

Salvage Convention

| | | |
|---------------------------------------|---|------------|
| Official reference | International Convention on salvage | |
| Official website | www.imo.org | |
| Relevant dates | Document | 28/04/1989 |
| | Entry into force | 14/07/1996 |
| | Ratification by Belgium | 13/05/2003 |
| | Ratification by Flanders | 7/05/2004 |
| Policy level | International | |
| Type of instrument | Convention | |
| Geographical reach | World seas | |
| (Legal) coverage in the BNS | Internal waters, territorial sea, exclusive economic zone | |
| International contact point | International Maritime Organization (IMO) | |
| Competent authority in Belgium | Flemish authorities; Policy domain Transport and Public works (MOW); department MOW; section Maritime Access -> Salvage of obstacles impeding the maritime access | |
| Federal ratification | Wet van 13 mei 2003 houdende instemming met het Internationaal Verdrag inzake de hulpverlening, opgemaakt te Londen op 28 april 1989 | |
| Flemish ratification | Decreet van 7 mei 2004 houdende instemming met het Internationaal Verdrag van 1989 inzake hulpverlening, opgemaakt in Londen op 28 april 1989 | |

// abstract:

This convention substitutes the ‘Convention for the Unification of Certain Rules of Law respecting Assistance and Salvage at Sea’, which had introduced the ‘no cure, no pay’-principle, according to which a salvage company could only be paid for its services if the operation had been successful.

Even though the core philosophy proved favourable in most cases, it did not take into account environmental pollution. A salvage company that prevented environmental pollution (for instance, through towing an unharmed oil tanker out of a vulnerable area), but did not manage to save the ships or the cargo, was not paid. As a result, salvage companies were not willing to start an operation with little chance of success.

This convention tries to rectify this problem by providing an increased compensation ('special compensation'), taking into account the efforts of the salvage company regarding the prevention and restriction of environmental harm. The compensation includes the costs made by the salvage company, plus a maximum of 30% of these costs, if the efforts helped to minimise or prevent environmental harm. The court that determines the degree of compensation may increase the compensation up to a 100% of the costs if it considers this fair. If the salvage company is charged with negligence, and therefore did not manage to prevent or minimise the environmental harm, the special compensation can be refused or reduced. The payment of this compensation needs to be done by the interested Parties (ship, other properties) in relation to their respective salvage costs.