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## Secretary General's Report

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August is usually a quiet month in UK but here has been plenty happening to keep us busy in the office.

We recently published two videos, the most important is our new IFSMA promotional video, it runs for 2m 30s. We encourage you to view the video and use it to promote IFSMA to your colleagues, you are free to download it. You will find it on our website front page, it is also referenced in the IFSMA Log pages.

The second video is a guide on how to make secure payments to IFSMA using our PayPal payment system and desktop PC, tablets or smartphones. It is available from our website front page, subscriptions page and again it is also referenced in the IFSMA Log pages.

Next month sees the IMO CCC Sub-Committee taking place (Carriage of Cargo and Containers). One important subject will be liquefaction, in particular on the carriage of Bauxite, with the final report on the Global Bulk Working Group (GBWG) and the results of the IMO Correspondence Group also on the carriage of Bauxite, however, the results indicate that it will also be relevant to other cargoes subject to liquefaction. The latest conclusions indicate that it is not the whole depth of cargo that liquefies but the top layer under certain circumstances. We will send you more information on this later.

THE BBC World Service (radio) recently broadcast a programme on seafarer mental health and wellbeing. It is well worth a listen and is available on the Internet at: <<http://www.bbc.co.uk/programmes/w172vhw4y02k7r>> or <<http://tinyurl.com/y9egsgza>> Unfortunately, it is only available until 24<sup>th</sup> September, so do not delay if you want to listen to it. Programme length is 53 minutes.

The approach of the Autonomous Vessel era is rapidly approaching and is inevitable. As you will be aware, it has featured as a subject in our last two AGAs. The UK Maritime and Coastguard Agency (MCA) registered the first Autonomous Vessel a couple of months ago as a British Ship, although we gather this is a small vessel. We are actively participating in various international committees dealing with this subject. The "Maritime Autonomous Ships Regulatory Working Group" (MASRWG), which started out as an interested party group and now appears to have been subsumed by the MCA. The "Unmanned Surface Vehicles Special Interest Group" organised by the "Institute of Marine Engineering, Science and Technology" (IMarEST), both of these groups have international membership. Lastly the IMO which has just received approval from the IMO Council to commence a scoping exercise for Autonomous

Ships in Maritime Safety Committee. One concern we have is that all these bodies are moving very slowly and we fear they may all be overtaken by events. Who is the Master of such vessels - this has not yet been determined. Initially we expect all these vessels to be manned, but who knows how long this will last. The insurance industry is also pondering this question, initial feedback indicates that insurers may well consider insuring autonomous vessels in a similar way to insuring driverless cars which are well and truly with us now. All we can do is keep a very close watch on these developments and support the role of the Master whenever and wherever possible.

**Captain Paul Owen, Assistant Secretary General**

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## IMB Maritime security hotline

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The IMB PRCS dedicated hotline for seafarers and all concerned parties enables them to report of any information that they may have seen / heard / known of, etc. Relating to any maritime or other illegal crimes including security threats. All information received will be treated in strict confidence and will be passed on to the relevant authorities for their action. Maritime crime and security concerns us all and with your help, we can try to minimise the risks and help save lives and property.

The maritime security hotline can be contacted 24 hours a day, every day at:- email: [imbsecurity@icc-ccs.org](mailto:imbsecurity@icc-ccs.org) or tel: +603 2031 0014; fax: +603 2078 5769.

Remember: your information may save lives. Please circulate within your crew.

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## International Federation of Shipmasters' Associations

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## The Supreme Court decision in The Ocean Victory – are there any practical lessons for masters?

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Whether or not a port is safe is a key issue for the master of a ship which may trade worldwide, between ports with widely differing standards of efficiency and maintenance. Whether a port is safe legally can sometimes differ from what is safe practically and a long line of cases in English law address the question of what is meant by a safe port along with the consequences for charterers if they nominate an unsafe one. The most recent such case is the Supreme Court decision in *Gard Marine and Energy Limited v China National Chartering Company Limited* (the “Ocean Victory”) [2017] UKSC 35<sup>1</sup>. The decision unanimously upheld the Court of Appeal’s conclusion that there was no breach of the safe port undertaking in the orders for the ship to discharge at Kashima in Japan. The majority of the Supreme Court also agreed with the Court of Appeal’s finding that the provisions for joint insurance in clause 12 of the Barecon 89 form prevented the hull insurers from exercising their subrogated rights to recover against the demise charterer in respect of the losses suffered for breach of a safe port warranty.

This article will consider why the Supreme Court decided that, despite the catastrophic loss of the *Ocean Victory*, the port was prospectively “safe” for the ship to visit and there was no breach of the warranty of safety.

### Background

The facts in this case are relatively well-known: The *Ocean Victory* was a Capesize bulk carrier which became a total loss whilst attempting to leave the port of Kashima in Japan on 24 October 2006. The vessel loaded a cargo of iron ore in South Africa for carriage to Kashima in Japan. The vessel arrived at Kashima on 20 October and berthed at the Raw Materials Quay where she began discharging. On 23 October discharge was interrupted by strong winds, heavy rain and a significant swell (as a result of a phenomenon known as “long waves”) which adversely affected the vessel at the berth. As a result, the Master decided to leave the berth for open water. In difficult weather conditions, he lost control of the vessel, which grounded and subsequently became a total loss. On appeal to the

<sup>1</sup> <https://www.supremecourt.uk/cases/docs/uksc-2015-0036-judgment.pdf> or <http://tinyurl.com/y8948we4>

Supreme Court, one of the issues that the Court had to determine was whether there had been a breach of the safe port undertaking.

### The High Court decision – breach of the safe port undertaking

On 30 July 2013, the High Court judge (Justice Teare), hearing submissions on both the facts (together with expert testimony) and law, found in favour of the owners/demise charterers. Justice Teare held that the port of Kashima was unsafe and that the whole loss was recoverable from the time charterers for breach of the safe port warranty contained in the respective charters.

Justice Teare based his decision, in part, on the fact that, separately, the two component features of the danger, being the long waves at the berth and the storm making the Kashima Fairway unnavigable, were characteristics or attributes of the port. He further held that while “it may well be a rare event for these two events to occur at the same time”, nobody at the port could be surprised if they did, and it was therefore “necessarily foreseeable” that at some stage they would occur together.

The Court of Appeal, which issued its judgment on 22 January 2015, emphatically disagreed with Justice Teare’s decision in relation to the safe port warranty and held that there was no breach of the safe port undertaking. This issue has been taken all the way to the Supreme Court, which has unanimously upheld the Court of Appeal’s decision.

### The test for a safe port

The Supreme Court reaffirmed that the test for a safe port is based on the longstanding decision of Lord Justice Sellers in *The Eastern City* that “a port will not be safe unless, in the relevant period of time, the particular ship can reach it, use it and return from it without, in the absence of some abnormal occurrence, being exposed to danger which cannot be avoided by good navigation and seamanship”. In other words, is the port normally dangerous to the extent that a master cannot visit it safely despite exercising good navigation and seamanship? An example of an unsafe port might be one with an underwater hazard lying in the main channel or one in which a buoy marking a hazard, is out of position. Another example might be where the berth has not been maintained and will inevitably damage the ship if she lies alongside it. If this is the case, then the charterers would be liable in damages to the ship owner for sending the ship to an unsafe port. This position is only altered if the unsafety is due to an “abnormal occurrence”.

The question of whether the port is unsafe must be tested as at the moment that the charterers instruct the owners to proceed to it and not at the time of the casualty. The Court accepted the charterers’ submission that the appropriate test was whether a reasonable shipowner trading the ship for his own account and knowing the relevant facts would decline to proceed to the nominated port due to its prospective unsafety.

The question the Supreme Court had to consider was what is meant by “an abnormal occurrence”? In answering this question, Lord Clarke emphasised that the test is not whether the events which caused the loss were reasonably foreseeable. He went on to say that reasonable foreseeability is a well-known test in some parts of the law of tort, notably negligence and remoteness of damage, but that it was not the test the courts had adopted in relation to the safety of a port. Lord Clarke agreed with the Charterers that an “abnormal occurrence” should have its ordinary meaning and is not a term of art. He also accepted that safe port disputes should be reasonably straightforward with the question being asked, namely, was the danger alleged an abnormal occurrence, that is something rare and unexpected, or was it something which was normal for the particular port for the particular ship’s visit at the particular time of the year? The judge agreed that something which is “abnormal” is something well removed from the normal i.e. it is out of the ordinary course and unexpected.

The Court disagreed with Justice Teare’s conclusion that this event could not be an abnormal occurrence because “even if the concurrent occurrence of those events is a rare event” in the history of the port such an event flows from “characteristics or features of the port”. Justice Teare considered that neither the “long waves” nor the storm were particularly rare events and that therefore it was not abnormal if those two separate factors should occur at the same time. This was not accepted by the Supreme Court and Lord Clarke agreed with the ultimate conclusion of the Court of Appeal that Justice Teare should have taken into account the unchallenged evidence relating to the exceptional nature of the storm that affected Kashima on 24 October 2006 in terms of its rapid development, its duration and its severity. The combination of weather conditions was unprecedented at this port and the conditions were therefore “abnormal”.

### **Risk assessment by the port authority**

Lord Clarke noted that the owners had placed considerable emphasis on the failure of the Kashima port authority to carry out a risk assessment and put in place a proper safety system to deal with the risk of the two types of weather conditions occurring at the same time. This was an important factor which Justice Teare considered when he held the port was unsafe. The High Court judge’s view was that the port was prospectively unsafe because there was a risk that the vessel might have to leave the port on account of long waves or bad weather (with the risk being that the vessel could not be restrained by its moorings or the use of tugs) at a time when the wind and sea conditions in the channel meant that more than ordinary seamanship and navigation were needed to enable the vessel to leave the port safely. Justice Teare saw it as a failing that there was no system in place to ensure that when any such departure was necessary, the vessel would be able to leave safely. He held that the port authority ought to have carried out a risk assessment and introduced appropriate systems prior to October 2006.

The Supreme Court again disagreed with this assessment.

Lord Clarke considered that whilst the issue of whether a risk assessment has been carried out might be a relevant consideration in some circumstances, in this case the critical question remained whether or not this combination of natural events, leading to the casualty, was an abnormal and unexpected occurrence. In this regard, the Supreme Court agreed with the Court of Appeal, holding that the events which occurred were an abnormal occurrence and accordingly there was no breach of the safe port undertaking.

### **Comment**

The Supreme Court’s decision reaffirms the traditional test for safe ports and will be welcomed by charterers and their liability insurers as confirmation that the risk for “the unexpected” remains with owners. Whilst the Court in this case was not persuaded that the lack of risk assessment by the port authority made the port unsafe, it did agree that this could be a relevant consideration in other circumstances. It remains to be seen whether the view expressed by the Court, that safe port disputes should be reasonably straight forward, is borne out.

For the master, the case is ultimately unlikely to make a great difference. As the man on the spot, he is required to routinely deal with the unexpected, and his good judgment, skill and experience will be relied upon by all parties to the marine adventure to avoid the catastrophic loss that befell the Ocean Victory. The judgment at first instance is worth reading, particularly in relation to the practical difficulty the master faced – he could not safely remain at the berth but could not safely leave. Whatever the legalities of the situation, it was an unenviable position to be in.

2. <http://www.bailii.org/ew/cases/EWHC/Comm/2013/2199.html> or <http://tinyurl.com/yayebduw>

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## **MarineFields and Inmarsat sign MOU**

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### **Collaborative decision-making project to digitalise**



### **Port call information**

On 7 June it was reported that MarineFields and Inmarsat had signed an MOU to partner in investigating how sea traffic management and satellite connectivity can make port calls more efficient for all stakeholders through improved information sharing, situational awareness, optimised processes, and collaborative decision making.

It is understood that the joint effort will be focused on providing a marketplace for port call optimization services resulting in just-in-time operations and shortened turnaround times.

Perseus PortCDM will connect the various stakeholders involved in, or related to, sea transport, including vessels,

shipping companies, ports, terminals, and hinterland operators.

The aim of the project will be to focus on enhanced standardised data sharing, and enable third party providers to bring new and innovative services to key stakeholders in the maritime industry.

In the words of Socrates Theodossiou, Managing Director, MarineFields Holding Ltd: *'We hope that this will develop into a long-term, fruitful cooperation. The main objective of this partnership is to make informed collaborative decisions by shared information while at the same time providing all stakeholders in the port call process the opportunity to develop innovative services and applications.'*

MarineField's Perseus PortCDM will utilise the Inmarsat satellite network infrastructure, specifically Fleet Xpress, which now has over 10,000 committed vessels and Fleet-Broadband which currently has around 40,000 active terminals on vessels across the world.

Ronald Spithout, President of Inmarsat Maritime added: *'Fleet Xpress has been purposely designed to empower third party application providers to enhance existing services to all companies in the maritime industry and MarineFields' Perseus PortCDM will help improve the inefficiencies in the entire port call process through the power of Inmarsat's satellite connectivity'*.

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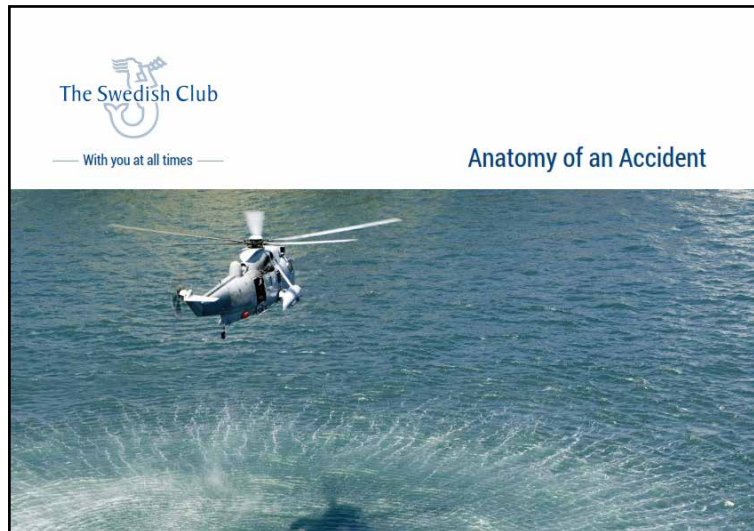
## Anatomy of an Accident

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### A new publication from the Swedish Club

#### Dissecting major casualty response

*Anatomy of an Accident*, a new publication from The Swedish Club, provides a unique insight into the huge coordinated exercise that surrounds a serious vessel casualty. Illustrating how easily an incident can escalate; the guide explores the various parties and processes involved



in dealing with an emergency situation, and the complicated interplay between the cast of professionals involved in bringing an incident to a resolution.

Developed out of The Swedish Club's Emergency Response Training programme, *Anatomy of an Accident* fo-

cuses on a realistic incident scenario run by the Club with participants from important maritime services and support sectors.

This approach has been designed to test how operations are affected when dealing with an incident, reinforce who is responsible for which action during an emergency, and ensure that a shipowner's emergency response plan works with the individual elements interacting and supporting one another should a real life crisis occur.

The exercise was supported by DNV GL, HRS Sør-Norge, Navigate Response, The Norwegian Coastal Administration, The Norwegian Maritime Authority and T&T Salvage.

In the book the scenario covers an incident involving the fictional chemical tanker *Uswidia*, laden with caustic soda and caught up in the nightmare scenario of lost engine power, drifting in high winds, injured crew and eventually grounding and hull breach.

Lars A. Malm, Director, Strategic Business Development and Client Relations, said: *'When an accident takes place, the emergency plan comes into play, but can the operator be sure that it works? On paper it may look fine – however reality is often a different matter. We need to simulate that reality, and so we developed Emergency Response Training to help ship operators become better at emergencies before they happen.'*

*'It is an immense job – a company cannot hope to set up such a situation for themselves. Should an incident become a reality there is no doubt that an organisation that has been proactive in testing its established emergency plans, and made the most of the Club's expertise and guidance, will see a big difference in the way a real-life incident is handled – in terms of saving lives, protecting the environment and minimising costs in many areas.'*

The Swedish Club's loss prevention team offers a series of alternative scenarios such as grounding and wreck removal, cargo damage, salvage and pollution, collision, tendering and repair, forum shopping and legal and medical scenarios. As part of the Club's commitment to loss prevention, the training is offered to members of The Swedish Club at no charge and response to the initiative has been extremely positive, it is reported.

To download a PDF of the publication readers are invited to visit the Swedish Club's website to be found at: <http://www.swedishclub.com/media/publications/loss-prevention-and-brochures/> or <http://tinyurl.com/y7e9dq9h>

### About the Swedish Club

The Swedish Club was founded by shipowners in 1872 and is today a leading and diversified mutual marine insurance company, owned and controlled by its members. The Club writes Protection & Indemnity, Freight, Demurrage & Defence, Hull & Machinery, Hull Interests, Loss of Hire, War Risks, and any additional insurances required by shipowners or charterers. It also writes Hull & Machinery, War risks and Loss of Hire for Mobile Offshore Units and FPSOs.

## European e-Navigation solutions tested for human factors

The EU funded EfficienSea2 project, which aims to implement innovative and smart solutions to increase efficient, safe and sustainable traffic at sea, has finished a full-scale simulation of a wide variety of e-Navigation solutions. This was reported by the Danish Maritime Authority on 16 June.



*Simulations, which involved eight navigators and took a total of four days, were conducted at Chalmers University of Technology, Sweden.*

*Photo reproduced by kind courtesy of Efficiensea2©*

It is understood that the simulations, which involved eight navigators and took a total of four days, were conducted at Chalmers University of Technology in Sweden and focused on the human factors in e-Navigation.

Multiple services, ranging from a digitalised form of navigational warnings to an interactive VTS-reporting system, were tested by the mariners on a full-bridge simulator while wearing eye-trackers and devices to detect users' emotional changes.

Such simulations will ensure that the new services are optimised to guarantee fewer burdens for navigators when exploiting digital tools for navigation, explained Mads Friis Sørensen, Project Manager for EfficienSea2 and Senior Adviser at the Danish Maritime Authority who said: *'We have what appear to be endless possibilities with modern technology, but there is a danger of overcomplicating things for the navigator. The solutions we develop must relieve pressure – not add complexity – so navigators can focus on performing their primary duty, which is to sail the ship safely. We ensure this by conducting these simulations focusing on the human factors when using digital tools.'*

Human factors testing is an integral part of the EfficienSea2 project and the 32 partners involved all work to develop solutions with an eye towards the impact on the mariners. The project also includes Force Technology and Chalmers University of Technology, both leading in the field of human element and human-machine interfaces.

### Solutions available online

In addition to developing a wide range of digitalised ser-

vices, the EfficienSea2 project has built the web-based platform BalticWeb, which was used during the simulation to present the new services to seafarers.

They were first asked to plan their route using tools from the BalticWeb and then to use different services when conducting the full-bridge simulation.

Sørensen explained: *'BalticWeb is an essential demonstrator for e-Navigation solutions and it reveals the possibilities of the solutions developed in the EfficienSea2 project. It is an easy to use map-based platform for navigators, and for the industry it is easy to adapt many of the underlying digital services displayed on BalticWeb so they can be presented on other maritime platforms.'*

In order to exploit the different services developed by EfficienSea2 and presented on BalticWeb the user needs an account in the Maritime Cloud, which is the innovation centrepiece of the project and where services can be found in a standardised format. Furthermore, it will be possible for private developers and authorities to register individual services.

Readers are invited to learn more about the many aspects of EfficienSea2 at the website: [www.ufficiensea2.org](http://www.ufficiensea2.org)



*Mariners were asked to plan their route before entering the simulator. They could use the BalticWeb to assist them.*

*Photo reproduced by kind courtesy of Efficiensea2©*

## The 4<sup>th</sup> International Maritime Mass Rescue Conference, Gothenburg 11-13 June

### Mass rescue conference highlights capability gaps and importance of planning

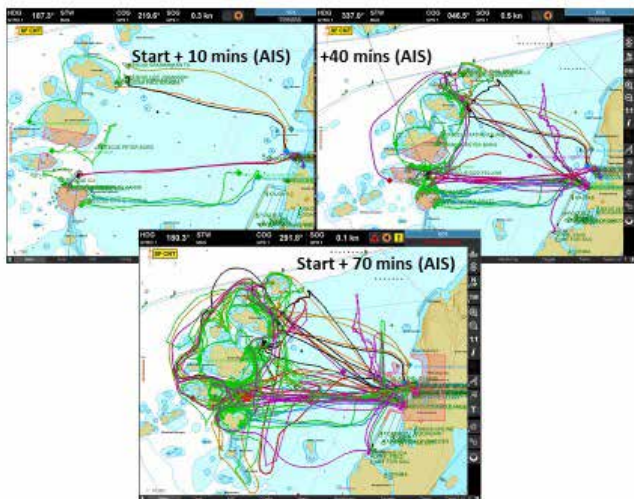
More must be done to emphasise the importance of maritime mass rescue operation planning to identify and meet gaps in search and rescue (SAR) response capability. This was part of the message delivered to delegates by Dr Doumbia-Henry at the opening of the 4<sup>th</sup> International Maritime Mass Rescue Conference in Gothenburg.

She noted that learning from experience and exchanging views was essential and that recent experience in the Mediterranean had highlighted the need for mass rescue capability and preparedness. She added that increasing vessel traffic in Arctic waters highlighted the need to consider current inadequate SAR resources for such a chal-

lenging environment, while the need for all levels of SAR capability in the developing world continues to outpace resources.

The conference run by the International Maritime Rescue Federation (IMRF) is the most important event of its kind, attracting SAR practitioners with 140 delegates from 25 countries attending.

The International Maritime Mass Rescue Conference which has been hosted by the Swedish Sea Rescue Society (SSRS), started with a practical exercise which took place around the small islets off Långedrag and involved more than 100 people and 20 rescue boats. The delegates took lead roles in the rescue boat crews and at the landing sites while more than 70 volunteers from local SAR services took part, acting as casualties and boat crew.



Boat movements during the Mass Rescue Operation (MRO) exercise.

Exercise Director, Bruce Reid, CEO IMRF commented: *'The Sunday (Day One, Ed) exercise provided helped demonstrate the challenges of mass rescue operations (MRO) with delegates experiencing first-hand the challenge of finding 70 people scattered across islands, in low visibility. The shore-side response, coordination again proved one of the biggest problems, how to manage large groups of distressed and injured people quickly and efficiently proved almost too hard in the exercise*

*'The sea-based simulation exercise provided by SSRS, explored everything from places of safety, to communications priorities, systems and structure, to support at the scene and managing multiple aircraft, maritime and shore-side coordination, to accounting for people in mass rescue scenarios.'*

Monday and Tuesday (Days Two and Three) of the conference were dedicated to lessons learned, using real case studies to allow delegates and specialist panelists to discuss and debate key areas of MRO's focusing on Rescue, Coordination, Communication and Planning.

The case studies were presented by people involved in

the actual events which provided the delegates with first-hand accounts. Key areas raised in discussions relating to the case studies will be added to the IMRF MRO online resource library at: [www.imrfmro.org](http://www.imrfmro.org)

Increased visibility of the rescuers is an evolving challenge, with social media postings and cell phones mentioned in all case studies. In one of the studies, the survivors' first questions to the rescuers was where could they get power for their phones.

In another case study, the phones of some of the civilian support services were voluntarily impounded to help manage the information flow. These factors emphasize the need to have plans that continue to evolve to accommodate these new challenges.

Keynote speaker Fredrik Forsman of SSRS brought the human element to the discussions as he provided delegates with his first-hand experience of MRO in the Aegean Sea off Greece rescuing hundreds of people in the water but having to accept that not all those in distress could be saved. The presentation reminded all in the room that rescues are made by people helping people.

In closing IMRF MRO Project manager David Jardine-Smith said: *'Mass rescue operations, as defined by the International Maritime Organization, are beyond normal SAR capability. They are therefore of vital interest to anyone responsible for SAR planning and response.*

*'They are rare, at least in the developed world, but extremely challenging, which is why it is so important to plan and train; to identify any issues and build relationships with the right people before a response is needed, because – as we say – it is not if, but when... and the better prepared the responders are, the more lives they will save.'*

Bruce Reid, added in conclusion: *'Feedback from the delegates has been very positive and we are extremely grateful to all of our partners who have come together to make an exercise on this scale a possibility.'*

### About the IMRF

The International Maritime Rescue Federation (IMRF) brings the world's maritime search and rescue organisations together in one global and growing family. IMRF's member organisations share their lifesaving ideas, technologies and experiences and freely cooperate with one another to achieve their common humanitarian aim: Preventing loss of life in the world's waters.

The International Maritime Rescue Federation was founded (as the International Lifeboat Federation) in 1924. In 1985 it was granted non-governmental consultative status with the IMO in recognition of the good work being undertaken and the growing need for an organisation to act as a global focal point for maritime search and rescue. In 2003 it was registered as an independent charity and in 2007 the organisation was renamed the International Maritime Rescue Federation (IMRF), reflecting the broader scope

of modern maritime search and rescue activity.

For further information readers are invited to visit: [www.international-maritime-rescue.org](http://www.international-maritime-rescue.org)

### New guide published

The Mass Rescue Operations Guidance E-book (Third Edition: June 2017) derived from the International Maritime Rescue Federation's mass rescue operations project, is now available.



The book is easy to use, comes in pdf format, and is available here: <https://www.imrfbookshop.org/categories/english/ebooksenglish/mass-rescue-operations-guidance-e-book-english-1078-detail>

or <http://tinyurl.com/ybuungs5>

## VHF Marine radios: Digital selective calling capability Automatic channel switching

### AMSA Marine Notice 10/2017

This Marine Notice issued in July by the Australian Maritime Safety Authority (AMSA) provides information on how automatic VHF channel switching may interfere with the safe operation of vessel communications.

Vessel operators should consider the implications of using or not using the disable feature for automatic VHF channel switching during safety critical operations. If considered necessary, instructions on its use should be included in the ship's bridge procedures.

To see the AMSA website link readers are invited to take a look at this link: <https://apps.amsa.gov.au/MORReview/MarineNoticeExternal.html> or <http://tinyurl.com/nktwqku> then search for Marine Notice 10/2017 (Supersedes MN 12/2012).

## Guayaquil Express named 16 June in Hamburg

HAPAG-Lloyd's Guayaquil Express (10590 TEU) was ordered in 2015, built by Hyundai Samho Heavy Industries in the Republic of Korea, and sails between Europe and South America.



With a length overall of 333 metres and a width of 48 metres, the ship is designed for the new locks of the Panama Canal. With this vessel Hapag-Lloyd underscores its role in the Latin America trade. After merging with the container activities of CSAV in 2014, the company numbers among the market leaders in this trade.

By deploying the ship, rather than bringing any new tonnage into the market, Hapag-Lloyd is replacing two older vessels with each of the new state-of-the-art ones. As a result, significantly more efficient ships will be deployed between North Europe and South America West Coast without noticeably increasing capacity in the market. As with Guayaquil Express all vessels in the series are named after ports in South America as a sign of the close ties. Each of the five new ships has 2,100 plugs for temperature-controlled reefer containers.

Guayaquil Express will operate in the SWX service, calling at the following ports: Hamburg, Antwerp, Le Havre, Caucedo, Cartagena, Manzanillo/PA, Buenaventura, Caliao, Puerto Angamos and Valparaíso.



Photos: HAPAG-Lloyd ©

# The London Port Health Authority

By Commodore David A H McG Smith CBE

Director of Markets & Consumer Protection City of London Corporation

As readers of this Review will appreciate, all ports have a Port Health Authority and London is no exception. If anything, the Port of London poses more potential problems than any other in UK because it actually comprises three separate Ports within its area: Tilbury; the Lower Medway, including Thamesport and Sheerness; and the new London Gateway Port at Stanford-le-Hope, down-river from Tilbury. The City also has airside inspection responsibilities at the Docklands City airport.

Between us, the London Port Health Authority (LPHA) and the Port of London Authority (PLA) regulate most activities along the 151 kilometres of the tidal Thames, from Teddington to the outer limits of the Estuary, and there's a very close relationship with Trinity House.



*Inspecting a ship's galley.*

The LPHA was set up in Victorian times to combat the risk of infectious diseases entering London – but seaborne disease transmission is not a new phenomenon. One of the earliest recorded incidents occurred during the winter of 1346/47 when a fleet of Genoese ships took shelter at Caffa on the Black Sea. The town was besieged by attacking Tartars, many of whom were infected by the Black Death plague, and when the sailors returned to Genoa, they took the disease with them. Having spread through Northern Europe, it arrived in England at the port of Melcombe in June 1348 and rapidly spread throughout the country.

The earliest form of quarantine occurred in 1374 when the

Venetian republic ordered the inspection of incoming vessels and the exclusion of infected ships for 30 days. In 1383, the period was extended to 40 days (*quarantaria*: hence the name quarantine) which became established as the usual period of isolation for seaborne travellers and goods suspected of harbouring infectious diseases.

The first English quarantine legislation was enacted in 1709 and it was not until 1811 that the death penalty was abolished as a sentence for quarantine offences. The Public Health Act of 1872 empowered the Local Government Board to constitute Port Sanitary Authorities and the City of London Corporation undertook this responsibility for the Port of London.

Up until 1978, the Port Health Authority's team of doctors, based at Gravesend, screened all vessels entering the Port of London and decided which ones should be boarded. All ships coming from areas in Africa, Asia, Central and South America known to have certain endemic diseases were boarded.

Today, infectious diseases still represent a major health problem in both developed and developing countries. Worldwide, infectious diseases account for about one-third of all deaths (46% of deaths in developing countries) and there have been demands worldwide to strengthen public health systems to combat the increasing incidence of infectious disease caused by a range of novel and re-surgent microbes, such as Severe Acute Respiratory Syndrome (SARS), tuberculosis, ebola, and other haemorrhagic diseases.

The impact of increasing international travel and world trade in agricultural products, the unprecedented increase in refugees and economic migrants crossing national frontiers, and potential bio-terrorism, all pose serious threats to public and animal health in Britain.

Whilst the LPHA was originally set up just to deal with the control of infectious diseases, we now also cover:

The inspection of all food and feed entering the Port from outside the EU - and depending on what Brexit actually eventually entails, this may, in future, include EU countries as well – to ensure that the goods comply with Food Safety and Animal Health legislation;

Shellfish control within the estuary - the sampling of the shellfish beds off the Essex and Kent coasts to monitor for algal toxins and harmful bacteria and ensure that the shellfish is safe to eat;

Pollution and environmental controls, such as: licensing and inspecting the cement manufacturing plant at Tilbury; conducting Pest Control at Tilbury; monitoring international Catering waste disposal arrangements; and investigating potential nuisances such as noise from party boats.

So how do we go about our tasks?

We have teams of Port Health Officers (PHOs) and Port



Health Assistants, together with Official Veterinarians and a supporting administration staff, based at Tilbury and the Gateway, plus the Launch Service of six who man the patrol vessels and rigid inflatable boats (RIBs).



*Lady Aileen at the Diamond Jubilee Pageant.*

Port Health Officers are all qualified Environmental Health Officers, capable of inspecting vessels and aircraft and arranging for treatment where necessary. The Authority's two fifty foot launches and two RIBs are deployed when necessary to transport boarding officers, as well as undertaking shellfish sampling via a specially designed suction dredge. The launches are also used for ceremonial purposes such as the Lord Mayor's Show, since the Lord Mayor is also the Admiral of the Port, and River pageants such as the Diamond Jubilee.

The International Health Regulations, which require all ships to hold an up-to-date Ship Sanitation Certificate, have greatly expanded the areas for Public Health inspections in ships. As a matter of routine, the PHOs inspect all the galleys, pantries, and food preparation spaces to prevent the risk of food poisoning to passengers and crew, as well as all the waste/sanitation arrangements and any medical facilities. They also undertake water sampling to ensure that supplies are potable and that water taken on in other ports is safe.



*Vet inspecting meat.*

Live animals and products of animal origin also pose risks to public health and there is a raft of legislation that

controls food imported from outside the European Union. Products of animal origin can only be imported through approved Border Inspection Posts, and our three ports handle a very high percentage of the meat and fish entering the United Kingdom, some 11,500 consignments, comprising 230,000 tonnes annually.

Every consignment, including those of non-animal origin, undergoes some form of check depending on its origin and the known risk factors, some of which may need a full physical check and analytical tests. Current products of concern range from beans from some African countries, to milk products from China and South East Asia, to ground nuts from South America.



*Inspecting a consignment of beans.*

So much for the serious bit.

The real challenge in our relationship with Trinity House comes on a very important part of the River – afloat in the racing cutters (*Trinity Tide* and the *Lady Gillett*) where bragging rights are keenly fought out over a series of about a dozen races, ranging from the Admiral of the Port's Trophy to the Great River Race. We hope that this year, once again, the *Trinity Tide* crew will enjoy watching the transom of the *Lady Gillett* disappear over the horizon ahead of them.



*Lady Gillett racing ahead – again.*

**Editor's note:**

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**7-16 June 2017**

**Scoping exercise on autonomous vessels put on agenda**

The MSC agreed at its meeting in June to include the issue of marine autonomous surface ships on its agenda. This will be in the form of a scoping exercise to determine how the safe, secure and environmentally sound operation of Maritime Autonomous Surface Ships (MASS) may be introduced in IMO instruments.

The MSC recognized that IMO should take a proactive and leading role, given the rapid technological developments relating to the introduction of commercially operated ships in autonomous/unmanned mode. The scoping exercise is seen as a starting point and is expected to touch on an extensive range of issues, including the human element, safety, security, interactions with ports, pilotage, responses to incidents and protection of the marine environment.

It is understood that the scoping exercise could include identifying: IMO regulations which, as currently drafted, preclude autonomous/unmanned operations; IMO regulations that would have no application to autonomous/unmanned operations (as they relate purely to a human presence on board); and IMO regulations which do not preclude unmanned operations but may need to be amended in order to ensure that the construction and operation of MASS are carried out safely, securely, and in an environmentally sound manner.

The scoping exercise should address different levels of automation, including semi-autonomous and unmanned ships and could include discussion of a definition of what is meant by an autonomous ship.

Delegations suggested the exercise should include scoping of the full range of human element factors within different levels of autonomy for both shipboard and shore-based personnel; scoping of the reliability, robustness, resiliency and redundancy of the underlying technical, communications, software and engineering systems; and consideration of conducting a Formal Safety Assessment or gap analysis as to the safety, technical, human element and operational aspects of autonomous remotely controlled or unmanned ships.

The MSC also agreed that proper consideration should be given to legal aspects, including where the responsibility would lie in case of an accident involving a MASS, its consequences to the cargo, and also the implications to the shoreside.

It is anticipated that the work would take place over four MSC sessions, through to mid-2020.

Submissions were invited to the next session (MSC 99, May 2018).

**7-16 June 2017**

*Following the text on the first part of MSC 98 regarding the Scoping Exercise on Autonomous Vessels published below is a briefing kindly provided by IMO being the remaining outcomes of MSC 98:*

**Adoption of passenger ship stability amendments**

The MSC adopted a set of amendments to SOLAS chapter II-1, with an expected entry into force 1 January 2020, relating to subdivision and damage stability.

The amendments were developed following a substantive review of SOLAS chapter II-1, focusing in particular on new passenger ships. The review has taken into account recommendations arising from the investigation into the 2012 *Costa Concordia* incident.

In conjunction with the adoption of the aforementioned amendments, MSC adopted the Revised Explanatory Notes to SOLAS chapter II-1 subdivision and damage stability regulations.

The MSC also approved the Revised guidance for watertight doors on passenger ships which may be opened during navigation.

**Other amendments adopted by MSC**

**SOLAS amendments (Expected entry into force 1 January 2020)**

Amendments to SOLAS regulation II-2/3.56, relating to the definition of vehicle carrier and draft new SOLAS regulation II-2/20.2 on fire safety requirements for cargo spaces containing vehicles with fuel in their tanks for their own propulsion, specifically vehicles which do not use their own propulsion within the cargo space.

Amendments to SOLAS regulation II-2/9.4.1.3 to clarify the requirements for fire integrity of windows on passenger ships carrying not more than 36 passengers and on special purpose ships with more than 60 (but no more than 240) persons on board.

Amendments to SOLAS regulations III/1.4, III/30 and III/37 on damage control drills for passenger ships, to require damage control drills to take place on all passenger ships from 2020.

**IMSBC Code**

The 2017 set of draft amendments (04-17) to the International Maritime Solid Bulk Cargoes Code (IMSBC Code), to update requirements for a number of cargoes, was adopted. The amendments also included those relating to paragraphs 4.5.1 and 4.5.2, highlighting the responsibility of the shipper for ensuring that a test to determine

the transportable moisture limit (TML) of a solid bulk cargo is conducted. Also included were amendments related to substances which are harmful to marine environment, to require the shipper to declare whether or not a solid bulk cargo, other than grain, is harmful to the marine environment.

### **HSC Code**

Amendments to the 1994 and 2000 High-Speed Craft (HSC) Codes, clarifying the exemption applicable to certain smaller vessels from the requirement to carry a rescue boat, provided that minimum requirements for carrying survival craft are met and provided that a person can be rescued from the water in a horizontal or near horizontal body position.

### **LSA Code**

Amendments to the International Life-saving Appliances (LSA) Code, chapter VI, section 6.1 relating to the proof load tests and safety factors that launching appliances and their elements have to withstand. Also related amendments to the Revised Recommendation on testing of life-saving appliances (resolution MSC.81(70)).



*IMO Headquarters overlooking River Thames*

### **MODU Code**

Amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009 (2009 MODU Code) to update and amend the 2009 MODU Code, taking into account recommendations arising from the investigation into the explosion, fire and sinking of the Deepwater Horizon in the Gulf of Mexico, in April 2010. Key revisions concern machinery and electrical installations in hazardous areas, fire safety and life-saving appliances and equipment.

### **Cyber risk management resolution adopted**

The MSC adopted a resolution on Maritime cyber risk management in safety management systems. The resolution reminds stakeholders that the mandatory International Safety Management (ISM) Code includes a requirement

for all identified risks to ships, personnel and the environment to be assessed and for appropriate safeguards to be established.

The resolution encourages Administrations to ensure that cyber risks are appropriately addressed in safety management systems no later than the first annual verification of the company's Document of Compliance after 1 January 2021.

The MSC also approved the joint MSC-FAL circular on Guidelines on maritime cyber risk management, based on the interim guidelines on guidelines on maritime cyber risk management (MSC.1/Circ.1526), following the recent approval of the circular by the Facilitation Committee. The Circular provides high-level recommendations for maritime cyber risk management, which refers to a measure of the extent to which a technology asset is threatened by a potential circumstance or event, which may result in shipping-related operational, safety or security failures as a consequence of information or systems being corrupted, lost or compromised. The guidelines include background information, functional elements and best practices for effective cyber risk management.

### **Piracy and armed robbery against ships**

The MSC was updated on the latest statistics concerning piracy and armed robbery against ships, based on incidents reported to IMO. A total of 221 piracy and armed robbery incidents occurred worldwide in 2016, a fall of about 27% compared to 303 incidents reported in 2015.

However, the Committee noted with concern that in West Africa, incidents had increased by 77% (62 incidents in 2016 against 35 in 2015). Although piracy and armed robbery activity in the South China Sea had decreased slightly with 68 cases reported in 2016 compared to 81 in 2015, developments in the South East Asian region, particularly in the Sulu-Celebes Sea, were also concerning (16 in 2016, two incidents in 2015).

In addition, piracy activity off the coast of Somalia was still active, with eight incidents reported between January and April 2017 involving six merchant ships and two dhows and around 39 crew members taken hostage/kidnapped.

To address possible under-reporting of piracy and armed robbery incidents within the Gulf of Guinea region, the MSC approved a circular on reporting of incidents of piracy and armed robbery against ships in the Gulf of Guinea. The circular urges flag States, shipmasters, shipowners/operators and shipping companies to report incidents of piracy and armed robbery in a timely manner to reporting organizations, such as Maritime Domain Awareness for Trade – Gulf of Guinea (MDAT – GoG) and the International Maritime Bureau Piracy Reporting Centre (PRC). This would allow better response by coastal States, promptly alert other ships in the vicinity and develop a more meaningful understanding of the risk level to ships operating in areas where incidents of piracy and armed robbery occur.

## **Unsafe Mixed Migration by sea**

Member States and international organizations affirmed their concern for the humanitarian situation and the loss of migrants at sea and agreed that the way forward was to promote appropriate and effective action at the United Nations.

The Committee encouraged Member States and organizations in consultative status to participate in the Global Compact on Migration process underway following the adoption of the New York Declaration for Refugees and Migrants adopted on 19 September 2016.

## **Adoption of ships routing systems**

The MSC adopted a number of new and amended ships' routing measures.

They include the establishment of a new area to be avoided (ATBA) as an associated protective measure for the Tubbataha Reefs Natural Park Particularly Sensitive Sea Area (PSSA) in the Sulu Sea (the Philippines). The ATBA is linked to the proposed PSSA, which was approved in principle in 2016 and is expected to be formally designated by IMO's Marine Environment Protection Committee (MEPC 71) in July.

The MSC also adopted the recommended route Off the western coast of Izu O Shima Island, which is the first routing measure around Japan adopted by IMO.

## **Implementation of E-navigation strategy and operational safety**

The MSC adopted and approved a number of new and revised performance standards and guidelines related to operational safety, including those to implement the e-navigation strategy.

The MSC approved an MSC circular on Guidelines for shipborne position, navigation and timing (PNT) data processing, which provides guidance on enhancing the safety and efficiency of navigation by improved provision of position, navigation and timing (PNT) data to bridge teams (including pilots) and shipboard applications (eg AIS, ECDIS, etc.). Consequential amendments were adopted to resolution MSC.401(95) on Performance standards for multi-system shipborne radionavigation receivers.

The MSC also adopted amendments to the revised guidelines and criteria for ship reporting systems (resolution MSC.43(64)), addressing mandatory ship reporting systems established in accordance with SOLAS regulation V/11. The revisions update the resolution and encourage the use and recognition of automated electronic means of ship reporting.

## **Goal-based standards verification audit completed**

The MSC confirmed that the initial verification audit of ship construction rules for oil tankers and bulk carriers submit-

ted by 12 classification societies had been successfully completed, following rectification of the non-conformities reported, as instructed by MSC 96.

In 2016, MSC 96 confirmed that ship construction rules for oil tankers and bulk carriers submitted by 12 classification societies conform to the goals and functional requirements set by the Organization in the International goal-based ship construction standards for bulk carriers and oil tankers (resolution MSC.287(87)) which were adopted in 2010; and agreed that the non-conformities identified were to be rectified.

The MSC also made progress in developing amendments to the GBS Verification Guidelines and agreed an updated timetable and schedule of activities for the implementation of the GBS verification scheme, including the maintenance of verification.

## **Development of functional requirements of SOLAS chapter III**

The MSC reviewed the progress made by the Sub-Committee on Ship Systems and Equipment (SSE) in developing draft functional requirements and their expected performance for SOLAS chapter III on life-saving appliances and arrangements. The aim is to describe the expected performance of the functional requirements in quantitative terms.

The Committee invited Member States and international organizations to submit relevant information and data to the Sub-Committee on Ship Systems and Equipment (SSE).

## **GMDSS modernization plan**

The MSC approved the Modernization Plan of the Global Maritime Distress and Safety System (GMDSS), prepared by the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR). The plan envisages the development of amendments to SOLAS and related instruments for approval in 2021 and their adoption in 2022, with entry into force in 2024.

## **Approval of guidance and guidelines**

The MSC approved guidance and guidelines, including the following:

### **Guidelines on safety during abandon ship drills using lifeboats and draft amendments to update the Guidelines for developing operation and maintenance manuals for lifeboat systems (MSC.1/Circ.1205).**

Both sets of guidelines have been reviewed following the adoption at MSC 96 of the Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear (resolution MSC.402(96)) and the related SOLAS amendments which make them mandatory. The package of requirements, expected to enter into force

on 1 January 2020, has made mandatory measures to prevent accidents with survival craft and to address long-standing issues such as the need for a uniform, safe and documented standard related to the servicing of these appliances, as well as the authorization, qualification and certification requirements to ensure that a reliable service is provided.

### **MSC Circular on amendments to MSC.1/Circ.1503 on ECDIS - Guidance for good practice.**

Guidelines for port State control officers on certification of seafarers, hours of rest and manning. The guidelines were referred to the Sub-committee on Implementation of IMO Instruments (III 4) for inclusion in ongoing work on the revision of resolution A.1052(27) on Procedures for port State control, 2011.

Guidelines for vessels and units with dynamic positioning (DP) systems. The guidelines, generally applicable to new vessels and units with dynamic positioning systems, have been developed to current industry practice and DP technologies, since the previous set of guidelines was issued in 1994 and will still be applicable to existing vessels (Guidelines for vessels with dynamic positioning (DP) systems (MSC/Circ.645)). Compliance with the new Guidelines would be documented by means of a Dynamic Positioning Verification Acceptance Document (DPVAD) for the dynamic positioning system. The MSC also approved amendments to the Guidelines for Dynamic Positioning system operator training (to be issued as MSC.1/Circ.738/Rev.2).



Amendments to the Guidelines for evaluation and replacement of lifeboat release and retrieval systems (MSC.1/Circ.1392) intended to include a method of assessment for hook fixed structural connections of the release mechanism and supporting structure, which are not made of material resistant to corrosion in the marine environment, in order to confirm that they are in good condition.

Guidance for Parties, Administrations, port State control authorities, recognized organizations and other relevant parties on the requirements under the STCW Convention, 1978, as amended (STCW.7/Circ.24 as STCW.7/Circ.24/Rev.1), based on the recommendation by the Sub-Committee on Human Element, Training and Watchkeeping.

## **Seafarer connectivity at sea barely sufficient for family video calls**

### **Nautilus survey**

A Nautilus survey of nearly 2,000 seafarers and shipping industry leaders has found that barely 6% of seafarers have sufficient internet connectivity for video calls when at sea, despite often being away from their families for months on end.

By comparison statistics show 91% of UK homes and 85% of European homes have broadband access, with the UN recently suggesting that access to the internet should be a basic right, rather than a luxury. The findings emerged from a white paper (otherwise known as a report) released by Nautilus at a seminar on 30 June to mark Seafarers Awareness Week (24-30 June). The document also found despite nearly 88% of seafarers having some form of internet access at sea, most have very limited speeds and at high costs.

In addition, only 57% of crew have personal email access and just one third have social media access at sea (34%), leaving the majority of seafarers isolated from friends and families. Nearly two-thirds of respondents (63%) also suggested they would consider moving companies if the new company provided better quality internet.



Of the industry leaders surveyed, one in ten admitted they do not provide their employees with any access to the internet (14%). The two biggest reasons given were fears crews would access illegal or adult content (83%) and the potentially high installation costs (83%). The survey also found that nearly two-thirds of respondents (58%) were concerned the provision would result in a distraction to work.

Nautilus has published the document to further raise awareness of the current communications provision for those living and working at sea which it will present to industry leaders, politicians and those working in the industry. The Union is hoping that shipping companies will then act to provide internet access to all which is free at the point of use.

Nautilus General Secretary Mark Dickinson commented: *'It is shocking that in this day and age access to the internet at sea is not viewed as a fundamental right. At home we take this for granted and being able to contact anyone in the world at the touch of a button with devices in our pockets is fantastic. But why should not seafarers also be able to do this?'*



*'We hope this survey will highlight just how poor connectivity is for our members. With very limited and regulated shore leave, increasing workloads, reduced crewing levels and reductions in the quality of social life onboard, it is essential for the wellbeing of all seafarers that we have free, high-speed internet access. We hope the results of our survey will help to convince shipowners of the benefits of providing internet access and explain how the costs and other counterarguments are outweighed by the positive impact of greater connectivity at sea.'*

This survey is part of Nautilus International's campaign for crew communications.

The Nautilus International survey can be downloaded from the Nautilus website at: <https://nautilusint.org/en/what-we-say/nautilus-news/seafarer-connectivity-at-sea-barely-sufficient-for-video-calls-nautilus-survey/> or <http://tinyurl.com/y7bqag5k>

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## The new UK 2015 national dataset of marine vessel traffic

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On 28 June ABPmer made available for viewing a new national dataset of marine vessel traffic for the UK.

Data layers display AIS vessel transit lines provided by the Maritime and Coastguard Agency's network of receivers, which ABPmer has mapped on behalf of the Marine Management Organisation.

The dataset shows tracks by vessel type and a further layer shows the average weekly density grid (heat map) for 2015.

To create the layers ABPmer processed raw AIS data sampled from the first seven days of each month. The data processing follows the method contained in *Mapping UK shipping density and routes from AIS (Project MMO 1066)*.

Monty Smedley, maritime specialist at ABPmer commented: *'AIS is a valuable source of vessel information so we are really excited to share this latest AIS dataset with the maritime community.'*

*'Many port and harbour authorities collect this information but are unable to interrogate and map the information in a meaningful way. ABPmer has specialised in decoding and mapping AIS for a range of marine safety and planning applications.'*

*'Vessel transits can be examined to identify traffic of a certain type, for example, traffic associated with particular industry, berth or offshore activity.'*

*'We can also identify shipping density and look at differences over time to identify shipping trends or changes on a seasonal, annual or project basis. And of course it is really valuable for informing EIA\* navigational risk assessments to understand the implications of planned developments and activities.'*

AIS (Automatic Identification System) is used by vessels to automatically transmit their position. AIS is carried by international voyaging ships with gross tonnage of 300 gt or greater, and all passenger ships regardless of size. AIS is also carried by smaller commercial vessels, the fishing sector and leisure craft users.

Data has been sampled from the first seven days of every month, providing 84 days of AIS information. This amounted to more than 1 billion position reports representing more than 20 million nautical miles of vessel transits.



*Illustration provided by kind courtesy of ABPmer©.*

The 2015 AIS dataset can be viewed or downloaded at <http://vision.abpmer.net/maritime/AIS2015/>

Based in Southampton, England, ABPmer has supported projects around the globe. All its work is undertaken in accordance with our Quality Management System certified to ISO 9001:2015 for the delivery of Environmental Consultancy and Research Services.

\*Environmental Input Assessment

## Backing the fair treatment of seafarers

### SRI calls on Governments to look at ways to implement legislation

Seafarers Rights International (SRI) is an independent pan-industry centre dedicated to advancing the rights of seafarers through research, education and training in issues concerning seafarers and the law.

Now international backing has been given to a new initiative from London-based Seafarers Rights' International (SRI), which aims to harness the support of governments worldwide in implementing locally-binding legislation on the fair treatment of seafarers following a maritime casualty.

Representatives from more than 50 countries attended a specially convened workshop on the subject organised by SRI, and addressed by key speakers including Kitack Lim, Secretary General of the IMO.



Government Ministers, Deputy Ministers, Director Generals and Permanent Representatives from the world's leading maritime nations, including many crew supply countries, joined leading international judges, barristers, prosecutors and seafarer associations at the event to discuss the key issue of Guidelines on fair treatment of seafarers in the event of a maritime accident and explore ways these Guidelines could be implemented into national legislation.

Deirdre Fitzpatrick\*, Executive Director of Seafarers' Rights International, who opened the workshop, said the level of international support at the event across many stakeholder groups was important because in her words it: *'...mixed the practical effects of the guidelines with the legal aspects associated with their implementation.'*

*'We had a panel of three judges from the International Court of Justice, the Tribunal of the Law of the Sea and from the Supreme Court of the Philippines. We also had an emeritus professor of maritime law, a prosecutor, a Lead Auditor from the IMO as well as a casualty investigator from the UK's Marine Accident Investigation Branch who discussed no-blame casualty investigations.'*

She added: *'It is not often that the international law community is given the opportunity to discuss a crucial issue concerning seafarers' rights in such an informal but thought-provoking way.'*

While some governments have already given effect to the Guidelines, it is important that other governments consider the Guidelines and look at ways they can be introduced into their national legislation, Ms Fitzpatrick stressed: *'We want to raise awareness of the Fair Treatment of Seafarers at international, regional and local levels, and advise on how best countries can implement the guidelines and have the right laws in place in the event of a maritime casualty investigation occurring in their jurisdiction.'*

*'The next step will be to run regional workshops outside the UK, and we have already had offers from participants to host similar workshops in their own countries.'*

The workshop, organised in conjunction with the International Transport Workers' Federation, was opened by several key speakers including Stephen Cotton, General Secretary of the ITF and Jacqueline Smith, Maritime Coordinator of the ITF, as well as Corinne Vargha, Director of Labour Standards at the ILO.

Following these, government representatives took the opportunity to deliver powerful statements endorsing the fair treatment of seafarers, beginning with statements from the Minister of Justice from the Philippines and the Minister of Ports and Shipping from Sri Lanka.

Masters, seafarers (including IFSMA represented by Secretary General Jim Scorer) as well as welfare agencies were also present to evidence their deep concern about criminalisation of seafarers and to explain the consequences when seafarers are not treated fairly.

*\*Deirdre Fitzpatrick, Executive Director of SRI set up the organisation in September 2010, in response to the need for improved protection for seafarers in national and international laws.*

*A Solicitor of the Supreme Court of England and Wales she is also dual-qualified in Ireland and joined the ITF in 1994 to head up its legal services department. She has considerable experience in the protection and enforcement of seafarers' legal rights and is co-editor of Seafarers' Rights, published by Oxford University Press.*



international centre for  
advancing the legal  
protection of seafarers

# IMO Marine Environment Protection Committee (MEPC), 71<sup>st</sup> session

3-7 July 2017

The IMO progressed its environmental agenda at the recent meeting of its Marine Environment Protection Committee (MEPC), 71<sup>st</sup> session (3-7 July). The Committee clarified the ballast water management schedule, progressed GHG and air pollution issues, adopted new NOx emission control areas, designated a further Particularly Sensitive Sea Area and agreed to work on implementation of the 0.50% global sulphur limit.

This work is helping IMO to fulfil its mandate to protect oceans and human health and to mitigate climate change, in line with the UN Sustainable Development Goals (SDGs), particularly SDG 14 (oceans) and SDG 13 (climate change).

Notes from a media briefing kindly provided by IMO follow below.

## Ballast Water Management Convention clarity

The MEPC agreed a practical and pragmatic implementation schedule for ships to comply with the IMO Ballast Water Management (BWM) Convention, which aims to stem the transfer of potentially invasive species in ships' ballast water.

The treaty enters into force on 8 September 2017. Currently, the BWM Convention has been ratified by 61 countries, representing 68.46% of world merchant shipping tonnage.

From the date of entry into force, ships will be required to manage their ballast water to avoid the transfer of potentially invasive species. All ships will be required to have a ballast water management plan and keep a ballast water record book.

Ships will be required to manage their ballast water to meet the so-called D-1 standard or D-2 standard.

The D-1 standard requires ships to conduct the exchange of ballast water such that at least 95% of water by volume is exchanged far away from the coast where it would be released.

The D-2 standard\* requires ballast water management to restrict to a specified maximum the amount of viable organisms allowed to be discharged and to limit the discharge of specified indicator microbes harmful to human health.

Draft amendments to the treaty approved by the MEPC clarify when ships must comply with the requirement to meet the D-2 standard.

The draft amendments will be circulated after the entry into force of the BWM Convention on 8 September 2017, with a view to adoption at the next MEPC session (MEPC 72 in April 2018). Under the approved amendments, new ships, that is to say ships constructed on or after 8 September 2017, shall conduct ballast water management that at least meets the D-2 standard from the date they are put into service.

For existing ships that is ships constructed before 8 September 2017, the date for compliance with the D-2 standard is linked with the renewal survey of the ship associated with the International Oil Pollution Prevention Certificate under MARPOL Annex I.

For existing ships this would be the first or second five-year renewal survey after 8 September 2017:

- By the first renewal survey: this applies when that the first

renewal survey of the ship takes place on or after 8 September 2019 or a renewal survey has been completed on or after 8 September 2014 but prior to 8 September 2017.

- By the second renewal survey: this applies if the first renewal survey after 8 September 2017 takes place before 8 September 2019. In this case, compliance must be by the second renewal survey (provided that the previous renewal survey has not been completed in the period between 8 September 2014 and 8 September 2017).



*The Committee clarified the ballast water management schedule, progressed GHG and air pollution issues, adopted new NOx emission control areas, designated a further Particularly Sensitive Sea Area and agreed to work on implementation of the 0.50% global sulphur limit.*

An existing ship to which the IOPP renewal survey under MARPOL Annex I does not apply shall meet the D-2 standard from the date decided by the Administration, but not later than 8 September 2024.

The MEPC adopted a resolution which resolves that Parties to the BWM Convention should implement the schedule for compliance outlined in the draft amendments, ahead of their adoption and entry into force.

In other work focusing on implementation of the BWM treaty, the MEPC, inter alia:

- adopted the 2017 Guidelines for ballast water exchange (G6);
- adopted the 2017 Guidelines for risk assessment under regulation A-4 of the BWM Convention (G7);
- adopted an MEPC resolution on “The experience-building phase associated with the BWM Convention”;
- approved the Code for approval of ballast water management systems, and
- approved draft amendments to the BWM Convention to make the Code mandatory, for adoption at the next session;
- approved amendments to section E (Survey and certification) of the BWM Convention, also for adoption at MEPC 72;
- approved a manual on “Ballast Water Management – How to do it”;
- approved Guidance on contingency measures under the



BWM Convention;

- approved a circular on Application of the BWM Convention to ships operating in sea areas where ballast water exchange in accordance with regulations B-4.1 and D-1 is not possible;
- granted final approval to one and basic approval to two ballast water management systems that makes use of active substances.

### Implementation of the global sulphur limit – scope of work agreed

The MEPC agreed the scope of work needed to achieve consistent implementation of the 0.50% m/m global limit of the sulphur content of ships' fuel oil, which will come into effect from 1 January 2020. The 0.50% limit is prescribed in regulation 14.1.3 of MARPOL Annex VI.

The Sub-Committee on Pollution Prevention and Response (PPR) has been instructed to explore what actions may be taken to ensure consistent and effective implementation of the 0.50% m/m sulphur limit for fuel oil used by ships operating outside designated SOX Emission Control Areas and/or not making use of equivalent means such as exhaust gas cleaning systems; as well as actions that may facilitate the implementation of effective policies by IMO Member States.

To ensure this vital work is completed by 2020, the MEPC approved (subject to endorsement by the IMO Council) the holding of an intersessional working group meeting in the second half of 2018.

In other work related to air pollution matters, the MEPC:

- adopted amendments to MARPOL Annex VI to designate the North Sea and the Baltic Sea as emission control areas (ECAs) for nitrogen oxides (NOX) under regulation 13 of MARPOL Annex VI. Both ECAs will take effect on 1 January 2021, thereby considerably lowering emissions of NOx from international shipping in those areas;
- adopted amendments to the information to be included in the bunker delivery note relating to the supply of marine fuel oil to ships which have fitted alternative mechanisms to address sulphur emission requirements;
- adopted the 2017 Selective Catalytic Reduction (SCR) system Guidelines.

### Reduction of greenhouse gas emissions from ships

The MEPC continued to build on the solid work the Organization has undertaken to address greenhouse gas (GHG) emissions from international shipping, with work on track for the adoption of an initial IMO strategy on the reduction of GHG emissions from ships in 2018, in accordance with a Roadmap approved at MEPC 70.

The MEPC noted agreement within a working group on a draft outline for the structure of the initial IMO Strategy. The group met following a week-long meeting of the Intersessional Working Group on Reduction of GHG Emissions from Ships (26-30 June), which reported on its detailed discussions.

The initial strategy is set to include:

1. Preamble/introduction/context including emission scenarios

2. Vision
3. Levels of ambition
4. Guiding principles
5. List of candidate short-, mid- and long-term further measures with possible timelines and their impacts on States
6. Barriers and supportive measures; capacity building and technical cooperation; R&D
7. Follow-up actions towards the development of the revised Strategy
8. Periodic review of the Strategy

The Committee approved terms of reference for the second and third meetings of the Intersessional Working Group.



In addition to further considering how to progress the matter of reduction of GHG emissions from ships and advise the Committee as appropriate, the second intersessional meeting (ISWG-GHG 2, 23-27 October 2017) has been instructed to further develop the structure and identify core elements of the draft initial IMO Strategy on reduction of GHG emissions from ships and develop draft text for inclusion in the initial Strategy, with submissions due by 22 September 2017.

The third intersessional meeting (ISWG-GHG 3, 3-6 April 2018) has been instructed, on the basis of the work of ISWG GHG 2, to finalize the draft initial IMO Strategy on reduction of GHG emissions from ships and submit a report to MEPC 72 (9-13 April 2018).

### Energy efficiency measures for ships

Energy-efficiency design standards for new ships and associated operational energy-efficiency measures for existing ships became mandatory in 2013, with the entry into force of relevant amendments to MARPOL Annex VI. The Committee was informed that nearly 2,500 new ocean-going ships have been certified as complying with the energy efficiency standards.

In other work related to the implementation of the mandatory energy efficiency measures in MARPOL Annex VI, the MEPC:

- adopted 2017 Guidelines for Administration verification of ship fuel oil consumption data, to support the implementation of the mandatory MARPOL requirements for ships of 5,000 gross tonnage and above to collect consumption data for each type of fuel oil they use, as well as additional specified data, including proxies for transport work, from calendar year 2019;
- adopted 2017 Guidelines for the development and management of the IMO Ship Fuel Oil Consumption Database;
- approved an MEPC circular on Submission of data to the IMO data collection system for fuel oil consumption of ships from a State not Party to MARPOL Annex VI;
- approved draft amendments to regulation 21 of MARPOL

Annex VI regarding EEDI requirements for ro-ro cargo and ro-ro passenger ships, with a view to adoption at MEPC 72;

- established a correspondence group on review of the Energy Efficiency Design Index (EEDI) beyond phase 2, to report on progress by MEPC 72 and make a recommendation to MEPC 73 on the time period and reduction rates for EEDI phase 3 requirements.

### **Protecting the Arctic from heavy fuel oil – work to begin at MEPC 72**

The MEPC agreed to add a new output in its work programme on the development of measures to reduce risks of use and carriage of heavy fuel oil (HFO) as fuel by ships in Arctic waters.

This new output will appear on the agenda for its next session (MEPC 72) in April 2018.

Member Governments and international organizations were invited to submit concrete proposals on what type of measures should be developed, including the scope of the work, to MEPC 72, so that clear instructions can be given to the PPR Sub-Committee which will carry out the detailed technical work, starting at PPR 6.

The use and carriage of heavy fuel oil is banned in Antarctic waters under MARPOL and the IMO Polar Code recommends that States follow the same practice in the Arctic.

### **Designation of Tubbataha Reefs Natural Park (Indonesia) as a PSSA**

The MEPC approved the final designation of the Tubbataha Reefs Natural Park, situated in the Sulu Sea, Philippines, as a Particularly Sensitive Sea Area (PSSA), following the adoption by the Maritime Safety Committee of a new Area to be avoided as an associated protective measure. The aim is to reduce the risk of ship groundings in the park, thereby preventing any resulting marine pollution and damage to the fragile coral reef ecosystem, as well as ensuring the sustainability of local artisanal fisheries.

This brings the number of marine areas protected in this way to 15 (plus two extensions).

### **OSV Chemical Code**

The MEPC approved the draft Code for the transport and handling of hazardous and noxious liquid substances in bulk on off-shore support vessels (OSV Chemical Code), prepared by PPR 4 and amended and approved by MSC 98, for submission to the 30<sup>th</sup> IMO Assembly for adoption later this year.

### **Oil pollution model courses approved**

Updated IMO Model Courses on Oil Pollution Preparedness, Response and Cooperation (OPRC Model Training Courses) were approved by the MEPC. The OPRC model training courses have been revised to provide up-to-date guidance for preparedness and response to marine oil spills.

### **Major technical cooperation projects**

The MEPC was informed about recent developments with regard to major environment-related technical cooperation (TC) projects.

With a view to continuing the technical cooperation efforts in marine biosafety, which started with the GloBallast Partnerships

Project which came to an end in June 2017, IMO has secured further funding from the Global Environment Facility (GEF) to prepare a full-scale document for a new global project aimed at assisting with implementation of the IMO Guidelines for controlling and managing ships' biofouling.

On the sidelines of the MEPC meeting, leading shipowners and operators, classification societies, engine and technology builders and suppliers, big data providers, and oil companies signed up to a new Global Industry Alliance (GIA) to support shipping and its related industries make the transition towards a low carbon future. The GIA has been established under the auspices of the GloMEEP Project, a GEF-United Nations Development Program (UNDP)-IMO project to support developing countries implement energy-efficiency measures for shipping.

Meanwhile, the European Union-funded Global MTCC Network (GMN) Project has successfully established maritime technology cooperation centres (MTTCs) in its five target regions – Asia, Africa, Caribbean, Latin America and Pacific. With the goal to support the move towards low-carbon shipping, the MTTCs will focus on capacity-building efforts and implementing pilot projects involving fuel oil consumption data collection and developing low-carbon technologies.

### **\* Regulation D-2 Ballast Water Performance Standard**

1. Ships conducting Ballast Water Management in accordance with this regulation shall discharge less than 10 viable organisms per cubic metre greater than or equal to 50 micrometres in minimum dimension and less than 10 viable organisms per millilitre less than 50 micrometres in minimum dimension and greater than or equal to 10 micrometres in minimum dimension; and discharge of the indicator microbes shall not exceed the specified concentrations described in paragraph 2.
2. Indicator microbes, as a human health standard, shall include:
  - .1 *Toxicogenic Vibrio cholerae* (O1 and O139) with less than 1 colony forming unit (cfu) per 100 millilitres or less than 1 cfu per 1 gram (wet weight) zooplankton samples ;
  - .2 *Escherichia coli* less than 250 cfu per 100 millilitres;
  - .3 *Intestinal Enterococci* less than 100 cfu per 100 milliliters.

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## **AMVER System rescue**

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An international rescue effort involving US Air Force pararescuemen and an AMVER participating Handysize tanker saved two German sailors who abandoned their burning sailboat approximately 525 miles east of Port Canaveral, Florida, on 7 July.

US Coast Guard rescue authorities in Miami received a 406 MHz Emergency Position Indicating Radio Beacon (EPIRB) signal for a 42-foot German flagged sailboat. Working with rescue authorities in Bremen the Coast Guard personnel learned that two sailors had abandoned their burning sailboat and one of the sailors was suffering from severe burns.

Coast Guard rescue personnel used the Amver system to locate the 600-foot chemical tanker *Nord Nightingale* which was near the sunken sailboat. The crew of the *Nord Nightingale* agreed to divert and assist in the rescue operations.

The Coast Guard also coordinated with the US Air Force who launched para-rescuemen and medical supplies from the 920<sup>th</sup> Rescue Wing. The team of Air Force rescue specialists were able to parachute down to the injured yachtsmen and commence treating them.

Survivors and para-rescuemen were hoisted aboard *Nord Nightingale* and a US Air Force helicopter arrived to hoist the seven and transport them back to Florida where the survivors were transferred to a local hospital.



Photo credit: US Air Force photo by Master Sgt Mark Borosch.

The Singapore flagged *Nord Nightingale*, managed by NorOrient Product Pool in Singapore, enrolled in AMVER the Automated Merchant Vessel Reporting program\* in June 2008.

\* Sponsored by the United States Coast Guard, AMVER is a computer-based voluntary global ship reporting system used worldwide by search and rescue authorities to arrange for assistance to persons in distress at sea.

Any commercial vessel, regardless of nation or flag, over 1,000 gross tons on voyages of 24 hours or greater is encouraged to enroll and participate in AMVER. (See [www.amver.com](http://www.amver.com) )

Other vessels such as private yachts, research vessels, and even floating production storage and offloading vessels (FPSOs) can enroll. There are thousands of vessels enrolled in AMVER, representing hundreds of countries. On any given day there are over 7,000 vessels available to divert and assist in a distress situation.

In one week in August five ships joined AMVER. In their words:

The sea remains a dangerous place and nobody is better suited to lend a hand than you, the seafarer. Now, help us welcome the latest members of the Amver safety network.

BW NILE  
ROYAL BLISS  
YM UNIFORMITY  
MOUNT KELLETT  
SC SCORPIO

## New emission control norms from 2019 in Hong Kong

According to the UK P & I Club Hong Kong will introduce its own regulation to require vessels plying Hong Kong waters to use cleaner fuel from January 2019 to complement the efforts under the PRC's Ministry of Transport's action plan for the Hong Kong, Macau and PRD (Pearl River Delta).

Published in March 2013A *Clean Air Plan for Hong Kong*, was the first document issued by the Environment Bureau (ENB) which set out an emission control plan to improve the air quality in Hong Kong, Macau and PRD.

That plan looked into emission level and set out the emission reduction targets for various sectors, such as Road, Marine, Power Plants and Non-Road Mobile Machinery for the future.

In June 2017 the ENB and the Environmental Protection Department (EPD) of Hong Kong updated their publication *Clean Air Plan for Hong Kong 2013-2017 Progress Report*.

This document updates the 2013 publication and reveals stricter control measures for Hong Kong's air quality and its future plans. It can be downloaded at: [http://www.enb.gov.hk/sites/default/files/CleanAirPlanUpdateEng\\_W3C.pdf](http://www.enb.gov.hk/sites/default/files/CleanAirPlanUpdateEng_W3C.pdf) or <http://tinyurl.com/ycntctly> (Pages 25 – 30 relates to marine trade).

From 1 January 2019 onwards, vessels trading within the PRD Domestic Emission Control Areas (DECA) are required to run on low-sulphur fuel with the sulphur content not exceeding 0.5%, according to the plan set out by the PRC's Ministry of Transport. However, the penalty violating the 0.5% requirement remains unknown at present.

KS Wong, Secretary for the Environment, HK SAR in recent communication said: *'As pledged by the Chief Executive in her Election Manifesto, the Environment Bureau will continue to implement the various blueprints for environmental protection and will ensure co-ordination among various bureaux and departments to improve air quality, waste management, energy conservation, biodiversity as well as to combat climate change, etc. Our aim is to develop Hong Kong into a more sustainable and liveable city.*

*'In response to the Paris Agreement, we must combat global climate change through a three-pronged approach, namely mitigation, adaptation and resilience. Meanwhile, we are tackling various local environmental challenges. The future challenges are largely interconnected. We should enhance innovation, interaction and collaboration. Let us make positive changes together...'*

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## Port of Cork and Port of Xiamen accord

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On 18 July the Port of Cork, Ireland and the Port of Xiamen (PRC) formally signed a Sister Port Agreement in order to jointly promote freight, the cruise business, logistics and other opportunities within the two ports. This agreement will help to strengthen the understanding and long-term cooperation between the two ports, it is reported.

The Port of Xiamen is an important deep water port located on Xiamen Island, the adjacent mainland coast, and along the estuary of the Jiulongjiang River in southern Fujian, People's Republic of China.

Xiamen is ranked the eighth-largest container port in China and 17<sup>th</sup> in the world. With capacity to handle sixth-generation large container vessels, there are nine container terminals consisting of 74 berths.

In 2013, Xiamen handled 191 million tons of cargo, including 8.08 million TEU.

This sister port agreement will see the Ports of Xiamen and Cork mutually agree to providing excellent services to shipping lines operating between the two ports and they will encourage new shipping companies in setting up direct lines between the two ports.

As well as strengthening the exchange of industry shipping information, shipping technology and the international shipping market, the agreement shall further strengthen any technical training and port visits so as to jointly promote mutual business cooperation and friendship.

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## Grounded off New York City

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**HAPAG's Captain Rössler tells of his most critical minutes at sea**

**In the narrow navigation channel beneath the Verrazano Bridge, a fully loaded gas tanker is headed in the opposite direction to the *Kobe Express*. At this moment, the engine fails without any warning – and the outgoing current pushes the containership onto a collision course. Captain Peter Rössler recounts the most critical minutes of his time at sea.**

For every captain, it is something special to call at an American port. In saying that, I am not just talking about the view of San Francisco or New York. Since the terrorist attacks of 11 September, 2001, the authorities have been very strict, and there is a huge amount of red tape. The ship has to be declared to the US Coast Guard no later than 96 hours before arriving. All information regarding the ship, its cargo and its crew has to be transmitted error-free; even the smallest typo is not permitted and can be punished with a fine. In the worst-case scenario, a ship can be refused entry to the port. Nor is it uncommon for the US Coast Guard to halt a cargo ship off a port, and officials have taken the velvet gloves off when it comes to how they treat the crew.

Once the ship is moored at the pier, in addition to the agent, the first people to come on board are also the immigration authorities – to match faces with documents. Each member of the crew has to present himself individually and answer questions. On several occasions, I have seen it happen that a member of the crew is denied permission to go ashore because officials did not like his answers. One time, a seaman complained about being handled this way. The result: the entire ship was forbidden from going on shore – and, on top of that, the ban applied to all ports along the US East Coast. As the captain, I tried to intervene. But without success.

In many ways, what happened in March 2007 in the Port of New York with the *Kobe Express* (PANAMAX containership, 294 metres long, 32 metres wide) could have turned into a nightmare.

It had been a tough voyage that began in Bremerhaven. After Rotterdam, we had run into the remnants of the North Sea storm Kyrill, which involved huge swells and very high seas. We finally arrived in Halifax four days late. The voyage continued along the US East Coast, through the Panama Canal, along the US West Coast, and then from San Francisco to Japan and on to port of destination, Hong Kong. The heavy fuel oil that we bunkered there caused problems for us on the return voyage. But the engine crew came to grips with the problem.

In any case, I was not worried about that at all when we departed from New York, and all the cargo-handling operations had been completed on time. I studied the weather report for the Atlantic crossing. It called for calm weather and a following wind. Our voyage was on schedule, and I was looking forward to spending some time at home. It was a tranquil Sunday, 17 March. A light snow was falling on the houses of New York. “*Engine clear!*” the chief engineer reported, and the pilot came on board.

At 2100 we left our berth at the Global Terminal.

Though I could not have guessed it at the time, this is when some of the most exciting hours of my career began.

With the help of two tugboats, we had turned the *Kobe Express* and started to make headway into the buoyed Ambrose Channel. A big tanker was heading our way in the opposite direction. To have enough clearance, we held our starboard side close to the line of buoys on the right, sailing very slowly. At exactly 2204 we passed under the Verrazano Bridge, which connects Staten Island and Brooklyn. Moments later, I noticed that a giant cloud of steam had risen out of our funnel. Puzzled, I went out onto the bridge wing to see what was going on. It was precisely 2214 when I came back onto the bridge and the engine failed. Without any alarms, without any signs. I immediately tried to restart it from the bridge.

“*The ship won't let itself be steered anymore,*” the helmsman announced. “*The ship is getting out of control.*”

The outgoing current turned the *Kobe Express* to port and directly toward the gas tanker, which was already very close. A critical moment.



*Captain Peter Rössler was born in 1970 in the eastern German city of Leipzig. Longing to travel far and wide, he already wanted to go to sea at an early age. At 15, he sailed the Baltic Sea onboard a training ship of the Sport and Technology Association (GST). He studied nautical sciences in the north eastern port city of Warnemünde, where he earned his A6 captain's licence for commercial seagoing shipping. In 2016, he was at the helm of the newbuilding Valparaíso Express when it became the biggest ship ever to sail through the Panama Canal. Rössler lives with his wife and three children in Ammerland, near the northwestern German city of Oldenburg.*

Of course, I already had some critical moments under my belt. For example, I was chief mate on the *MS World Discoverer* expedition cruise ship when it ran aground in the Solomon Islands in April 2000, when the ship hit a reef that was not plotted on any nautical chart. After sending out a distress signal, the captain deliberately grounded the damaged ship on a beach in Roderick Dhu Bay. All passenger survived unharmed. For an entire week, I stayed on board the disabled vessel, along with the captain and the second officer, to ward off any would-be plunderers. We dwelled in two lifeboats that we had tied together, and we kept a rotating watch. What an adventure that was! Especially at night, when the bay was eerily calm and silent. The salvage attempts had to be broken off when roughly a hundred armed rebels started heading toward the disabled vessel to plunder it.

Things could have gotten bad like that just seven months later, in February 2001. I was sailing as chief mate on the *MS Bremen* cruise ship when a gigantic wave hit the ship during a winter storm on the South Atlantic. The storm was blowing with gusts of more than 135 knots – I had never experienced anything like it in my entire life. We estimated that the waves were more than 15 metres high. At around 0620 at position 45°54'S 38°58'W, the *Bremen* dipped twice in quick succession. The ship tipped over into

a wave trough – and then we saw a huge wall of water in front of us. It might have been about 30 metres high, but we could only make a very rough estimate in such a brief period of time.

The *Bremen* sailed straight into the wave. At that moment, I was standing in front of the big central window on the bridge. There was a huge impact, a crack when the window broke. I was washed away by the water rushing in, and crashed through a wall panel in the rear part of the bridge. Luckily, the only wounds I suffered were a few bruises. The bridge was under a metre of water. I had a hard time getting back up on my feet.

All the devices – from the radar to the sonar to the gyro compass – had failed, alarms were going off, and smoke was rising out of the bridge console. The *MS Bremen* was disabled, lying beam on to rough seas. The ship keeled over several times with an extreme list. The bosun and two seamen managed to seal the shattered window with a wooden board. Half an hour later, the engines were working again and, sailing slowly, we were able to turn the bow back into the oncoming waves. The storm abated, and we called at Buenos Aires as a port of refuge.

So, let us return to the scene below the Verrazano Bridge, where the situation was getting dodgy. The big gas tanker kept getting closer and closer. The pilot – a tall, gaunt fellow in maybe his early 40s – was yelling out wild commands over the bridge. But even losing control did not make things any better for us at the moment. I thought about what should be done, and made a call to the engine control room.

“Can we start from the emergency control panel?” I asked the chief engineer. He gave it a try, but the engine did not start up. Over the VHF unit, I listened to the excited voices of my counterpart on the gas tanker and its pilot. Every second counted now.

The clock on the bridge showed 2219.

“Drop the anchor to starboard, five chain lengths,” I ordered.

Moments later, the ship was jerked hard to starboard and stopped, but the stern was picking up speed and swinging right toward the fully loaded gas tanker. I had the portside anchor dropped. The manoeuvre halted the strong pivoting of the *Kobe Express*.

At a distance of less than 100 metres, the gas tanker passed by our stern. Just think what would have happened if there had been a collision and perhaps even an explosion of the gas tanker! And right near the bridge between Staten Island and Brooklyn, which is always full of traffic. I do not even like to imagine it.

I heaved a sigh of relief, but only briefly, as we were still stuck without a functioning engine, lying in beam seas with

two anchors in the fairway of the channel off New York. The outgoing current was completely pushing us on our own axis. The pilot had calmed down a bit and made contact with four tugboats, which were supposed to bring us to an anchorage. I ordered the two anchors to be hauled up. And, at 2330 the chief engineer reported that the engine was running again. I replied "*Slow ahead,*" and the tugboats pulled.

But nothing happened.

We were stuck, off New York City, outside of the fairway near Buoy 19, at 40°34. 2'N 074°02. 3'W, to be exact.

To have a ship lying aground is an unpleasant thing for any captain. But to have a ship stuck off an American port is a fiasco. I immediately had all the tanks sounded for ballast water and fuel in order to see whether we had a leak. "*No change*" was the answer, which was already good news. Wondering whether the rudder and propellers were free, I ordered the water depth around the ship to be measured using a hand lead. The result: The forward quarter of the port side of the *Kobe Express* was lying on top of a sandbar. I made another careful attempt to get free using just our ship's own power, but the big vessel would not budge an inch. According to the announcement, the next flooding would only be coming in the morning. We had to wait.

A Coast Guard boat arrived. I was prepared for cursing deputies. But, to my surprise, two friendly young ladies came onto the bridge. After I assured them that no oil had leaked out, they helped me fill out various questionnaires and took my statements for the record. They did not perform a test for alcohol or drugs, nor did they question any additional crew members. Before saying goodbye, the ladies handed me a document from the harbor master that said we were not allowed to leave New York until the cause of the engine failure had been determined and the ship had been inspected by the classification society.

Shortly after four o'clock in the morning, there was some movement of the ship. Soon thereafter, it slowly turned over the starboard side into the fairway. And, about half an hour later, I decided it was time to make a new attempt to free the vessel from the sandbar. "*Slow astern,*" I commanded. And, wouldn't you know it, the *Kobe Express* really did slide itself free.

At 0530 we reached the roadstead off Gravesend [Editor's note: a neighborhood in Brooklyn south of the Verrazano Bridge and above Coney Island] and dropped anchor. I was just about to lie down for a bit before the surveyor from Germanischer Lloyd [the classification society], whom the agency had ordered during the night, planned to come on board. But then the chief engineer came on to the bridge. "*The cause of the failure was a clog in the service tank,*" he said.

A few hours later, the expert confirmed this assessment in addition to certifying that the engine was fully operational again. Nevertheless, everyone on the bridge was nervous because there were still divers in the water to inspect the

hull. Had the ship sustained any damage? Was there perhaps a tear? I was somewhat anxious when the men came on to the bridge. But the news was good: They had not even found any dents; just a few scratches. The ship was seaworthy without restrictions. Hiding my sense of relief, I got started on the paperwork, as I had stacks of forms to fill out.

Officials from the US Coast Guard came on board again to have us show them that the engine was running properly and to collect the documents. At 1700 the surveyor, divers and officials left the ship. And less than 90 minutes later, the fax machine rang: The clearance from the harbour master was on hand. We hauled up the anchors and set a course for Halifax, Nova Scotia.

I'd never been as happy to leave New York as I was that evening.

**This article was first published in the July 2017 edition of *HAPAG Lloyd Insights* and appears here with the kind permission of HAPAG-Lloyd AG ©.**

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## Nor Lines Takeover

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### Samskip makes major Norwegian acquisition

Samskip has announced that it will acquire activities associated with Nor Lines AS, in a major expansion of its shipping, transport and logistics businesses in Norway.

Subject to approval by Norway's competition authorities, Samskip has agreed with the DSD Group to acquire the activities of Nor Lines, which generate an average annual turnover of €110 million. This was reported on 25 July.

With its head office in Stavanger, Nor Lines is a diversified logistics business offering domestic and international services. The transaction includes terminal activities nationwide, warehousing and haulage services, while five out of seven multi-purpose vessels will be transferred under a time charter arrangement to Samskip. It also brings 170 employees, based in 14 locations throughout Norway. Post-acquisition, activities will continue operate under the Nor Lines brand name.



In the words of Ásbjörn Gíslason, Chief Executive Officer, Samskip Logistics: *'The Nor Lines takeover represents a major opportunity for Samskip. It is a natural but significant extension of our shipping and logistics activities in Norway which will further broaden our customer offerings. Nor Lines' financial performance has been disappointing in recent years, but we are confident that by combining our respective strengths and refocusing the business we will create synergies, improve efficiency and provide customers with enhanced services.'*

Samskip's presence in Norway has been significantly strengthened over the past years through internal growth and several acquisitions.

Samskip now transports around 90,000 TEU a year between Norway and Northern Europe, a volume it aims to further increase through the Nor Lines acquisition. The frigoCare (fully owned by Samskip) cold store and terminal in Aalesund serves an important hub in both Samskip's container system and Nor Lines vessel system. Samskip also owns a 50% share in Bergen-based Silver Sea AS, which operates a fleet of 14 reefer vessels. Samskip's combined annual turnover after the Nor Lines takeover will make it a major player in the market.



Concluded Ingvald Løyning, Chief Executive of DSD: *'We are pleased to complete our divestment of Nor Lines and entrust the business to Samskip, in a strategic solution for a specialized business that needs to be part of a larger structure to develop and thrive. We believe that Samskip will be a good home for Nor Lines, and a good solution for our employees and customers.'*

Samskip, as an ISO14001-certified company whose sustainable transport policy has been recognised with many industry awards. Examples of its fleet are the LNG-vessels, *Kvitnos* and *Kvitbjørn*. These Rolls-Royce Marine-designed vessels, delivered in 2015, eliminate NOx emissions, minimise SOx emissions and, in per ton/km terms, produce 70% lower CO<sub>2</sub> emissions than the equivalent truck freight move. Overall, they are 65% more energy-efficient than a ship running on conventional marine fuel, it is reported.

## Changes in Seafarers' Health 2011-2016

[www.sirc.cf.ac.uk](http://www.sirc.cf.ac.uk)

In July Cardiff University Seafarers' International Research Centre\* published the above report which sets out to provide a brief overview of the results of a questionnaire administered in both 2011 and 2016 relating to seafarers' health and medication.

This questionnaire was administered to active seafarers visiting welfare centres from their ships. The questionnaire was distributed and collected by port chaplains and by researchers in the UK, Philippines, and the People's Republic of China.

In 2011, 1026 completed questionnaires were collected and in 2016 the sample expanded to 1513.

In this report the analysis focuses on the significant differences identified between the findings for 2011 and 2016 and it also reports on areas of consistency where findings relate to important behaviours and health issues.



### Conclusions

The findings from studies of seafarers' self-reported health and health-related practices indicate that in some respects there have been improvements in behaviours and in practices over the five years that have elapsed between 2011 and 2016.

Seafarers smoke and drink less and seem to follow healthier eating practices with increased consumption of vegetables and decreased consumption of fried food both at sea and at home.

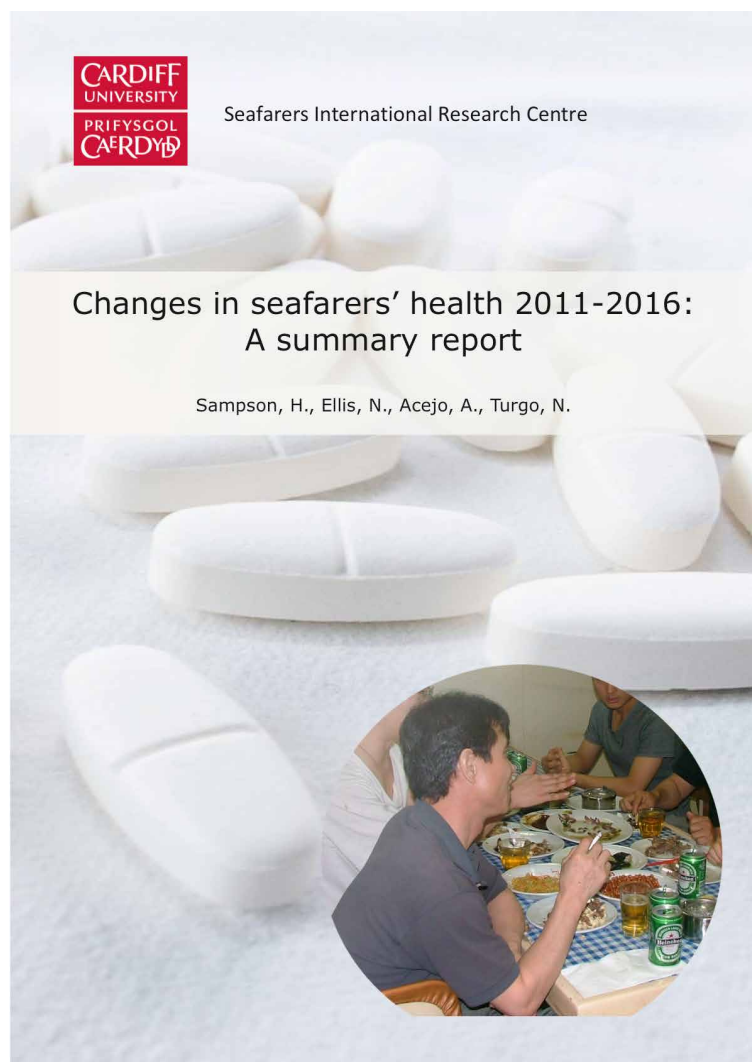
It was noted that the consumption of fried food at sea is far higher than consumption at home. Seafarers also reported fewer conditions that have been diagnosed by doctors and seem to suffer from fewer specific self-diagnosed problems. This is presumably one reason why seafarers' use of both prescribed painkillers and self-prescribed medications appears to have fallen.

By contrast there are somewhat contradictory findings in relation to fatigue, mental health and perceptions of health amongst seafarers. Sleep quality has reduced in the period 2011-2016 and this appears to be primarily related to work factors and environmental factors rather than to seafarers' reported levels of anxiety. An interesting related finding that companies could readily address is the increase in the proportion of respondents in 2016 who reported being unable to screen natural daylight out of their cabin.

Fatigue scores for seafarers have risen over this period

and this is a matter of some concern for both the long-term health of the seafarer population and for operational safety.

Similarly, there was noted a deterioration in some aspects of seafarers' mental health. Scores relating to questions drawn from the validated General Health Questionnaire suggest that there has been an increase in psychiatric disorders amongst serving seafarers. This might explain, in part, why more seafarers in 2016 (than 2011) felt that their health was less robust than that enjoyed by other people around them.



## Recommendations

- 1) Ship operators ensure that effective means of screening out daylight are provided in all seafarer cabins.
- 2) Ship operators encourage further provision of tasty and satisfying alternatives to fried food on board.
- 3) Ship operators ensure that vegetarian meal options are made available to seafarers on board.
- 4) Ship operators encourage seafarers to eat breakfast by providing access to breakfast cereals and similar food out of hours.
- 5) Ship operators minimise seafarer exposure to environmental factors which disturb sleep (e.g. poor weather) even when this requires that they prioritise crew welfare over commercial concerns.

6) Ship operators place sufficient numbers of seafarers on board in order to produce a reduction in the work-related factors which are resulting in seafarers' fatigue (e.g. working hours).

7) Ship operators pay more attention to the protection of seafarers' mental health. In addition to taking steps to reduce fatigue, operators are encouraged to find ways of providing better access to those facilities and amenities on board which serve to allow seafarers to relax and to achieve a degree of mental restoration. These are likely to include: games; sports facilities provided in properly designed, designated, spaces; spacious, comfortable, communal areas where collective entertainment for the whole crew can be enjoyed; Wi-Fi access in cabins, views of the natural environment from cabins; access to regular shore-leave; clean and well-maintained living spaces; flexible lighting; heating/air conditioning that can be regulated within cabins.

\* The Seafarers International Research Centre (SIRC) is part of the Cardiff University School of Social Sciences.

SIRC was established in 1995 with a view to conducting research on seafarers. The Centre has a particular emphasis on issues of occupational health and safety. It is the only international research facility of its kind and has built up unparalleled experience of research in this field.

SIRC aims to:

- Produce independent, high quality, research relating to seafarers' lives.
- Develop work in relation to contemporary social debates (for example around globalisation).
- Disseminate findings widely across the maritime and academic community.
- Stimulate greater interest and understanding of seafarers and their lives.
- Contribute positively to the welfare of seafarers.

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## Joint Industry Launch of Latest Guidelines on Cyber Security

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The second edition of *The Guidelines on Cyber Security Onboard Ships* has been released. This latest practical advice has been compiled by the joint industry group, which is led by BIMCO and now includes new members OCIMF and IUMI, as well as the original contributors CLIA, ICS, INTERCARGO and INTERTANKO. (See final paragraph here for explanation of these sets of letters).

Here the second edition includes information on insurance issues and how to effectively segregate networks, as well as new practical advice on managing the ship-to-shore interface, and how to handle cyber security during port calls and when communicating with the shore side.

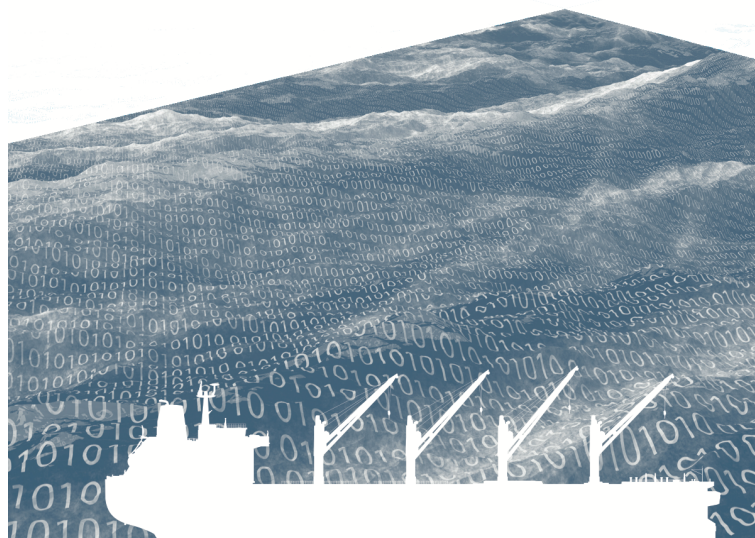
Chapters on 'contingency planning' and 'responding to and recovering from cyber incidents' have been rewritten



to reflect the fact that the guidelines are aimed specifically at ships and the remote conditions prevailing if a ship's defences have been breached.

The Guidelines on Cyber Security Onboard Ships have also been aligned with the recommendations given in the IMO's Guidelines on cyber risk management which were adopted in June 2017.

## THE GUIDELINES ON CYBER SECURITY ONBOARD SHIPS



Produced and supported by  
BIMCO, CLIA, ICS, INTERCARGO, INTERTANKO, OCIMF and IUMI



v2

A new subchapter on insurance has been added, looking at coverage after a cyber incident as this is an important part of the risk assessment which shipowners should now take into consideration. Finally, the Annex, which explains about networks, has been rewritten based on real experience of shipowners segregating networks on their ships.

Angus Frew, BIMCO Secretary General and CEO said: *'Cyber security is certainly a hot topic for all of us now, and this latest guidance includes valuable information, applying a risk based approach to all of the areas of concern, highlighting how an individual's unwitting actions might expose their organisation.'*

*'The first version of the guidelines was well received by the industry and acknowledged by the IMO and we really do believe that the update offers the most comprehensive guidance for the shipping industry today.'*

*'In the light of recent events we urge everyone across the industry to download it – it is available free of charge – and to consider the risk cybercrime may pose to their ships and operations. Ignorance is no longer an option, as we*

*are all rapidly realising'.*

The Guidelines on Cyber Security Onboard Ships are available to download on <http://bit.ly/2tmwGZ3>

The joint industry working group members are: Baltic and International Maritime Council (BIMCO), Cruise Lines International Association (CLIA), International Chamber of Shipping (ICS), International Association of Dry Cargo Shipowners (INTERCARGO), International Association of Independent Tanker Owners (INTERTANKO), International Union of Maritime Insurance (IUMI) and Oil Companies International Marine Forum (OCIMF).

## Maritime piracy in Q2 - 87 incidents reported

Continuing decline in the number of reported incidents of maritime piracy and armed robbery against ships has been revealed in the second quarter piracy report of the ICC International Maritime Bureau (IMB), published on 4 July.

According to the report, the first half of 2017 saw a total of 87 incidents reported to the IMB Piracy Reporting Centre compared with 97 for the same period of the previous year.

Recording some of the lowest figures seen in the last five-year period, the latest piracy report shows that in the first six-months of 2017, 63 vessels were boarded, 12 fired upon, four were hijacked and attacks were attempted on another eight vessels. A total of 63 crew have been taken hostage so far this year while 41 have been kidnapped from their vessels, three injured and two killed.

The encouraging downward trend has been marred however by the hijacking of a small Thai product tanker en route from Singapore to Songkhla, Thailand. The hijacking, at the end of June, was conducted by six heavily armed pirates who transferred 1,500 MT of gas oil to another vessel. The incident followed a similar pattern to a series of product tanker hijackings in the region which occurred approximately every two weeks between April 2014 and August 2015.

In the words of Mr Mukundan, Director, IMB: *'To prevent criminal gangs carrying out attacks on other product tankers, the IMB PRC is calling on Malaysian and Indonesian authorities to take robust action, in the same vein as their response which brought perpetrators of the previous spate of attacks to justice'.*

Cooperation between Indonesia, Malaysia and Philippines has been recognised as the fundamental reason for the overall decline in the number of reported incidents in and around the Philippines – from nine cases recorded in the first quarter of the year to just four cases in the second quarter.

Overall, the number of mainly low-level attacks off Indonesia has also decreased from 24 in 2016 to 19 in 2017.

## Somali pirates remain threat to merchant ships

The hijacking of an Indian dhow in early April was one of five incidents off Somalia reported in the second quarter of 2017. Added to a further three reports of vessels coming under fire and a bulk carrier being boarded by pirates in the Gulf of Aden, the incident reveals that Somali pirates still retain the skills and capacity to attack merchant ships far from coastal waters. The piracy report urges ship masters to maintain high levels of vigilance when transiting the high-risk area and to adhere to the latest version of best management practices.



Pirates in Nigeria continue to dominate when it comes to reports of kidnappings. So far, this year they have been responsible for the abduction of 31 crew in five reported incidents. The numbers include 14 crew members taken from two separate vessels in the second quarter of the year.

Violence against crews continues with half of all reports of vessels being fired upon coming from Nigeria.

Recognizing the need to get a clearer understanding of the depth of under reporting in the Gulf of Guinea region the IMB, in association with Oceans Beyond Piracy, has proposed the idea of a 'Community of Reporting' – a project aimed at encouraging all stakeholders to share reports of piracy and armed robbery with the IMB.

### Piracy and armed robbery

Since 1991 the IMB 24-hour-manned Piracy Reporting Centre, has provided the maritime industry, governments and response agencies with timely and transparent data on piracy and armed robbery incidents – received directly from the vessel masters or owners.

The Centre's prompt forwarding of reports and liaison with response agencies, its broadcasts to shipping via Inmarsat Safety Net Services and e-mail alerts have contributed to response efforts against piracy and armed robbery and to improved security for seafarers worldwide.

IMB strongly urges all shipmasters and owners to report all actual, attempted and suspected piracy and armed robbery incidents to the Piracy Reporting Centre.

This first step in the response chain is vital to ensuring that adequate resources are allocated by authorities to tackle piracy. Transparent statistics from an independent, non-

political, international organization can act as a catalyst to achieve this goal.

**IMB offers the latest piracy reports free of charge. To request a PDF version of the report by e-mail readers are invited to visit:**

<https://www.icc-ccs.org/piracy-reporting-centre/request-piracy-report> or <http://tinyurl.com/yau9rk3c>

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## Two Houston Pilots to receive the 2017 IMO Award for Exceptional Bravery at Sea.

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Two members of the Houston Pilots are to receive the 2017 IMO Award for Exceptional Bravery at Sea\*. The pair will be recognized for their role in averting a major tragedy when the ship they were piloting broke down and burst into flames after colliding with mooring dolphins.

Despite being surrounded by a towering wall of burning fuel for nearly 90 minutes, pilots Captain Michael G McGee and Captain Michael C Phillips showed decisiveness, dedication and ship-handling expertise. As a result of their courageous actions, no lives were lost, serious damage to pier structures and petro-chemical facilities were prevented and a major marine pollution incident was avoided.

This incident occurred shortly after midnight on 6 September 2016, when Captain McGee and Captain Phillips were piloting the 247 metre loa tanker *Aframax River* in the Houston Ship Channel. The size of the tanker meant it required two pilots.

A sudden mechanical failure of the engines resulted in a loss of control and led to the ship striking two mooring dolphins. A fuel tank ruptured, causing a spill of diesel fuel that quickly ignited. The ship was engulfed in flames which reached up to 60 to 90 metres high. The raging fire quickly spread across the channel, threatening other tank ships and nearby waterfront facilities, and enveloped the area in thick toxic smoke.

Despite the imminent danger, at great risk to their own lives, both pilots remained at their stations on the bridge of the ship during the fire.

Captain McGee managed to manoeuvre the stricken and blazing vessel away from surrounding ships and facilities.

Captain Phillips coordinated communications and firefighting efforts with the United States Coast Guard and numerous local fireboats. He rushed to grab a fire extinguisher and put out a fire raging on the port bridge wing.

The inferno was finally extinguished after 90 minutes, leaving both pilots exhausted and suffering minor burns. Captain McGee, using tugs, was then able to bring the damaged tanker safely to a mooring facility.

Captain McGee and Captain Phillips were nominated by the International Maritime Pilots' Association (IMPA). The Award was decided by a Panel of Judges and endorsed by the IMO Council at its 118<sup>th</sup> session in London held from 24-27 July.

The 2017 IMO Award for Exceptional Bravery at Sea will be presented during a ceremony to be held during the 30<sup>th</sup> session of the IMO Assembly in November.

Of a total of 33 nominations, received from 16 Member States and 5 non-governmental organizations, a further three will receive Certificates of Commendation and five will receive Letters of Commendation.

### Rescue of migrants at sea

The Council also agreed that all those involved in rescuing migrants at sea should be recognized by the Secretary-General for their outstanding humanitarian efforts, and that crews of merchant vessels involved should receive the commendation of the IMO Assembly through certificates of special recognition.

There were five specific nominations for incidents involving the rescue of migrants at sea, two involving search and rescue professionals and three in which the crews of merchant ships played a crucial role.

### \*IMO Award for Exceptional Bravery at Sea

This annual Award was established by IMO to provide international recognition for those who, at the risk of losing their own life, perform acts of exceptional bravery, displaying outstanding courage in attempting to save life at sea or in attempting to prevent or mitigate damage to the marine environment.

Nominations are scrutinized by an Assessment Panel made up of members of non-governmental organizations in consultative status with IMO, under the chairmanship of the Secretary-General. **IFSMA was represented by Commodore Jim Scorer, Secretary General.**

Subsequently, a Panel of Judges (made up of the Chairs of several IMO bodies) meets to consider the recommendations of the Assessment Panel and to select the recipients.



## Koji Sekimizu, Former IMO Secretary-General, Awarded the IMO International Maritime Prize for 2016

We learnt from an IMO briefing of early August that the International Maritime Prize for 2016 goes to Koji Sekimizu, former IMO Secretary-General.

The IMO Council unanimously decided to award the Prize to Mr Sekimizu, IMO Secretary-General Emeritus, in recognition of his invaluable contribution to the work and objectives of the Organization and the international maritime community as a whole. He held a long and distinguished career with the Organization culminating in his four-year stewardship, following election, as Secretary-General from 2012 to 2016.

In nominating his candidature for the International Maritime Prize, the Government of Japan recognized Mr Sekimizu's lifetime dedication to promoting safety of life at sea and protecting the marine environment, as well as his outstanding leadership and contribution to the work and objectives of IMO.

Mr Sekimizu joined the IMO Secretariat in 1989 and worked in both the Maritime Safety and Marine Environment Divisions, holding the post of Director for each before going on to be elected Secretary-General.

In this role he oversaw the adoption of a number of key instruments, including the amendments to make the IMO Member State Audit Scheme mandatory, the Polar Code, and the Cape Town Agreement on fishing vessel safety.

Japan also highlighted his work to push forward with the reduction of air pollution and greenhouse gas emissions from ships. He contributed greatly to the enforcement of anti-piracy measures, including setting up the Djibouti Regional Training Centre.

Furthermore he worked to strengthen the governance and capacity of IMO's educational institutions, and the financial sustainability of the World Maritime University.

Within IMO he began a review and reform process which led to the Organization's Sub-Committees being restructured and revised working methods being introduced, including "PaperSmart" practices and enhancements in information and communication technology.

The International Maritime Prize for 2016 will be presented during a ceremony to be held during 30<sup>th</sup> session of the IMO Assembly in November.

A naval architect by training, with a Master's Degree in engineering from Osaka University, Koji Sekimizu joined the Ministry of Transport of Japan in 1977 as a ship inspector. He was promoted to various posts in the Ministry, including Deputy Director of the Environment Division and Deputy Director, Safety Standards Division, Maritime Technology and Safety Bureau.

It will be recalled that he was involved with IMO meetings for the Government of Japan for some years until he joined IMO in 1989. He was involved in the development of many important Conventions and Codes, with responsibility for maritime safety, security, anti-piracy measures and marine environment issues. Before becoming Secretary General he served as Director of both IMO's Marine Environment Division and Maritime Safety Division. He is also an Honorary Member of IFSMA.

### International Maritime Prize

The International Maritime Prize is awarded annually by IMO to the individual or organization judged to have made the most significant contribution to the work and objectives of the Organization. It consists of a sculpture in the form of a dolphin and includes a financial award, upon submission of an academic paper written on a subject relevant to IMO.



*Koji Sekimizu joined the IMO Secretariat in 1989 and worked in both the Maritime Safety and Marine Environment Divisions, holding the post of Director for each before going on to be elected IMO Secretary-General, a post he held from 2012 to 2016.*

*Illustration kindly provided by IMO ©.*

## ISWAN's SeafarerHelp - Now available on WhatsApp

Early in June Safety at Sea announced the shortlist for its 2017 Awards, and SeafarerHelp has been shortlisted for Shoreside Team of the Year.

Seafarers rely on shoreside support, and the Shoreside Team of the Year category recognises the efforts of the shoreside team whose actions or intervention has gone beyond the call of duty.

ISWAN\*, an organisation with which works closely with IFSMA, was delighted that its SeafarerHelp team has been shortlisted for this award, as they regularly go above and beyond their call of duty to assist seafarers and their families in distress, responding effectively and appropriately to diverse situations of varying severity. One such example is the team's immediate response to the hijacking

of the *Aris 13* on 13 March this year\*\*.

ISWAN's SeafarerHelp is a team of ten staff members who often have to work antisocial hours and respond to unexpected crises involving individual seafarers or entire crews. The service is free to seafarers and available 24 hours a day, 365 days a year. The multilingual team members do everything they can to assist seafarers whatever their problem, wherever they are in the world. In 2016, the team assisted over 11,000 seafarers experiencing a variety of problems such as unpaid wages or health issues such as extreme stress or depression.

### SeafarerHelp – a free, confidential helpline for seafarers around the world – can now be contacted using mobile messaging app WhatsApp.

Communication is often the biggest barrier to seafarers seeking help, and ISWAN is keen to offer a wide range of ways in which seafarers of different nationalities can contact SeafarerHelp. WhatsApp is a free, convenient and widely used mobile messaging service, and its use of the phone's internet connection to send messages and make calls means seafarers can avoid SMS fees and calling charges (although SeafarerHelp will always call seafarers back if they have no internet connection and are only able to phone).

SeafarerHelp can be contacted via WhatsApp on +44 (0)7909 470732. ISWAN aims for this contact method to be available for as many hours as possible, so the SeafarerHelp team will be online on WhatsApp from Monday to Friday between 8am and 6pm (UK time). Any messages received outside these hours will be responded to within the monitored times. All other contact methods for SeafarerHelp remain available 24 hours a day.

The winners of the Safety at Sea Awards will be announced in London, UK on 12 September as part of London International Shipping Week 2017.

Safety at Sea has been promoting safe and secure work practices within the commercial shipping industry for 50 years since its launch in 1967. The Safety at Sea Awards recognise those who improve seafarer competence and risk management with innovations and achievements in the fields of training, operations, equipment and services.



\*The International Seafarers' Welfare and Assistance Network. Croydon, South London-based, the organisation promotes seafarers' welfare worldwide and directly serves seafarers by providing a 24 hour helpline. ISWAN is the result of a merger between the International Committee on Seafarers' Welfare (ICSW) and the International Seafarers' Assistance Network (ISAN).

## Australian investigation: Contact with navigation buoy

**Navios Northern Star, Torres Strait, Queensland 15 March 2016**

Information below is based on a report from the Australian Transport Safety Bureau (ATSB).

On 15 March 2016, shortly after 2300, *Navios Northern Star* was transiting the Prince of Wales Channel, Torres Strait, on an easterly heading towards the waypoint north of OG Rock. The coastal pilot's cue for altering course for the waypoint was to use a radar range from Alert Patches buoy. Shortly after 2314, the pilot ordered starboard rudder for the course alteration.



*Navios Northern Star*  
Photograph reproduced by courtesy of ATSB ©

At about 2316, with the buoy directly ahead, the ship's master asked the pilot if they were going to collide with it. The pilot then ordered progressive starboard rudder movements in quick succession.

At 2317, as the ship was swinging to starboard, the ship's port quarter contacted the Alert Patches buoy. Damage to the buoy and ship was limited to paintwork.

ATSB's investigation found *Navios Northern Star's* planned course alteration to pass Alert Patches buoy was not made in time nor was the alteration properly executed and monitored to avoid contacting the buoy.

It is understood that the pilot was using Alert Patches buoy's radar distance as his primary means to carry out the course alteration, so he remained focused on regaining its lost echo for more than two minutes during the critical period before the incident. Further, the master's challenge to the pilot as the ship closed on the buoy was too late.

According to the ATSB report the vessel's bridge resource management techniques were not effectively followed by the ship's bridge team. They did not have the same mental model of the course alteration as the pilot and they did not actively monitor the pilot's execution of the alteration.

Furthermore, the ship's voyage plan contained only basic passage information and its bridge team did not know or fully understand the pilot's planned operational parameters and limits, including wheel over points and safety margins.

## ATSB went on to publish a safety message:

Safe and efficient pilotage requires the active and continual participation of everyone involved. Pilots and ship's bridge teams, in particular, need to use the range of available resources and bridge resource management techniques to navigate/conduct the ship. This method significantly increases the opportunity of capturing and managing any errors that may occur.

ATSB's investigation report: *Contact with navigation buoy, Navios Northern Star, Torres Strait, Qld on 15 March 2016* is available in pdf form here: [https://www.atsb.gov.au/publications/investigation\\_reports/2016/mair/325-mo-2016-003/](https://www.atsb.gov.au/publications/investigation_reports/2016/mair/325-mo-2016-003/) or <http://tinyurl.com/y8q9tksn>

## Autonomous Vessel Demonstration

### Rolls-Royce demonstrates the world's first remotely operated commercial vessel in Copenhagen

Earlier this year, one of Svitzer's tugs, the 28m loa *Svitzer Hermod*, safely conducted a number of remotely controlled manoeuvres. From the quayside in Copenhagen the vessel's master, stationed at the vessel's remote base at Svitzer headquarters, berthed the vessel alongside the quay, undocked, turned 360°, and piloted it to the Svitzer HQ, before docking again.

These companies have also signed an agreement to continue their cooperation to test remote and autonomous operations for vessels. The primary systems involved will be autonomous navigation, situational awareness, remote control centre and communication.

Mikael Makinen, Rolls-Royce, President – Marine who witnessed the event said: *'It was an honour to be present at what I believe was a world first and a genuinely historic moment for the maritime industry. We have been saying for a couple of years that a remotely operated commercial vessel would be in operation by the end of the decade. Thanks to a unique combination of Svitzer's operational knowledge and our technological expertise, we have made that vision a reality much sooner than we anticipated.'*

Kristian Brauner, Chief Technology Officer, Svitzer added: *'Disruption through innovation is happening in almost every industry and sector and technology will also be transforming the maritime industry. As the largest global towage company, Svitzer is actively engaging in projects that allow us to explore innovative ways to improve the safety and efficiency of towage operations to benefit our customers and our crews. With its direct impact on our customer performance, operational cost and environmental footprint vessel efficiency remains a main driver now and going forward. We are proud to be partnering with Rolls-Royce in this high-level research and development of systems for remote operation.'*

The Svitzer Hermod, a Robert Allan ship design, was built in Turkey at the Sanmar yard in 2016. It is equipped with a Rolls-Royce Dynamic Positioning System, which is the key link to the remote controlled system. The vessel is also equipped with a pair of MTU 16V4000 M63 diesel engines from Rolls-Royce, each rated 2000 kW at 1800 rpm.

This vessel also features a range of sensors which combine different data inputs using advanced software to give the captain an enhanced understanding of the vessel and its surroundings. The data is transmitted reliably and securely to a Remote Operating Centre (ROC) from where the Master controls the vessel.

The Remote Operating Centre was designed to redefine the way in which vessels are controlled. Instead of copying existing wheelhouse design the ROC used input from experienced captains to place the different system components in the optimum place to give the master confidence and control. The aim is to create a future proof standard for the control of vessels remotely.



Rolls-Royce has demonstrated the world's first remotely operated commercial vessel.

Photo: [www.rolls-royce.com](http://www.rolls-royce.com) ©

Lloyd's Register's Marine & Offshore Director, Nick Brown, commented: 'Working on this project with Rolls-Royce and Svitzer and supporting them on the safe demonstration of the Svitzer Hermod is truly a landmark moment for LR and the industry. With autonomous ships likely to enter service soon, we have already set out the 'how' of marine autonomous operations in our ShipRight procedure guidance as it is vital these technologies are implemented in a safe way and there is a route for compliance. Lack of prescriptive Rules was no barrier for "de-risking" the project and we provided assurance against LR's Cyber-Enabled Ships ShipRight Procedure, whilst considering the safety implications associated with the first closed demonstration. We are honoured to be working as partners on this groundbreaking project in the industry's journey to autonomous vessels.'

**Throughout the demonstration the vessel had a fully qualified ship master and crew on board to ensure safe operation in the event of a system failure.**

## Jamaica renews commitment toward International Labour Standards

### *The 50forfreedom campaign*

#### **Ratification of the Maritime Labour Convention, 2006, as amended (MLC, 2006) and the Protocol of 2014 to the Forced Labour Convention, 1930**

Towards the end of June Jamaica deposited with the Director General of the ILO the instruments of ratification of the Maritime Labour Convention, 2006, as amended (MLC, 2006) as well as of the Protocol of 2014 to the Forced Labour Convention, 1930.



Jamaica is the 84<sup>th</sup> Member State of the ILO that ratifies the landmark Maritime Labour Convention, 2006, as amended (MLC, 2006). Jamaica has a strategically important position within the global liner shipping network and is considered to be a hub in the global network in view of the high level of connectivity it offers despite a relative low level of trade.

Through the ratification of the Protocol, Jamaica follows in the footsteps of thirteen other countries in a broad global spread. It takes the lead in the Caribbean region in the fight against forced labour.

A total of 21 million people are victims of forced labour around the world and the ILO estimates that this exploitation generates some US\$150 billion a year in illicit profits.

The Forced Labour Protocol requires governments to adopt new measures designed to prevent all forms of forced labour, including trafficking in persons, to protect victims and guarantee them access to justice and compensation.

On depositing these two instruments of ratification, Ms Shahine Robinson, Minister of Labour and Social Security, stated that: '...in ratifying the Maritime Labour Convention, as amended, 2006, Jamaica is demonstrating its commitment to ensure decent working conditions for seafarers through the application of international standards while facilitating global commerce. Jamaica boasts the premier maritime training institute within the English-speaking Caribbean and is also one of the major logistics hubs in this

region. Given this background, Jamaica sees the ratification of this Instrument as a natural and key step in securing the rights of seafarers within our jurisdiction in keeping with the highest global standards’.

The Minister of Labour and Social Security also declared that: ‘...the ratification of the Protocol to the Forced Labour Convention reflects Jamaica’s commitment to combat trafficking in persons and reject forced labour in all its forms. Jamaica has a strong legal framework and a national task-force that works to combat trafficking in persons. We will do our part in the renewed global effort to eradicate all forms of forced labour.’

On receiving these instruments of ratification, the Director-General of the ILO, Guy Ryder, stated: ‘I am very pleased to count Jamaica among the States parties to these two Instruments dealing with particularly important subjects: maritime labour and forced labour. These ratifications are a further testimony to Jamaica’s ongoing commitment to promote and implement decent work and fundamental rights at work. The ratification of the Protocol demonstrates its involvement in efforts to eradicate forced labour in the sub-region and brings us one step closer towards reaching the target of the 50forfreedom campaign – 50 ratifications by the end of 2018. In addition, through the ratification of the Maritime Labour Convention, as amended, 2006, Jamaica is also joining the global effort to promote decent living and working conditions for seafarers while ensuring a level playing field in the maritime industry.’

## The Nautical Institute’s Ice Navigator Training and Certification Scheme

On 3 July The Nautical Institute launched its Ice Navigator Training and Certification Scheme. This is the latest in the Institute’s expanding series of professional training schemes and has been developed in response to rapidly growing demand for officers with proven expertise in handling ships in ice.

While the Scheme is designed to complement IMO’s Polar Code, course content is not restricted to the Polar regions, and it expands on the minimum requirements of STCW. The focus is on actual ship handling and operation of vessels in ice-covered waters worldwide.

The Scheme is open to those who hold, or are studying towards, a deck officer qualification awarded by a White List administration. Participants must demonstrate practical competence on board and in simulator exercises, and show a thorough understanding of ice regimes, including ice physics, operations in sea ice, hazards, search and rescue and weather.

Under ‘grandfathering’ arrangements, a participant who can prove they have prior experience in ice may be eligible for the award of either a Level 1 or Level 2 Ice Navigator Certificate.

Training providers that offer the NI’s Ice Navigator Scheme courses must be fully accredited to The Nautical Institute’s rigorous Training Accreditation Standard.

All training centres are audited to ensure consistency of delivery around the world and to ensure that they meet the highest professional standards.

Award of an NI Ice Navigator Level 1 or Level 2 certificate means the officer will possess an internationally recognised qualification, valid for five years, demonstrating they have the competence and confidence to navigate safely in ice anywhere within the limits of their Certificate of Competency.

Speaking on the occasion of the launch, Captain Duke Snider FNI, President of The Nautical Institute, said: ‘Operating ships within any ice regime requires specialist knowledge, skills and a level of awareness beyond those of the majority of mariners. This course will help to equip ships’ officers to meet the unique challenges posed by navigating in ice. Those who hold the NI Ice Navigator Certificate will be able to prove their ice-readiness to potential employers worldwide.’

Regarding its publications The Nautical Institute has a strong track record in providing best practice guidance for operations in ice, including *Polar Ship Operations*, by NI President Duke Snider FNI and *Handling Ships in Ice*, by Johan Buysse. New editions of both books are currently in preparation.

**WHAT DOES THE POLAR CODE MEAN FOR SHIP SAFETY?**

**EQUIPMENT**

- WINDOWS ON BRIDGE**: Means to clear melted ice, freezing rain, snow, mist, spray and condensation.
- LIFEBOATS**: All lifeboats to be partially or totally enclosed type.
- CLOTHING I**: Adequate thermal protection for all persons on board.
- CLOTHING II**: On passenger ships, an immersion suit or a thermal protective aid for each person on board.
- ICE REMOVAL**: Special equipment for ice removal such as electrical and pneumatic devices, special tools such as axes or wooden clubs.
- FIRE SAFETY**: Extinguishing equipment operable in cold temperatures; protect from ice; suitable for persons wearing bulky and cumbersome cold weather gear.

**OPERATIONS & MANNING**

- NAVIGATION**: Receive information about ice conditions.
- CERTIFICATE & MANUAL**: Required to have on board a Polar Ship Certificate and the ship's Polar Water Operational Manual.
- TRAINING**: Masters, chief mates and officers in charge of a navigational watch must have completed appropriate basic training for open-water operations, and advanced training for other waters, including ice.

**DESIGN & CONSTRUCTION**

- SHIP CATEGORIES**: Three categories of ship which may operate in Polar Waters, based on:
  - A) medium first-year ice
  - B) thin first-year ice
  - C) open water/ice conditions less severe than A and B
- MATERIALS**: Ships intended to operate in low air temperature must be constructed with materials suitable for operation at the ships polar service temperature.
- INTACT STABILITY**: Sufficient stability in intact conditions when subject to ice accretion and the stability calculations must take into account the icing allowance.
- STRUCTURE**: In ice strengthened ships, the structure of the ship must be able to resist both global and local structural loads.

**BACKGROUND INFO**

- THE INTERNATIONAL CODE FOR SHIPS OPERATING IN POLAR WATERS WAS ADOPTED NOVEMBER 2014 BY THE IMO MARITIME SAFETY COMMITTEE.
- IT APPLIES TO SHIPS OPERATING IN ARCTIC AND ANTARCTIC WATERS.
- THE AIM IS TO PROVIDE FOR SAFE SHIP OPERATION AND THE PROTECTION OF THE POLAR ENVIRONMENT BY ADDRESSING RISKS PRESENT IN POLAR WATERS AND NOT ADEQUATELY MITIGATED BY OTHER INSTRUMENTS.

IMO INTERNATIONAL MARITIME ORGANIZATION

## IMO's Polar Code film



See: [https://www.youtube.com/watch?v=X\\_x2\\_RTUiGM](https://www.youtube.com/watch?v=X_x2_RTUiGM)

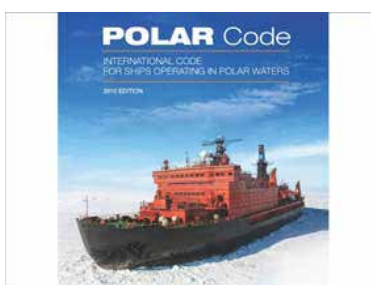
IMO in the polar environment: the Polar Code explained

This is an IMO film available on You Tube as above or on the IMO website at:

<http://www.imo.org/en/MediaCentre/Multimedia/Video/Pages/Default.aspx>

With more and more ships navigating in polar waters, IMO has addressed international concern about the protection of the polar environment and the safety of seafarers and passengers. In doing so IMO has adopted the International Code for Ships Operating in Polar Waters (the Polar Code) and related amendments to make it mandatory under both the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL). This document entered into force on 1 January 2017 and marks an historic milestone in the Organization's work to protect ships and people aboard them, both seafarers and passengers, in the harsh environment of the waters surrounding the two poles.

Over 10 minutes 54 seconds, made by IMO with commentary by Lee Adamson, Head of Information Services at IMO HQ, the film was issued in mid-May and shows how this new IMO instrument supports safe and environmentally-friendly shipping in the Arctic and Antarctic waters. Embarked in the expedition ship Ocean Diamond to make the new film, an IMO team took passage in Antarctic waters to learn at first-hand what the Code means for such vessels. As Ocean Diamond's Master Oleg Klaptenko confirmed, operating in Polar waters is the ultimate test of his ship, and his skills as a professional seafarer and he reminded viewers of the several sources of danger: low temperature, bad visibility, very long polar night and polar day, remoteness from human contact that can help you in trouble. There is also a lack of good, accurate and complete hydrographic surveys.



## Cargo liquefaction: ABTO advises Can the Can test

Towards the end of June the Association of Bulk Terminal Operators (ABTO) called for a complete overhaul of cargo sampling and liquefaction testing protocols for raw ores and less common cargoes, such as nickel ore, fine wet coal and bauxite.

Professor Mike Bradley, a member of the advisory panel to ABTO and head of Greenwich University's Wolfson Centre for Bulk Solids Handling Technology, said the current measures in place to test cargoes for potential liquefaction are inadequate, especially for raw ores and variable materials being loaded in ports where conditions are inclement.

Current methods available to a ship's master for identifying the dangers of cargo liquefaction – the so-called "splash" and "can" tests – are very rudimentary, said Bradley.

He added: *'The 'can test' consists of nothing more than a baked beans tin filled with a sample of the cargo, which is then vigorously tapped on the table. If a liquid film forms on the sample surface, the cargo is deemed dangerous and must be rejected; if not, it may be either safe or dangerous.'*

Bradley's research group has investigated cases where masters have used the can test to accept and reject portions of cargo, resulting in later liquefaction in heavy weather. The splash test, meanwhile, simply checks to see if the cargo splashes when dropped from a grab into the hold – *'not easy to see in the dead of night with dark coloured cargo in a badly lit hold,'* he said.

He concluded by saying: *'Such rudimentary testing is inadequate. We have seen that dangerous cargoes can pass these tests, with moisture content exceeding the allowable limits, liquefying at a later stage. The efficacy of existing testing and sampling protocols does need to be addressed, especially when assessing terminal stock piles where obtaining a decent sample is difficult.'*

*'The current IMO protocol for setting Transportable Moisture Limits and certifying actual Cargo Moisture Content is robust for some cargo flows, but sadly falls down too often for others, as evidenced by the number of lives still being lost at sea due to cargo liquefaction.'*

*'Ultimately the master has to take responsibility for whether a cargo is loaded or not, and he is under commercial pressure not to reject it – so in cases where he has suspicions he really needs a better, more reliable shipboard test he can use to protect both his employer's business and the lives of his crew.'*

Although the International Maritime Solid Bulk Cargoes (IMSBC) Code includes provisions for sampling, Bradley says it is *'inordinately difficult'* to get a representative sample of the cargo from a stockpile, and in many cases se-



vere rain will have occurred since the sample was taken for moisture certification.

What is more, some master mariners have expressed concern that the current tests do not work with some cargoes. There have also been cases in which moisture content certificates are alleged to have been falsified.

Bradley explained that the Wolfson Centre (Greenwich University) has completed some preliminary research work in the development of a more effective, accurate cargo liquefaction test kit for shipboard use. He reflected: *'We have been talking to a number of parties, including ABTO members, P&I Clubs and classification societies to take the initiative forward. We have proven the basic concept, which seems to work, so we are now looking to the industry to support the development.'*

Ian Adams, ABTO Chief Executive, added: *'Anything that can be done to improve the safety of vessels carrying dry bulk cargo that may liquefy has got to be thoroughly investigated. We believe that this issue is one of the biggest challenges facing our industry. We therefore welcome anyone who is interested in progressing this research to contact us so that progress can be made on developing this test.'*

Further details about the new testing method and the liquefaction challenges masters and terminal operators face will be explored in depth at Bulk Terminals 2017: Achieving Efficiency and Compliance, the Inaugural Conference of the Association of Bulk Terminals, which will take place in London between 31 October and 1 November 2017.

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## Websites to watch

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### United Kingdom MGNs / MINs / MSNs

**These documents are issued by the UK Maritime and Coastguard Agency (MCA) and are a series of informative notices addressed to the Shipping Community including Owners, Managers, Masters and Agents.**

**They are to be found as follows:**

#### Marine Guidance Notes (MGNs)

A collection of active Marine Guidance Notes is available here: <https://www.gov.uk/government/collections/marine-guidance-notices-mgns> or <http://tinyurl.com/onhllae>

#### Marine Information Notes (MINs)

A collection of active MINs is available here: <https://www.gov.uk/government/collections/marine-information-notes-mins> or <http://tinyurl.com/k822wdl>

MINs tend to give information that is valid for a short period of time, such as timetables for MCA exams or relevant to a small group of people, such as training establishments or equipment manufacturers.

Each MIN has a suffix which indicates if it relates to merchant ships and/or fishing vessels thus:

(M) for merchant ship; (F) for fishing vessels and (M+F) applicable to both merchant ships and fishing vessels

### Merchant Shipping Notices (MSNs)

MSNs contain the technical detail of regulations called Statutory Instruments (SIs). This is mandatory information, and must be complied with under UK legislation.

Each MIN has a suffix which indicates if it relates to merchant ships and/or fishing vessels thus:

(M) for merchant ship; (F) for fishing vessels and (M+F) applicable to both merchant ships and fishing vessels

### Transport of dangerous goods by sea

A collection of M-notices (MGNs and MSNs) relevant to the transport of dangerous goods by sea is available here: <https://www.gov.uk/government/collections/transporting-dangerous-goods-by-sea-notices> or <http://tinyurl.com/y9ste66j>

### Relevant UK Legislation

Legislation relevant to Merchant Shipping Notices can be found here: <http://www.legislation.gov.uk/>

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## Containers lost overboard

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In mid-July the World Shipping Council (WSC) released an update to its survey and estimate of containers lost at sea.

WSC undertook the first survey of its member companies in 2011, with updates in 2014 and 2017.

Based on the most recent survey results, WSC estimates that for the combined nine year period from 2008 to 2016, on average, there were 568 containers lost at sea each year, not counting catastrophic events, and 1,582 containers lost at sea each year including catastrophic events. On average, 64% of containers lost during this period were attributed to a catastrophic event.

In the words of John Butler, WSC President and CEO: *'Although the number of containers lost at sea represents a very small fraction of the number of containers carried on ships each year, the industry continuously strives to reduce those losses.'*

*'The latest report shows that the average number of containers estimated to be lost each year is down from the estimates reported in 2014. This is an encouraging sign. The report also identifies initiatives the industry is actively supporting to increase container safety and reduce losses further.'*

According to WSC Containers in the global container fleet equate to more than 34 million TEU.

The goal of the World Shipping Council (WSC) is to provide a coordinated voice for the liner shipping industry. The WSC and its member companies partner with governments and other stakeholders to collaborate on actionable solutions for some of the world's most challenging transportation problems.