

MEMORANDUM

Comments of the Association Française du Droit Maritime
to the Committee Maritime International
regarding the proposed revision of the York Antwerp Rules

It is understood that the YAR should be once more revised at the Beijing Conference in October next.

The documents issued by the International Working Group (IWG) were studied by Members of the AFDM in charge of General Average issues.

It is regrettable that no French version had been drafted...

The National maritime Associations are requested to send their comments and proposals as to the draft resulting from the excellent work of the IWG.

The main object of the suggested revision is to solve the difficulty resulting from the resistance, if not the refusal, to apply the YAR 2004 by many shipowners and shipowners' organizations, including BIMCO.

In fact, this opposition restricted to the provisions of rule XI (and rule VI) was clearly detected in 2004 when the Rules 2004 were adopted by the CMI after a long and strong debate opposing, among others, the shipowners and the insurers.

It is after efforts to reach an acceptable compromise finally obtained thanks to the Associations of, among a few others, Canada, Italy, Great Britain and France, that the YAR 2004 were voted (at a short majority) by the Plenary Session of the CMI.

Obviously, what was achieved is not satisfactory and this is the cause of the future negotiations to take place in Beijing.

At this stage, the Association Française du Droit Maritime shares the views expressed by the Association of Belgium and Netherlands as to communicate its comments and suggestions only at the occasion of the negotiations to take place in Beijing. Indeed, the difficulties revealed in 2004 still exist in 2012 and no efficient position can be expressed before having a clear knowledge of at least the professional organizations which are concerned by the proposed revision.

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