

The Role of the Rotterdam Rules in Vessel Safety: CMI's Submissions to IMO

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The increasing number of casualties caused by container fires in recent years is a growing concern for maritime safety. To examine this problem, the International Maritime Organization (IMO) Sub-Committee on the Carriage of Cargos and Containers (CCC) established the Correspondence Group on a Review of Maritime Special Provisions.

It has been observed that the principal source of the underlying problem was the non-declaration or mis-declaration of the dangerous nature of the cargoes and that it is most essential for relevant parties to provide information concerning goods for carriage in a proper and timely manner. In this context, CMI strongly believes that the promotion of the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (New York, 2008) (the "Rotterdam Rules") will greatly contribute to the solution of the problem. First, unlike existing international conventions such as the Hague, Hague-Visby, and Hamburg Rules, the Rotterdam Rules include a substantial number of provisions that encourage relevant parties to communicate and share information about goods for carriage, as well as enumerating the liabilities of the parties when they fail to do so. Second, the Rotterdam Rules provide a legal underpinning for the parties' use of electronic communication, including electronic transport records, and thereby facilitate the sharing of relevant information on the goods for carriage.

CMI submitted information papers (attached to this letter) to the 7th Session of the Sub-Committee on the Carriage of Cargos and Containers (CCC 7/6/1) and the 44th Session of the Facilitation Committee (FAL 44/20/2), although these meetings were postponed by the spread of COVID-19. The submissions explain how the Rotterdam Rules, in conjunction with other measures taken by the member states, can contribute to the solution of the current concern about vessel safety caused by container fires. I have also attached Professor Michael Sturley's editorial from the *Journal of International Maritime Law*, vol 25, issue 6, pp. 429-31 (Lawtext Publishing, 2019), which helps to put the CMI's submissions in context.

I hope each national maritime law association will take note of these documents and draw the attention of the relevant authorities in each state to them.

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Chair, Standing Committee on Carriage of Goods (including Rotterdam Rules)