

Agenda item 13 – Disclaimer for IWRAP Mk2

Introduction of a disclaimer into the programme of IWRAP Mk2

Executive summary: This document provides the Legal Advisory Panel with the text of the new disclaimer introduced into the programme of IWRAP Mk2.

Detail: IALA has developed different tools to assess the risks of groundings and collisions in certain areas (Recommendation O.134). Among the tools is the programme IWRAP Mk2, which is available free of charge to the IALA Members. A commercial version is also available and distributed by GateHouse. The programme of the two versions is similar, but with the commercial version some tasks are fulfilled automatically, while they have to be made by hands with the free version.

IALA, and now the IALA World-Wide Academy, organises training seminars on the use of the IALA Risk Management Tools regularly, normally once a year. The evolution of the tools is also followed by a dedicated Steering Group. At its 30th session, held just after the Sydney training seminar, November 2012, and taking into account the observations of some participants on the IALA responsibility, the Steering Group decided to introduce a disclaimer into the programme, both in the free version of IWRAP Mk2 and in its commercial version. The text is as follows: *“Although the product is recommended by and part of IALA's Risk Toolbox, IALA assumes no liability in connection with the performance of the Product or any services, the Product performs. IALA assumes no responsibility for errors or omissions in the Product or the services and assumes no responsibility for any loss or damage in connection with the use of the Product, whether caused by errors or discrepancies in the Product or other reasons.”*

Recommendation: LAP is invited to:

- (i) note the information provided;
- (ii) provide any comments it considers appropriate on the proposed text of the disclaimer.

25 February 2013