



## REVIEW OF THE INTERNATIONAL COMPENSATION REGIME

### PROPOSAL REGARDING THE DEFINITION OF 'SHIP' TO BE INCLUDED IN THE REVISION OF THE 1992 FUND CONVENTION AND THE 1992 CIVIL LIABILITY CONVENTION

Submitted by Venezuela

<b>Summary:</b>	This document contains Venezuela's proposal concerning the definition of 'ship' that is being discussed in the Working Group as a basis for amendments to the 1992 Civil Liability and Fund Conventions, taking section 2 of document 92FUND/WGR.3/25/1 as reference.
<b>Action to be taken:</b>	The Assembly is invited to take note of the information contained in this document and to consider the proposal made with a view to including it in the discussions of amendments to the 1992 Civil Liability and Fund Conventions.
<b>Related documents:</b>	Section 2 of document 92FUND/WGR.3/25/1 and document 92FUND/WGR.3/25/5.

#### 1 **Introduction**

The Assembly intends to consider proposals for amendments to the Fund Convention and the 1992 Civil Liability Convention at its October 2005 session in order to adapt the international regime on liability and compensation for oil pollution damage. Many arguments have been made in favour and against such revision in writing and in oral interventions. This document presents a proposal on the definition of 'ship', taking section 2 of document 92FUND/WGR.3/25/1 as reference.

#### 2 **Objective**

The objective of this proposal is to extend the scope of application of the definition of 'ship' contained in the 1992 Protocols in order to cover both sea-going vessels and vessels navigating on lakes and rivers.

#### 3 **Proposal**

- 3.1 The 1992 Protocol amending the Convention on Civil Liability for Oil Pollution Damage, 1969 contains the following definition of 'ship':

*'Ship means any sea-going vessel and seaborne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo*

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<1> This document has been revised by the Government of Venezuela.

*and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard.'*

- 3.2 In order to fulfil the objective of this amendment, the following text is proposed:

*'Ship: Any vessel and craft for water-borne transport of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that the water-borne vessel or craft capable of carrying oil and other cargoes shall be regarded as such, only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage, unless it is proved that it has no residues of such carriage of oil in bulk aboard.'*

- 3.3 The wording '*Ship: Any sea-going vessel and seaborne craft*' was changed to '*Ship: Any vessel and craft for water-borne transport*' and in the second line the word 'ship' was changed to 'water-borne vessel or craft'.

- 3.4 Commas were added in the third line after 'as such' and in the fourth line after 'such carriage' in order to separate parts of the sentence of the article and, therefore, to make clearer the intent of the provision in the Spanish version of the 1992 Civil Liability Convention.

- 3.5 The changes to Article I of the 1992 Civil Liability Convention are proposed in order to extend the application of the 1992 Civil Liability and Fund Conventions.

**4 Action to be taken by the Assembly**

The Assembly is invited:

- (a) to take note of the information contained in this document; and
  - (b) to consider the proposal made with a view to including it in the discussions of amendments to the 1992 Civil Liability and Fund Conventions.
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