

# Hans-Jürgen Zeyse

## Report of the Working-Group “Forms”

### Introduction

During the General Assembly at Seville in 2001 a final report was delivered concerning “**Research into the diminishing declarations of general-average**”. One of the questions raised within this report was : *“Should AIDE make a thorough research into the possibilities of less expensive, more effective ways of collecting securities and submit proposals to the insurance markets (IUMI) ?”*

The discussion within the General Assembly revealed that members without exception agreed that a working-group should be formed to examine the practice of obtaining securities, the possible changes which could lead to faster release and/or lesser expenses. All members within the discussion agreed that the practice of obtaining securities is up to this day much too complicated.

A working-group was formed with the simple title “**Forms**” with the following members:

**Jean Francois Chevreau**  
**Tim Madge**  
**Angel Lamet**  
**Howard Myerson**  
**Vibeke Kofoed**  
**Anna Dioletou**  
**Janusz Fedorowicz**

### Questionnaire

No special questionnaire was sent out to the above members however only the request with a circular e-mail dated 30. May 2002 to submit the forms they use in collecting securities from cargo. For the council-meeting at Brielle in September 2002 no interim-report was available since still some forms from members were missing.

When the collection of forms was accomplished it became quite clear that actually none of the submitted forms, mostly

**General-Average Bond**  
**General-Average Guarantee**

were identical. The WG therefore refrained from collecting further forms from other members. The initial idea within our WG was to draft three separate forms and submit these to the next General Assembly for approval, namely:

**General-Average Bond**  
**General-Average Guarantee**  
**Combined Form**

## Hans-Jürgen Zeyse

-2-

The WG submitted three different forms and a report was issued September 3, 2003. This report and the forms were discussed at the General Assembly in Amsterdam in 2003. The result of the discussion reflected the different ideas and/or opinions within the working-group, namely that the collection of securities was in the past and remains up to this day connected with the national laws and usages of the different countries.

The wording of an average-bond and an average-guarantee under an AIDE-Logo which could be used world-wide was therefore considered to be too complicated and not especially within the duty of the WG. The WG was created to examine the possibilities of simplifying the procedure of collecting security. In this connection the General Assembly at Amsterdam requested the WG to continue and submit to the next Assembly a "streamlined" wording of the so-called "Combined Form".

At the Council meeting at Camogli in October 2004 the WG could only inform the president that three different forms of the combination document were before the members for their comments and/or approval. The problem proved to be that in accordance with usages and/or law in the English market the form should contain a jurisdiction clause whereas the other European members preferred not to include a jurisdiction clause for the mere reason that the party collecting the securities normally the shipowner should decide whether he would like to include a special provision concerning jurisdiction. In case of a guarantee the party signing the document decides on the jurisdiction and it is for the receiver of the document to decide whether he accepts that document or not.

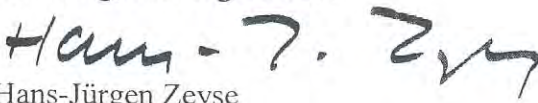
For the purpose of our research to simplify matters the question of jurisdiction complicates matters rather than simplifying.

Members of the working group present at Camogli agreed that the attached form should be the one which the WG now would like to present to the next General Assembly at Monte Catini 2005 for the approval of the members present with the request that members of AIDE should be encouraged to use this form, whenever they deem this possible and to report later on their experience with this form.

If and when approved this form should be made available on our web-site.

The undersigned chairman would like to thank members of his working-group for their cooperation and patience throughout.

Hamburg, 31. August 2005

  
Hans-Jürgen Zeyse

**Average Bond / Guarantee**  
(combined form)

referring to the GENERAL AVERAGE of:

**" Motorvessel "**

Owners :  
Charterers :  
Voyage :  
Accident :

1) We, the undersigned consignees or shippers or owners of the cargo/containers described hereafter, do hereby guarantee payment in free transferable currency of contribution to General-Average, Salvage and/or Special Charges, chargeable against the goods mentioned below in conformity with an Average Adjustment to be drawn up according to York-Antwerp Rules applicable per Bill of Lading and/or Charter Party, by:

**Name of Adjuster:**

**Tel:**

**Street:**

**Fax:**

**City:**

**E-Mail:**

2) We, the undersigned underwriters agree to meet the above liabilities accepted by the undersigned consignees or shippers or owners of the cargo/containers for the delivery of their cargo/containers without payment of a Deposit. We furthermore agree that should a payment on account of Disbursements be required, we will, if called upon, forthwith make such payment on account provided duly certified by the adjusters.

NOTE: In case of transshipment and York-Antwerp Rules other than the 1994 Rules being applicable, the Non-Separation Agreement, as per Rules G and XVII of York-Antwerp Rules 1994, is considered to be expressly incorporated herein.

**Port of shipment:**

**Port of destination/discharge:**

**Bill of Lading or waybill No.(s)**

**Quantity and description of goods/container incl. marks and numbers:**

**Re 1) Consignees or Shippers /Container proprietors**

NOTE: Please insert here and attach copy of invoice or insert container-value

**VALUE: FOB:** \_\_\_\_\_

**CIF:** \_\_\_\_\_

Place and date:

Stamp and Signature of Consignees/Shippers/Container proprietors

**Re 2) Underwriters**

NOTE: Please stamp and sign and insert insured-value / full address / fax-number / e-mail / reference-number

**INSURED VALUE:** \_\_\_\_\_

Place and date:

Stamp and Signature of Underwriters

http://www.

**Average Bond / Guarantee**  
(combined form)

AIDE monétarisation form

referring to the GENERAL AVERAGE of:

**" Motorvessel "**

Owners :  
Charterers :  
Voyage :  
Accident :

1) We, the undersigned consignees or shippers or owners of the cargo/containers described hereafter, do hereby guarantee payment in free transferable currency of contribution to General Average, Salvage and/or Special Charges, chargeable against the goods mentioned below in conformity with an Average Adjustment to be drawn up according to York-Antwerp Rules applicable per Bill of Lading and/or Charter Party, by:

**Name of Adjuster:**

**Tel:**

**Street:**

**Fax:**

**City:**

**E-Mail:**

2) We, the undersigned underwriters agree to meet the above liabilities accepted by the undersigned consignees or shippers or owners of the cargo/containers for the delivery of their cargo/containers without payment of a Deposit. We furthermore agree that should a payment on account of Disbursements be required, we will, if called upon, forthwith make such payment on account provided duly certified by the adjusters.

NOTE: In case of transshipment and York-Antwerp Rules other than the 1994 Rules being applicable, the Non-Separation Agreement, as per Rules G and XVII of York-Antwerp Rules 1994, is considered to be expressly incorporated herein.

**Port of shipment:**

**Port of destination/discharge:**

**Bill of Lading or waybill No.(s)**

**Quantity and description of goods/container incl. marks and numbers:**

**Re 1) Consignees or Shippers /Container proprietors**

NOTE: Please insert here and attach copy of invoice or insert container-value

**VALUE: FOB:** \_\_\_\_\_

**CIF:** \_\_\_\_\_

Place and date:

Stamp and Signature of Consignees/Shippers/Container proprietors

**Re 2) Underwriters**

NOTE: Please stamp and sign and insert insured-value / full address / fax-number / e-mail / reference-number

**INSURED VALUE:** \_\_\_\_\_

Place and date:

Stamp and Signature of Underwriters

**Average Bond / Guarantee**  
(combined form)

FIDEHJZ-F0217

referring to the GENERAL AVERAGE of:

**" Motorvessel "**

**Owners :**  
**Charterers :**  
**Voyage :**  
**Accident :**

1) We, the undersigned consignees or shippers or owners of the cargo/containers described hereafter, do hereby guarantee payment in free transferable currency of contribution to General Average, Salvage and/or Special Charges, chargeable against the goods mentioned below in conformity with an Average Adjustment to be drawn up according to York-Antwerp Rules applicable per Bill of Lading and/or Charter Party, by:

<b>Name of Adjuster:</b>	<b>Hans-Jürgen Zeuse (GmbH &amp; Co.)KG</b>	<b>Tel:</b>	<b>040 44 35 01</b>
		<b>Fax:</b>	<b>040 44 35 01</b>
<b>Street:</b>	<b>Innocentiastraße 50</b>	<b>E-Mail:</b>	<b>hjzeuse @ t-online.de</b>
<b>City:</b>	<b>20144 HAMBURG</b>		

2) We, the undersigned underwriters agree to meet the above liabilities accepted by the undersigned consignees or shippers or owners of the cargo/containers for the delivery of their cargo/containers without payment of a Deposit. We furthermore agree that should a payment on account of Disbursements be required, we will, if called upon, forthwith make such payment on account provided duly certified by the adjusters.

NOTE: In case of transshipment and York-Antwerp Rules other than the 1994 Rules being applicable, the Non-Separation Agreement, as per Rules G and XVII of York-Antwerp Rules 1994, is considered to be expressly incorporated herein.

**Port of shipment:**  
**Port of destination/discharge:**  
**Bill of Lading or waybill No.(s)**  
**Quantity and description of goods/container incl. marks and numbers:**

<b>Re 1) Consignees or Shippers /Container proprietors</b>	
NOTE: Please insert here and attach copy of invoice or insert container-value	
<b>VALUE: FOB:</b> _____	<b>CIF:</b> _____
<b>Place and date:</b> _____	<b>Stamp and Signature of Consignees/Shippers/Container proprietors</b>

<b>Re 2) Underwriters</b>	
NOTE: Please stamp and sign and insert insured-value / full address / fax-number / e-mail / reference-number	
<b>INSURED VALUE:</b> _____	
<b>Place and date:</b> _____	<b>Stamp and Signature of Underwriters</b>