



# COMITE MARITIME INTERNATIONAL

## PRESIDENT

27 January 2020

Presidents of NMLAs  
Titulary Members  
Consultative Members

Re: *General Average Questionnaire*

Dear Presidents, Titulary Members and Consultative Members,

I have been asked by Jörn Groninger, the Chair of the General Average Standing Committee, to circulate the attached Questionnaire which has been prepared by the Committee as part of their current task to revise the Guidelines to General Average and agree on recommended wording for general average security.

The Questionnaire is addressed to National Maritime Law Associations and responses are requested by 6 March 2020 to [jg@groninger-welke.de](mailto:jg@groninger-welke.de), with a copy to [admin-antwerp@comitemaritime.org](mailto:admin-antwerp@comitemaritime.org). Please note the expedited response date is necessary to allow sufficient time before the 20 – 24 October 2020 Tokyo Conference for preparatory work within the Standing Committee (as well as timely discussions with the relevant stakeholders during the Association of Average Adjusters mid-May 2020 meeting in London).

On behalf of the Executive Council, thank you for your continued participation in the work of the CMI.

Yours faithfully,

Christopher O. Davis

## **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](mailto: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