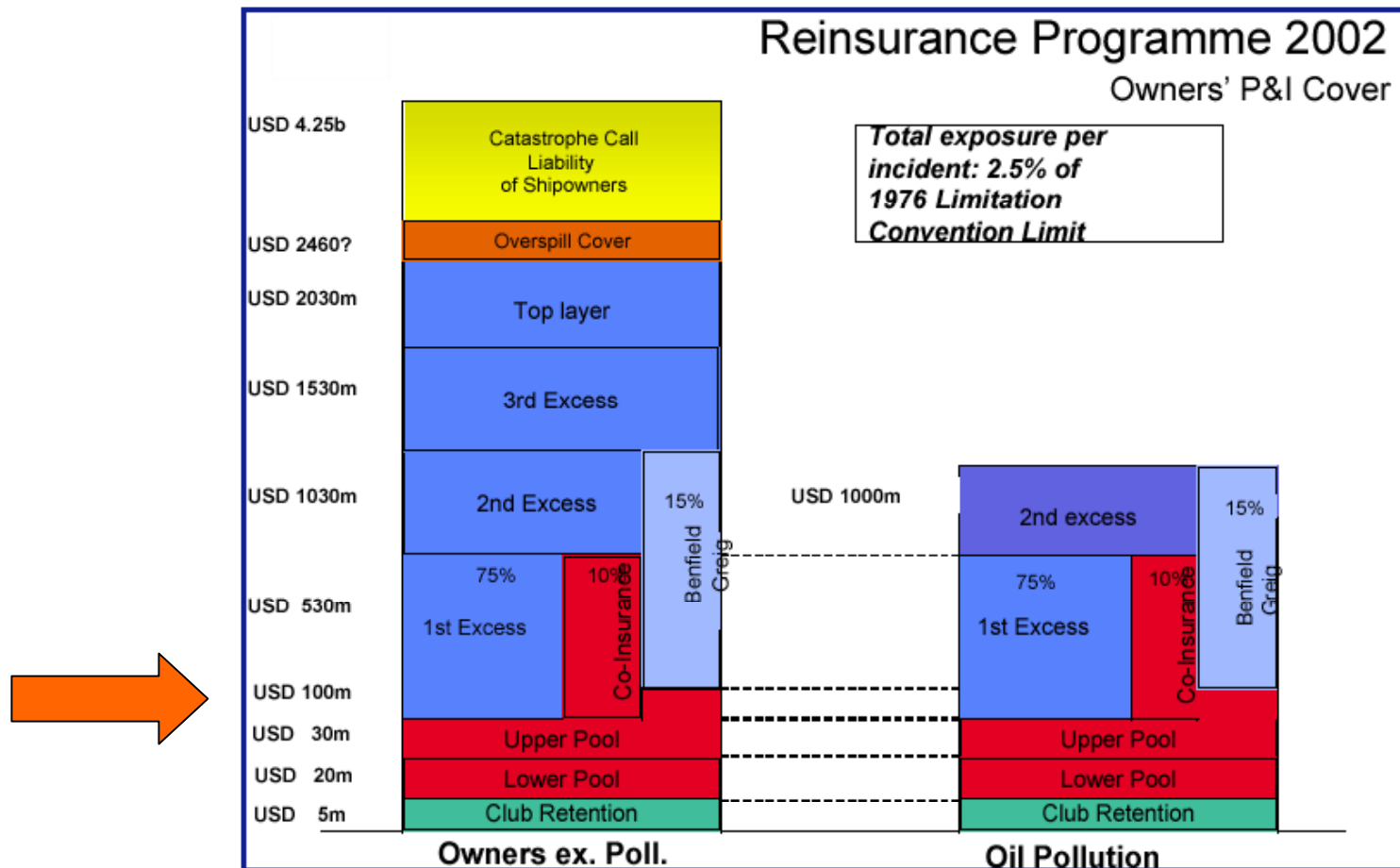


# *Outline of the insurance provisions*

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- *Certificates for all ships*
  - *Scope of cover liability of the owner except willful misconduct etc*
  - *Direct action in certain jurisdictions (art 38)*
  - *Alternative security*
  - *Issuing State*
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# Insurance capacity



# *Insurance clauses - across the board*



- ***RACE:***
  - *Radioactive Contamination,*
  - *Chemical,*
  - *Biological,*
  - *Bio-chemical and*
  - *Electromagnetic Weapons*
- ***Cyber Attack Exclusion Clause***

# *Insurance clauses*

## *- terrorism*

- *Liability for failure to implement proper measures against terrorism*
- *There is **no liability** for war and terrorism ...  
(but terrorist damage may be a consequential loss of a failure to protect passengers)*
- *War Risks*
  - *7 Days Notice,*
  - *Automatic Termination of Cover and*
  - *War and Nuclear Exclusion Clause*

# *Is there capacity?*

- *Capacity with the above clauses no problem:*  
*"I see no reason why the cover shouldn't be available at a price"*
- *CLC cover recently extended without these clauses*
- *The clubs may in principle not wish to engage despite market capacity*

# *Issue of certificates*



- *Authorities*
  - *Public*
  - *Private*
- *Foreign vessels*
- *Fees*
- *Information!*

# *The certificate*



- *Form*
- *Information in the certificate*
- *English, Spanish or French*
- *Equasis, etc*



# *Consideration of the application*

- *Burden of proof (national law?)*
- *Does the undertaking cover all obligations required by HNSC?*
- *Does the insurer have the financial capability necessary for his undertaking?*
- *Will the insurer have sufficient funds available in a State Party when a claim is made?*
- *International information system*

# *Implementation*



- *A legal basis*
- *Penal sanctions*
- *Control authority*
- *Inspection procedures*

# *Control procedures*



- *Registers*
- *Port state control*
  - *targeting*
  - *inspection*
- *Details on entering territorial waters*
- *Details in notice to ports*

# *National adaptations*



- *HNS insurance for all cargo ships?*
- *Burden of proof concerning HNS cargo?*
- *Bare-boat situations*

# Summary

- *Certificate requirement*
  - *Legal basis & sanctions*
  - *Organize issuance*
- *Control measures*
  - *Legal basis*
  - *Random & routine checks*
- *HNS Fund*
  - *Email list on insurers*
  - *Registration of authority to issue certificates*
- *Equasis, etc.*