



COMITÉ MARITIME INTERNATIONAL

PRESIDENT

27 November 2019

MLA Presidents
Titulary Members
Consultative Members

*Re: Judicial Sales Instrument-UNCITRAL Working Group VI Update
Marine Insurance Questionnaire*

Dear Presidents, Titulary Members and Consultative Members,

I write to provide a brief update on the Judicial Sales project, and circulate the Questionnaire on Direct Actions Against Insurers which has been prepared by the Marine Insurance Standing Committee.

As you will recall, UNCITRAL Working Group VI held its second meeting in Vienna last week to discuss the Judicial Sales instrument. I am pleased to report that the CMI delegation headed by IWG Co-Chairs Ann Fenech and Henry Li, assisted by key delegations and CMI supporters, including Chu Beiping of China, Alexander von Ziegler of Switzerland, Tomotaka Fujita of Japan, Frank Nolan of the United States, Jan-Erik Pötschke of Germany, and Peter Laurijssen of Belgium, (representing ICS and BIMCO), among others, was able to substantially advance the draft instrument which, hopefully, will become a Convention in the near future.

Ann Fenech, in her capacity as IWG Co-Chair and Judicial Sales project leader, is preparing a report on the Vienna meeting which will appear in the next Newsletter. In the meantime, Ann advises considerable progress has been achieved on key issues, such as ensuring the instrument becomes a Convention (and not a Model Law), the judicial sale results in clean title to the vessel (with no surviving charges assumed by the purchaser or reserved by the signatory states), and full reciprocity is accorded to the judicial sale by signatory states.

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Congratulations and many thanks to Ann and her team, as well as to all of you who prevailed on the governments of your countries to participate in the UNCITRAL meeting in Vienna last week and support the instrument. It goes without saying that your continued support and assistance in ensuring the respective government representatives support and advance the project at the next meeting of UNCITRAL Working Group VI (New York, 20 – 24 April 2020) is critical for the draft instrument to become a Convention.

Finally, I have been asked by Joe Grasso, the Chair of the Marine Insurance Standing Committee, to circulate the attached Questionnaire which has been prepared by the Committee as part of their current project to study rights of direct action against insurers. One of the goals of this project is to examine and compare the different national philosophies that might be identified with regard to rights of direct action, with the view that the Standing Committee's work product may be useful in the drafting of future maritime liability conventions. The Questionnaire is addressed to National Maritime Law Associations and responses are requested by 28th February 2020 to jgrasso@wiggin.com, with copy to admin-antwerp@comitemaritime.org.

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

Yours faithfully,



Christopher O. Davis