



ANGELO BOGLIONE

**L'assicurazione della «Costa Concordia» e la protezione P&I**

I profili assicurativi della «Costa Concordia» non sono di dominio pubblico, ma è trapelato che è stata risarcita a titolo di *constructive total loss* con circa quattrocentomilioni di dollari a termini del formulario americano *American Institute Hull Clauses* (AIHC – ed. 2.VI.1977). La nave (al pari del 90% del naviglio mercantile mondiale) godeva della copertura *protection & indemnity* conferitale da due primari P&I Clubs londinesi alle condizioni precisate nelle loro Rules. Il formulario AIHC echeggia, pur distaccandosene vistosamente, la vetusta polizza *Ships and Goods* allegata al *Marine Insurance Act* del 1906 ma pubblicata, in prima versione, dalla corporazione dei *Lloyd's* il 12 gennaio 1779. Del testo originale sopravvive l'arcaica clausola «Perils» da leggersi congiuntamente alla successiva e pregnante «*Additional Perils – Inchmaree*» che estende la copertura a «*Negligence of Masters, Officers, Crew, Pilots*», ad esclusione dei danni risalenti a «*want of due diligence by the Assured, the Owners or Managers of the vessels*».

I P&I Clubs inglesi, a struttura mutualistica non profit, sottostanno al MIA – *Marine Insurance Act* del 1906 e all'*Insurance Company Act* 1982. I premi (denominati *calls*) non sono a tasso fisso ma soggetti ad integrazioni (*additional calls*). Organizzati in *pools*, i Clubs rispondono ciascuno fino a nove milioni di dollari per *claim* mentre l'area compresa tra US\$ novemilioni e US\$ settantamiloni è coperta dall'*International Group of P&I Clubs*; al di sopra di oltre tale livello intervengono le ulteriori amplissime protezioni riassicurative x.l. che non ne offuscano la natura mutualistica.

***The Insurance of «Costa Concordia» and the P&I Protection***

*In the absence of official report as to Costa Concordia's Hull Policy details, it transpired that the ship has been indemnified in terms of constructive total loss for \$ 400 million about. At the same time Costa Armatori, shouldered by two leading London P&I Clubs the vessel was entered with, set forward the removal of the wreck as ordered by the Italian administrative authorities. The «Costa Concordia» Hull and Machinery and disbursements were insured on the basis of the American form AIHC – American Institute Hulls Clauses (AIHC – June 2nd 1977) H&M, besides the increased value and excess liability clauses P&I coverage, complementary and intimately connected to the «Hull» policy, encompasses a considerable amount of risks and is of paramount importance for ship-owners worldwide; trading vessels are entered for about the 90% with P&I Clubs, protected in turn by a solid reinsurance which does not alter the mutuality of the structure. The archaic clause «Perils» stands in conjunction with the overriding «Additional Perils – Inchmaree» clause extending coverage up to «Negligence of Masters, Officers, Crew, Pilots» to the exclusion of loss or damage caused by «want of due diligence by the Assured, the Owners or Managers of the vessels».*

*P&I Clubs have still the structure of a non profit mutuality, subject to MIA – Marine Insurance Act of 1906 and to Insurance Company Act 1982. Premia, named calls, are not prefixed but subject to be adjusted according to the circumstances (additional calls). P & I Clubs are structured in pools, to such an extent that any single P&I Club is liable and retains up to \$ 9 million per claim whilst the area between US\$ 9 and US\$ 70 million is covered under x. l. basis with the International Group of P&I Clubs. Thereafter further layers are reinsured for huge and differentiated amounts. P&I rules are equivalent to terms and conditions stated under ordinary insurance policies.*