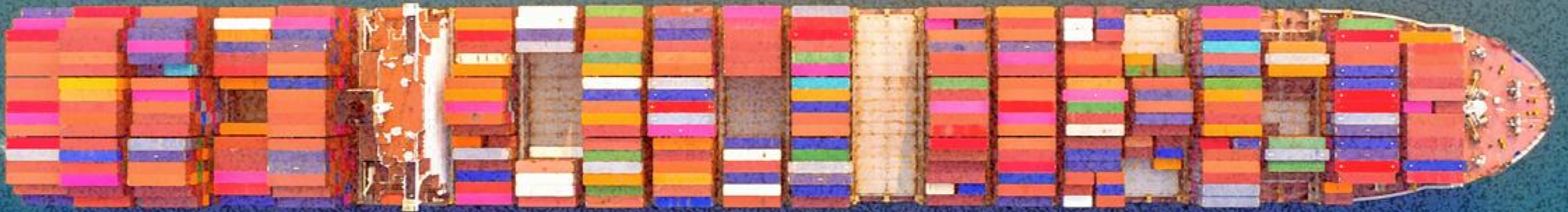


# The present status of vessels detained in Ukraine and the application of CTL insurance

*Speaker: Avv. Pietro Palandri, Vice President of the Italian Maritime Law Association (AIDIM); Senior Partner at Studio Legale Mordiglia*

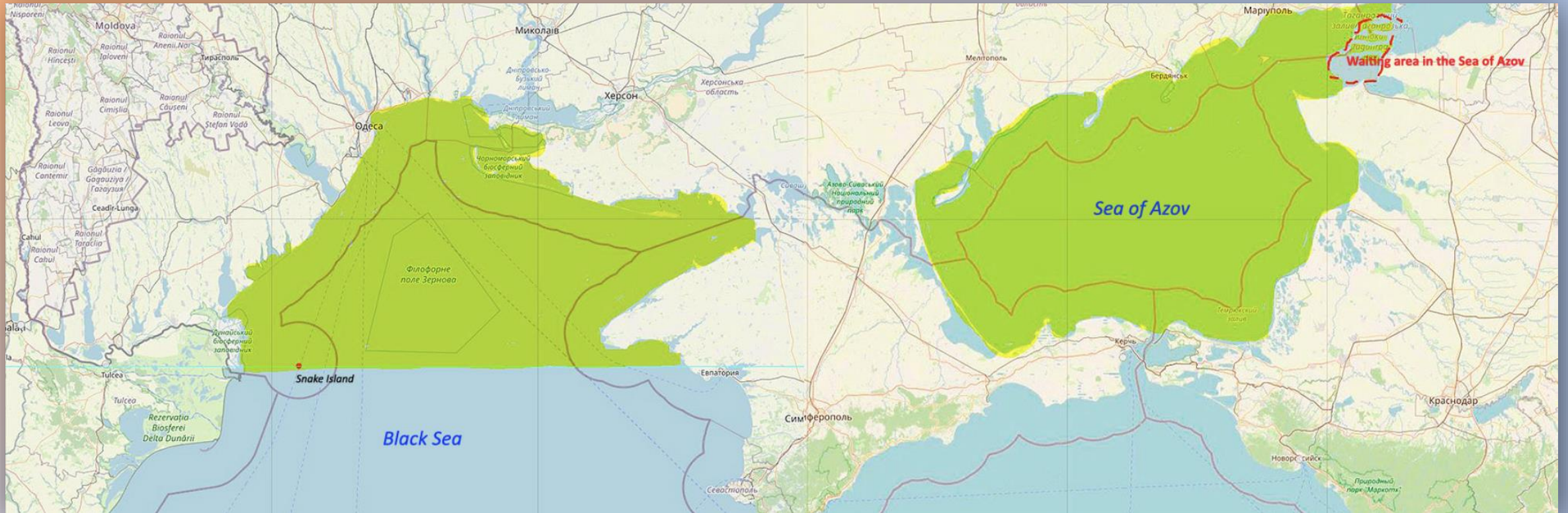




# The Russian-imposed Naval Blockade

- **Before the beginning of the hostilities:** the Russian Federation issues two international coastal warnings for the **Sea of Azov** (February, 23rd) and **northwestern Black Sea** (February, 24th). **Free movement** of maritime vessels **is prohibited** under the pretext of an ongoing “**anti-terrorist**” operation. **All major Ukrainian ports** and **key maritime lanes** fell within the **restricted area**.
- **On February 24th, 2022:** **100** commercial vessels forcefully dock in Ukrainian ports. The Ukrainian Military halts commercial shipping at its ports, stoking fear of supply disruption from leading exports.
- **Evacuation efforts for maritime personnel** began: approximately **2,000 individuals from 27 nationalities** left the country through humanitarian corridors.

# Chart of Navigationally Restricted Zones



Restricted and Waiting Areas (in green), 24 February 2022 / Source: [Black Sea News](#)



# Navigational Hazards: 1) Naval and Riverine mines

State Institution “ДЕРЖГІДРОГРАФІЯ”

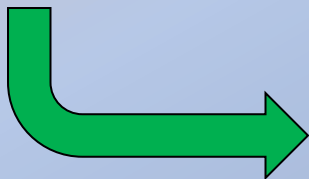
[STATE HYDROGRAPHY]

CENTRE FOR NAVIGATIONAL AND  
HYDROGRAPHIC INFORMATION

NAVIGATIONAL OPERATIONAL  
INFORMATION BULLETIN

February 27, 2022, Sunday

Issue No. 58



ДЕРЖАВНА УСТАНОВА “ДЕРЖГІДРОГРАФІЯ”  
ЦЕНТР НАВІГАЦІЙНО-ГІДРОГРАФІЧНОЇ ІНФОРМАЦІЇ  
БЮЛЕТЕНЬ ОПЕРАТИВНОЇ НАВІГАЦІЙНОЇ ІНФОРМАЦІЇ

Лютий, 27, 2022, неділя  
Випуск № 58

**I. Номери чинних прибережних попереджень:**

ДУ “Держгідрографія”, чинні ПРМП України:

458/16, 321/18, 425/19, 426/19, 486/19,  
267/21, 278/21, 306/21, 307/21, 308/21, 343/21, 428/21, 439/21, 498/21, 558/21, 571/21, 576/21,  
577/21, 578/21, 579/21, 583/21, 584/21, 585/21, 586/21, 587/21, 588/21, 613/21, 614/21, 615/21,  
616/21, 617/21, 618/21, 619/21, 639/21, 68/22, 69/22, 20/22, 22/22, 23/22, 24/22, 25/22, 26/22,  
28/22, 29/22, 33/22, 34/22, 35/22, 54/22, 62/22, 67/22, 71/22, 73/22, 74/22, 76/22, 78/22, 80/22,  
82/22, 83/22, 84/22, 85/22, 86/22, 87/22, 88/22, 89/22, 90/22, 91/22, 92/22, 93/22, 94/22, 95/22,  
96/22, 97/22

**II. Тексти прибережних попереджень, оголошених з 26.02.2022 по 27.02.2022**

271240 UTC FEB 22 УКРАЇНА ПРМП 97/22 ОДЕССА-НАВТЕКС ЧЕРНОЕ МОРЕ	271240 UTC FEB 22 UKRAINE COASTAL WARNING 97/22 ODESA-NAVTEX BLACK SEA
С 271200 UTC ФЕВ 22 В СВЯЗИ С МИННОЙ ОПАСНОСТЬЮ ПЛАВАНИЕ ЗАПРЕЩЕНО В РАЙОНЕ ОГРАНИЧЕННОМ 46-36.6N 031-04.3E 46-30.8N 031-06.6E 46-29.6N 030-56.4E 46-33.7N 030-52.3E И БЕРЕГОВОЙ ЛИНИЕЙ	FROM 271200 UTC FEB 22 DUE TO MINE DANGER NAVIGATION PROHIBITED IN AREA BOUNDED BY 46-36.6N 031-04.3E 46-30.8N 031-06.6E 46-29.6N 030-56.4E 46-33.7N 030-52.3E AND COASTLINE
Постанов: ГД ВМС ЗСУ № 28 від 27.02.22	
271230 UTC ФЕВ 22 УКРАЇНА ПРМП 96/22 ОДЕССА-НАВТЕКС ЧЕРНОЕ МОРЕ	271230 UTC FEB 22 UKRAINE COASTAL WARNING 96/22 ODESA-NAVTEX BLACK SEA
С 271200 UTC ФЕВ 22 В СВЯЗИ С МИННОЙ ОПАСНОСТЬЮ ПЛАВАНИЕ ЗАПРЕЩЕНО В РАЙОНЕ ОГРАНИЧЕННОМ 46-22.5N 030-45.1E 46-20.2N 030-53.1E 46-11.9N 030-47.1E 46-14.8N 030-37.6E И БЕРЕГОВОЙ ЛИНИЕЙ	FROM 271200 UTC FEB 22 DUE TO MINE DANGER NAVIGATION PROHIBITED IN AREA BOUNDED BY 46-22.5N 030-45.1E 46-20.2N 030-53.1E 46-11.9N 030-47.1E 46-14.8N 030-37.6E AND COASTLINE
Постанов: ГД ВМС ЗСУ № 27 від 27.02.22	

**III. Номери чинних навігаційних попереджень NAVAREA 031:**

0903/21, 0904/21, 0905/21, 0032/22, 0043/22, 0048/22, 0049/22, 0050/22, 0051/22,  
0052/22, 0053/22, 0054/22, 0081/22, 0083/22, 0084/22, 0089/22, 0092/22, 0093/22

**IV. Оголошення:**

Чинні прибережні попередження (ПРМП) і всі ПРМП 2020/21/22 року (АРХІВ) публікуються на офіційному веб-сайті державної установи “Держгідрографія”: [hydro.gov.ua/?page\\_id=144](https://hydro.gov.ua/?page_id=144)

**Контакти:**

02094, м. Київ, проспект Юрія Гагаріна, 23, ДУ “Держгідрографія”;  
тел: факс: (044) 292-41-20, мобільний: 050-411-84-73;  
e-mail: [navtex@ukr.net](mailto:navtex@ukr.net), [navtexukr@gmail.com](mailto:navtexukr@gmail.com).

Заступник начальника з питань  
навігаційно-гідрографічного забезпечення

Микола ГОЛОДОВ

Метеопрогноз ГМЦ Чорного та Азовського морів на морські води України

271100 UTC FEB 22 БЕРДІАНСК-НАВТЕКС МЕТЕОПРОГНОЗ ЧАСТЬ 1 ВЕТЕР ДНЕМ СЕВЕРО-ВОСТОЧНЫЙ 15-17 МС ВЫСОТА ВОЛН 13-15 ДМ ЧАСТЬ 2 ПО ПРИЗЕМНОЙ КАРТЕ НА 281200 UTC ВЗАИМОДЕЙСТВИЕ ЦИКЛОНА НАД ТУРЦИИ И ГРЕБНЯ РАСПРОСТРАНЯЮЩЕГОСЯ С СЕВЕРА ЧАСТЬ 3 ПРОГНОЗ ПОГОДЫ ОТ 271800 ДО 281800 UTC ПО 20444 /АЗОВСКОЕ МОРЕ/ И 1 И 2 КВ /КЕРЧЬ-АНАПА/ 19555 ПОДРАЙОНА ЧЕРНОГО МОРЯ ВЕТЕР СЕВЕРО-ВОСТОЧНЫЙ 12-14 МС ДНЕМ 12-17 МС ВТОРОЙ ПОЛОВИНЕ ДНЯ МЕСТАМИ ОСАДКИ ВИДИМОСТЬ 1-2 КМ ВЫСОТА ВОЛН 13-15 ДМ 20444 ПЕРВОЙ ПОЛОВИНЕ НОЧИ 7-12 ДМ	271100 UTC FEB 22 BERDIANSK-NAVTEX WEATHER FORECAST PART 1 WIND BY DAY NORTHEASTERLY 15-17 MS SEAS 13-15 DM PART 2 SYNOPSIS OF SURFACE FORECAST WEATHER CHART 281200 UTC INTERACTION LOW PRESSURE ABOVE TURKEY AND CREST MOVING FROM NORTH PART 3 WEATHER FORECAST FROM 271800 TO 281800 UTC FOR 20444 /SEA OF AZOV/ AND 1, 2 SQ /KERCH-ANAPA/ 19555 PART OF BLACK SEA WIND NORTHEASTERLY 12-14 MS BY DAY 12-17 MS IN THE SECOND HALF OF DAY PRECIPITATION AT VISIBILITY 1-2 KM PARTLY SEAS 13-15 DM 20444 IN THE FIRST HALF OF NIGHT 7-12 DM
271100 UTC FEB 22 ОДЕССА-НАВТЕКС МЕТЕОПРОГНОЗ ЧАСТЬ 1 ВЕТЕР СЕВЕРО-ВОСТОЧНЫЙ 15-17 МС ВЫСОТА ВОЛН 15-25 ДМ ЧАСТЬ 2 ПО ПРИЗЕМНОЙ КАРТЕ НА 281200 UTC ВЗАИМОДЕЙСТВИЕ ЦИКЛОНА НАД ТУРЦИИ И ГРЕБНЯ РАСПРОСТРАНЯЮЩЕГОСЯ С СЕВЕРА ЧАСТЬ 3 ПРОГНОЗ ПОГОДЫ ОТ 271800 ДО 281800 UTC ПО 19222 /СЕВЕРО-ЗАПАДНОМУ/ И 19333 /КРЫМСКОМУ/ ПОДРАЙОНАМ ЧЕРНОГО МОРЯ ВЕТЕР СЕВЕРО-ВОСТОЧНЫЙ 12-17 МС ДНЕМ МЕСТАМИ ОСАДКИ ВИДИМОСТЬ 1-2 КМ ВЫСОТА ВОЛН 13-20 ДМ 19222 ДНЕМ 15-25 ДМ	271100 UTC FEB 22 ODESA-NAVTEX WEATHER FORECAST PART 1 WIND NORTHEASTERLY 15-17 MS SEAS 15-25 DM PART 2 SYNOPSIS OF SURFACE FORECAST WEATHER CHART 281200 UTC INTERACTION LOW PRESSURE ABOVE TURKEY AND CREST MOVING FROM NORTH PART 3 WEATHER FORECAST FROM 271800 TO 281800 UTC FOR 19222 /NORTHWESTERLY/ AND 19333 /CRIMEAN/ PART OF BLACK SEA WIND NORTHEASTERLY 12-17 MS BY DAY PRECIPITATION AT VISIBILITY 1-2 KM PARTLY SEAS 13-20 DM 19222 BY DAY 15-25 DM

Метеорологічна інформація від технічних засобів ДУ “Держгідрографія”

271100 UTC FEB 22 БЕРДІАНСК-НАВТЕКС БЕРДІАНСКИЙ НИЖНИЙ МЕТЕОСТАНЦИЯ ВЕТЕР СЕВЕРО-СЕВЕРО-ЗАПАДНЫЙ 1 МС ПОРЫВЫ 4 МС ТЕМПЕРАТУРА ВОЗДУХА 7 ГРАДЦЕЛЬСИЯ ВЛАЖНОСТЬ ВОЗДУХА 65 ПРОЦЕНТОВ	271100 UTC FEB 22 BERDIANSK-NAVTEX BERDIANSKYI NYZHNIY METEO WIND NORTH-NORTHWESTERLY 1 MS IN GUSTS 4 MS AIR TEMPERATURE 7 DEG C AIR HUMIDITY 65 PERCENT
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Рівні води на водомірних постах ДУ “Держгідрографія” (метри)

Час (Київ)/ВОДИСТО	ОДЕСА	ЧОРНОМОРСЬК	Гідроп. р. РВАЧ
00.00	-	-	-
12.00	-	-	-

Начальник ЦНГІ

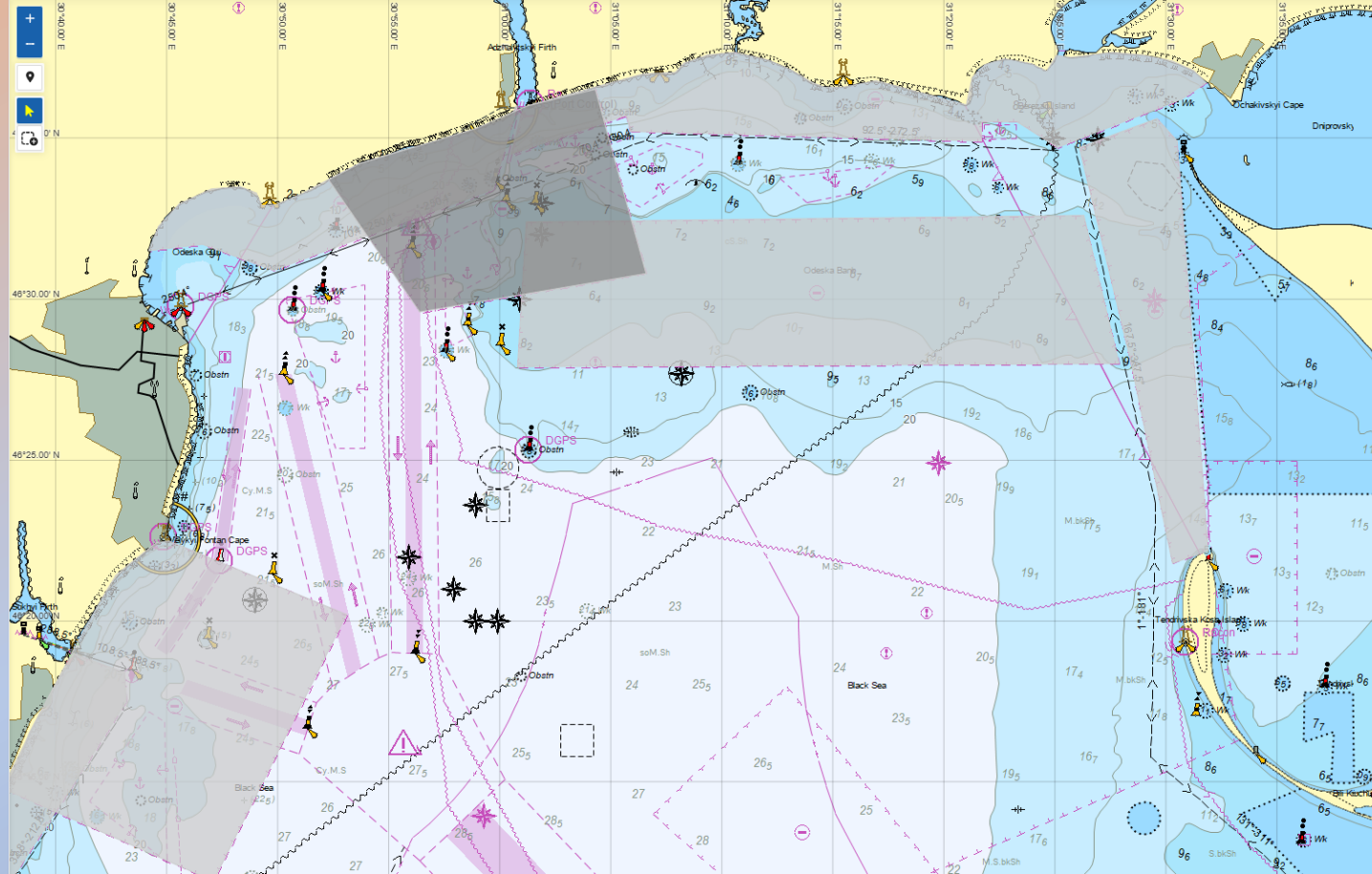
Іван ЗАХАРОВ

Старший диспетчер ЦНГІ

Олександр КОЗАНЮК

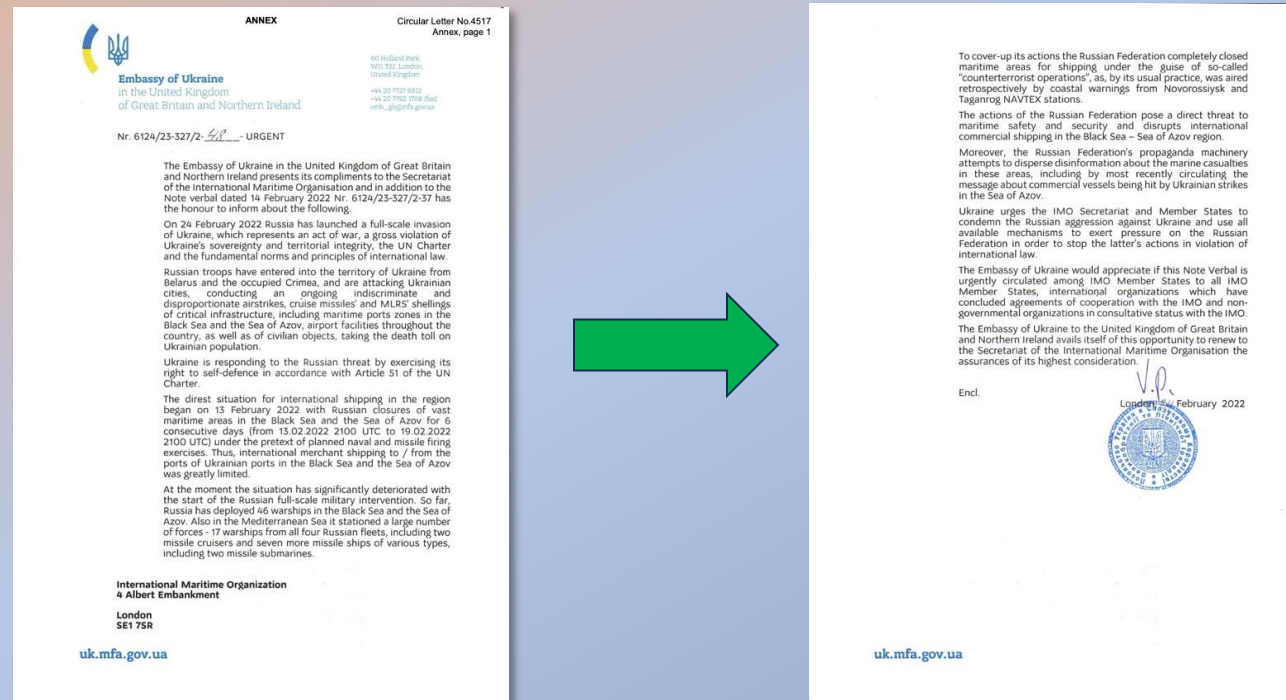
# Navigational Hazards – Appendix B

The mine indicated area is shown in detailed **in grey**, as per NAVTEX received communications on February 27th, 2022.



# The immediate consequences of the invasion

On February 24th, 2022, the Government of Ukraine sent a message to the IMO, stating the fully closure of Ukraine Ports for entry and exit.



Communication nr. 6124/23-327/2-48 ([Embassy of Ukraine in the United Kingdom of Great Britain and Northern Ireland](#))



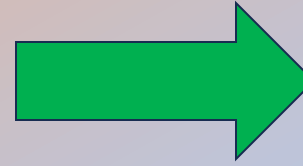
# Commercial Ships in Inland Ports and Occupied Areas

- Since **February 2022**, several commercial ships have been docked in **inland ports** – i.e. connected to the Black Sea via the Dnipro River and estuaries – or **occupied areas** (e.g. left bank of the Dnipro River).
- Latest available data illustrate n.29 vessels in **Kherson**; n. 14 in **Mykolaiv**; n. 5 in **Mariupol** (illegally annexed to the Russian Federation in **May 2022**); n. 2 in **Odesa**.
- **Ships** are mostly **uncrewed**.



Source: [The Economist](#)

**Institute War and Strikes Clauses  
*Hulls-Time***



**Clause n.  
3: Detainment**

*In the event that the Vessel shall have been the subject of capture, seizure, arrest, restraint, detainment, confiscation or expropriation, and the Assured shall thereby have lost the free use and disposal of the Vessel for a continuous period of 12 months **then for the purpose of ascertaining whether the Vessel is a constructive total loss the Assured shall be deemed to have been deprived of the possession of the Vessel without any likelihood of recovery.***



# London Blocking and Trapping Addendum LPO 444

For use with Institute War and Strikes Clauses Hull – 1/10/83



*It is hereby agreed that the inability of the Vessel to sail from any port, canal, waterway or other place to the high seas for a continuous period of (As arranged) months as a result of the closure of the connecting channel to all vessels of such size or draft is within the term “restraint” appearing in Clause 3 of the Institute War and Strikes Clauses – Hulls 1.10.83 provided that such closure has arisen through the blockage of the waterway by a warlike act, or act of national defense.*

# Marine Insurance Act (1906)

## 60. Constructive total loss defined

*(1) Subject to any express provision in the policy, there is a constructive total loss where the subject-matter insured is reasonably abandoned on account of its actual total loss appearing to be unavoidable, or because it could not be preserved from actual total loss without an expenditure which would exceed its value when the expenditure had been incurred.*

*(2) In particular, there is a constructive total loss—*

*(i) Where the assured is deprived of the possession of his ship or goods by a peril insured against, and (a) it is unlikely that he can recover the ship or goods, as the case may be [...].*



# INSTITUTE BRIDGING CLAUSE (HULLS)



*Insofar as this insurance is subject to standard foreign clauses, plans or codes, these shall be given the same construction as they are given in the market to which they belong.*

*Save for such construction, this insurance shall be subject to English law and practice and to the exclusive jurisdiction of the English Courts.*

# Camogli Policy - 1988 edition

**General conditions:** Policy of Marine Insurance on Hull and Machinery of vessel and other Ship-Owners Interests. At the conditions of the Clauses of the Institute of London Underwriters.

- **Art.1 - Conditions of Insurance**

*The insurance is subject to the Conditions of the attached Clauses of the Institute of London Underwriters, as indicated in art 1 of the «Particular conditions» where the expressions – for use only with the new marine policy form- and –this insurance is subject to the English law and practice – referred to in the heading are deemed to be cancelled.*

- **Art.2 - Law governing the contract and interpretation of the English Clauses**

*The present contract is governed by Italian Law. The English Clauses attached to the present Policy must nevertheless be interpreted and applied as they are interpreted and applied in England.*



## **Insurance Contract Interpretation: OLG Hamburg v. 22. 12. 1994 6 U 71/94**

*Even if an insurance contract drafted in English is subject to German law, English-language clauses must be interpreted in accordance with English law if they are agreements tailored to the special features of english law.*

*Reference: VersR 1996, 229*

# Camogli Policy, Art. 9 – Abandonment

- *The Assured may abandon the vessel to Underwriters and claim the total loss indemnity in the following cases:*
- *1) where the circumstances as provided by art 540 refers a) and b) of the Code of navigation apply.*
- *2) where the circumstances as provided by the Constructive Total Loss Clause of the attached English Clauses apply.*
- *3) where the assured in consequences of an insured peril is deprived of the vessel either definitely or for a period of 12 months on expiry of which an imminent recovery is not foreseeable.*
- *The abandonment must be served to the Underwriters in the form prescribed by the Italian law.*





# Thank You

