

Ukraine Conflict - FAQs regarding reporting of vessel calls to Russia

In Notice to Members No.2 2022/2023 we explained that Members must now report to the Club all vessel calls to Russia and transits through Russian territorial waters, and the regulatory basis for this new requirement. We now set out below some of the Frequently Asked Questions we and other Clubs have received on the Notice.

The information below sets out our best understanding of the current legal requirements imposed on the Club and its Members under the UK Russia (Sanctions) (EU Exit) Regulations and its accompanying General Trade Licence.

May we take this opportunity to remind Members, wherever they are based, of the need to report their vessels calls to Russia and transits through Russian territorial waters within one month of doing so to the Club and that a failure to do so may invalidate the vessel's P&I insurance cover and/or prevent the Club from covering a claim.

Q1: Why are Clubs in the International Group requiring their Members to provide information related to calls at Russian ports or transits through Russian territorial waters?

As set out in Notice to Members No.2 2022/2023, it is only lawful for West as an insurer with a UK nexus (see Q3 below) to provide insurance for vessels calling at Russian ports or transiting Russian territorial waters if, amongst other things, West keeps records of the information described in the Notice. West can only comply with this record keeping obligation if the information is first provided by Members. As explained in the Notice, if this information is not provided, cover may be prejudiced.

Q10: Why can't the Club gather this information in other ways, such as from AIS data?

The possibility of gathering information from AIS to avoid putting new requirements on Members was considered. Whilst AIS software could produce much of the information required under the UK Regulations, the data may be inaccurate and it would not provide any details of the cargo onboard.

Q11: Is it necessary to provide all of the information detailed in the Circular and the

accompanying spreadsheet template?

Yes. The information requested is mandated by the UK Regulations and cover may be prejudiced if it is not provided.

Q12: How do I submit the data to the Club?

Please submit the completed spreadsheet together with a copy of the bill of lading to the Club using the dedicated e-mail address we mentioned in the Notice - russiancalls@westpandi.com. Please do not supply data via any other means; this mailbox helps us to monitor and manage the declarations made.

Q2: Do Members need to report port calls and transits from 17 March onwards?

Yes. A report must be made if on or after 17 March 2022 an entered vessel calls at a Russian port or transits Russian waters.

Q3: Do the requirements apply to West as a Luxembourg regulated insurance entity?

Although the Club is domiciled in and regulated by the insurance authorities in Luxembourg, the fact that the Manager's office in London provides "insurance-related services" as defined by the relevant UK legislation, such as the management of policies and claims handling, may be sufficient to bring insurance policies underwritten by the Association within scope. In addition, the fact that the servicing of insurance contracts in all the Clubs offices may be performed by UK nationals (to whom the regulations apply regardless of domicile) may also be sufficient to bring those offices within scope.

The Managers are currently seeking clarification from the UK Government on this point, but we believe it to be prudent to collect the data in case it is confirmed that West is subject to these Regulations.

Q4: Do the requirements apply to charterer or Defence-only entries?

No, the requirements as set out in the Notice currently apply only to owned entries (including fixed premium).

Q5: I am unsure what information to provide.

The spreadsheet which accompanied the Notice sets out the minimum information which a Member should provide within one month of a call at a Russian port or a transit of Russian waters. Most, if not all, of this information should be available to the carrier by the end of that period. As specified in the spreadsheet, the end date of the voyage may be estimated if the voyage has not been completed at the time the information is provided. If a Member genuinely considers they cannot complete any particular field in the spreadsheet, then they should specify "N/A" or similar but it would be sensible in that event for the Member to keep their own record of the reason why it could not provide the information. If the vessel is in ballast at the relevant time, then this should be specified in the spreadsheet under the heading "cargo".

Q6: Do I specify the receiver as the consignee?

Depending on the nature of the bill of lading or other transport document, the consignee may change throughout a voyage and up until the point at which the cargo is delivered. Where cargo is delivered without production of a bill of lading, it may not become clear to the Member for some time (if ever) who was the final consignee under a bill of lading.

The Member can only provide the Club with such accurate information as is available at the time that information needs to be submitted. That may be the original named consignee specified in the bill of lading or other transport document at the time it was issued (or the consignee may simply be described as “to order”). Or it may be the holder of the bill of lading by way of endorsement at the time the bill is surrendered to the carrier (i.e. the receiver).

Q7: My charterer issues bills of lading. What should I do?

A Member can only provide the Club with such information which is available to it at the time that information needs to be submitted. However, in the event that a return by a Member comes under scrutiny, the Member may have to justify why it was unable to complete any fields left blank on its spreadsheet. Members are often provided with copies of bills of lading issued on its behalf or charterer’s bills of lading even if they are not involved in their issuance. Cargo manifests and other typical shipping records will provide a lot of the information required under the Circular.

Q8: Does name of vessel owner mean the legal registered owner?

Yes. It does not refer to a disponent owner or beneficial owner.

Q9: My vessel is not loading or discharging at Russia, do I still have to provide the information?

A return is needed for each occasion a vessel entered with West for an owners’ risks (mutual or fixed premium) either calls at a Russian port or transits Russian territorial waters. Even if the vessel is not loading or discharging at Russia, information needs to be provided about the voyage the vessel is undertaking and the cargo onboard at the time of the port call or transit. It is likely that declarations by Members will need to be scrutinised in the event of a claim that the Club is called upon to assist with.