



Edition 1st June 2016

## LOSS PREVENTION NEWS

### Deck Cargo (Standard)

The club's members are often asked to carry cargo on deck. The carriage of goods on deck is inherently risky because the cargo is exposed to greater dangers than goods carried under deck. Our new information sheet looks at guidelines for carrying cargo on deck, the relevant conventions and how P&I cover is affected.

[Read more](#)

### Guidance on snap-back zones (Shipowners)

The Club would like to bring to Members' attention the dangers of tensioned mooring lines and also highlight the concept of 'snap-back' zones.

[Read more](#)

### Three further lessons from near-miss reports (Standard)

Near misses and minor incidents should not go unreported as they allow companies to learn from hazardous incidents at sea and those occurring in port at the interface between the ship and the shore facilities. The information for these bulletins is gathered from seafarers reporting incidents they have witnessed, but each report is treated in strict confidence and used only to illustrate a hazard. Seafarers and shore managers should also report near-misses according to their company practices.

The second bulletin looks at another three reported events and the ways in which they could have been avoided.

[Read more](#)

### Standard Safety: Tankers, May 2016 (Standard)

Despite higher safety standards on board tankers, the number of tanker cargo-related claims The Standard Club deals with is rising, particularly on chemical and product tankers. With this in mind, we have put together a wide variety of articles in this special edition, ranging from cargo-specific topics to the controversial issue of blending, plus various legal articles.

[Read more](#)

### Monthly Safety Scenario - Collision during port approach (Swedish Club)

[Read more](#)



### **International Group of P&I Clubs pre-employment medical examinations (PEME) programs (Swedish Club)**

.. we are pleased to present The International Group of P&I Clubs Guidance for Clubs confirming the high ethical standards agreed by all participating IG Clubs.

[Read more](#)

### **MAST Intelligence Reports (West of England)**

MAST Intelligence Reports provide accurate up to date information in a snap-shot format on threats that may be encountered by vessels trading to areas of instability, focusing on: security concerns which could affect the passage or port call of a vessel, analysis of incidents involving piracy, suspicious approaches and hijackings and changes or impediments to navigation.

[Read more](#)

### **MAN Diesel product warning: TSP accumulators (Swedish Club)**

MAN Diesel & Turbo has issued two product safety warning letters regarding identification of faulty parts and instructions on replacement.

[Read more](#)

## **LEGAL NEWS**

### **General Average “York Antwerp Rules 2016” adopted by the Comite Maritime International (CMI) (IG)**

After four years of consultation and review by a CMI International Working Group (“IWG”) on which the Group participated, along with shipowner and property insurer representatives, adjusters and National Maritime Law Association representatives, the York-Antwerp Rules 2016 were adopted by the CMI Assembly at its conference in New York in early May.

[Read more](#)

### **The Insurance Act 2015 (Steamship)**

The Insurance Act 2015 (the ‘2015 Act’), which is due to come into effect in the United Kingdom on 12 August, 2016, will bring about the most significant changes to insurance contract law in the UK for over 100 years. The Act will apply to all contracts of insurance concluded after 12 August 2016 that are governed by English Law, as well as to variations to existing contracts of insurance which are concluded after 12 August 2016.

The 2015 Act introduces new provisions in three broad areas: disclosure obligations, warranties and the treatment of fraudulent claims.

[Read more](#)

### **Ratification of Maritime Conventions (as of 1st June 2016) (Japan P&I Club)**

[Read more](#)

### **Disposal of HME Cargo Residues No Longer Allowed at Sea (North of England)**

During the recent session of IMO’s Marine Environment Protection Committee (MEPC 69) a decision was taken not to continue with the provisions set out in MEPC.1/Circ. 810. The circular allowed for the discharge of cargo hold wash water from holds previously containing solid bulk cargoes classified as Harmful to the Marine Environment (HME), but only when the vessel was outside a special area.

[Read more](#)

### **Guidelines - Mandatory container weight verification implementation (Swedish Club)**

Due to the IMO requirement of container weight verification, that enters into force 1 July, 2016, we have compiled guidelines from various countries: Argentina, Germany, Singapore, Spain, South Africa, US.

[Read more](#)

### **Update on Verified Gross Mass of Packed Containers (VGM) (Standard)**

IMO’s Maritime Safety Committee, during its 96th session, noted the concerns of its member states regarding practical aspects of compliance with the upcoming SOLAS amendments relating to the verification of the gross mass (VGM) of packed containers.

[Read more](#)



## Compensation clauses in seafarer employment agreements (Shipowners)

The Club has recently been in discussions with the ITF about the wording of Seafarer Employment Agreements (SEAs). The ITF expressed particular concern about clauses used by some of our Members that provide for injury or death compensation to be paid 'in accordance with P&I Club Rules'.

[Read more](#)

## Philippines - Implementing Rules and Regulations (IRR) for the Seafarers Protection Act (Standard)

On 28 November 2015, the Seafarers Protection Act was signed into law by the President of the Philippines. Most recently on 19 April 2016, the Department of Labor and Employment issued the Implementing Rules and Regulations (IRR) of R.A. No. 10706. The IRR elaborates on when ambulance chasing is committed and when excessive fees are imposed. This web alert aims to provide a brief summary of the main points covered.

[Read more](#)

## Pilotage Bulletin (Standard)

Pilots provide a crucial service to the marine industry; assisting ships to navigate through dangerous or congested waters. Most jurisdictions impose compulsory pilotage and while there are some generally applicable universal principles, there are significant variations in local regulations. This bulletin reviews the main features of pilotage in key maritime jurisdictions.

[Read more](#)

## Supreme Court declines to abolish rule against penalties (Steamship)

In two conjoined appeal decisions recently handed down, the UK Supreme Court has re-focused the long-established test for identifying a penalty clause, but has declined to abolish the rule against the unenforceability of penalties altogether. The decision is consistent with the general trend of the courts in recent years to become more reluctant to interfere with the parties' freedom of contract and particularly so in a commercial context.

[Read more](#)

## Supreme Court Ruling on the "RES COGITANS" - OW Bunkers (Steamship)

Over 18 months after the collapse of the OW Bunker Group, the UK Supreme Court handed down its judgment in the OW Bunkers "test case", the "RES COGITANS", on 11 May 2016. In a decision widely anticipated by the global shipping industry, the Owners' appeal was dismissed in favour of OW Bunkers/ING who remain entitled to payment for the bunkers stemmed from Owners.

[Read more](#)

## Charterparty Guarantees - A Timely Reminder (Steamship)

Charterparty guarantees are often sought by owners as a condition to entering into a fixture with a particular charterer because either the owner is not familiar with that charterer or the charterer is a relatively small company albeit part of a larger group. Whatever the charterers standing owners are not unreasonably anxious to ensure a charterers' obligations – the payment of sums due under a charterparty, will be performed.

[Read more](#)

## Anti-suit Injunctions: Limits of the Court's Generosity Tested (Steamship)

The recent decision in *Ecobank Transnational v Tanoh* [2015] EWHC Civ 1309 reiterates the importance of bringing an application for injunctive relief promptly, as unnecessary delay can prevent an otherwise strong application. This was a case in which the Court of Appeal upheld the decision of the Commercial Court to dismiss the anti-enforcement injunction citing both general discretionary considerations and the need for comity.

[Read more](#)

## The Global Santosh - Acts of Delegates & Off-Hire (Steamship)

At the centre of the dispute between the parties was a common charterparty provision providing for the vessel to be off hire during any period of detention or arrest unless this had been "*occasioned by any personal act or omission or default of the charterers or their agents*". The case raised questions of widespread interest concerning the scope of a contracting party's responsibility for the acts of third parties performing its contractual obligations – an issue the arbitrators and lower courts were far from agreed upon. The Supreme Court's judgment now provides welcome guidance in this area.

[Read more](#)



## Outcome of MEPC 69th session - 18-22 April 2016 (Standard)

The IMO Marine Environment Protection Committee (MEPC), 69th session, was held from April 18-22 and progress was made on the following issues:

[Read more](#)

## US finalises new Well Control Rule (Gard)

New requirements for blowout preventer systems and well control enter into force in the US on 28 July 2016. The new Rule introduces more stringent design requirements and operational procedures for critical well control equipment used in oil and gas operations on the US outer continental shelf.

[Read more](#)

## MARKET NEWS

### The 24th Oil Gas Survey published by Aberdeen and Grampian Chamber of Commerce (Standard)

Aberdeen and Grampian Chamber of Commerce has published the 24th Oil and Gas Survey (May 2016). The survey focuses on several areas such as business optimism and constraints as well as various expected and investments trends in the UK Continental Shelf (UKCS).

[Read more](#)

### European Commission's review of the insurance block exemption ("IBER") (IG)

The European Commission (the "Commission") is currently reviewing the insurance block exemption regulation (the "IBER"), which expires on 31 March 2017. The IBER is of general application to certain types of insurance co-operation and collaboration arrangements, providing them with a "safe harbour" from the EU competition rules.

Given the possibility for further confusion to arise, the Group wishes to reiterate that the current review being undertaken by the Commission in relation to the IBER is not relevant to the Group's arrangements and so will not affect the Pooling Agreement or the IGA – even if the IBER is allowed to lapse in 2017.

[Read more](#)

## PIRACY NEWS

### Piracy : 2015 report published (Britannia)

Oceans Beyond Piracy (OBP) is a privately funded and independent non-profit organisation and has recently published its annual report on piracy in the East African region. The aim of OBP is to explain and quantify the profound impact piracy has on stakeholders, from governments, industry and, most importantly, on its victims.

[Read more](#)

## SANCTION NEWS

### Syria Sanctions (Gard)

Both the European Union and the United States continue to apply trade sanctions against the Government of Syria and a number of designated Syrian persons and entities. This circular provides a general overview of key sanctions that apply to Syria shipping and related insurance activities and also describes the potential impact of certain recent developments.

All clubs in the International Group have issued a similarly worded circular.

[Read more](#)

### North Korea – Sanctions Update (Shipowners)

The UN, US and the EU have significantly expanded sanctions against North Korea in response to nuclear and ballistic weapons tests carried out by the country earlier this year. These restrictions impose tough new measures. Those which are likely to be of most interest to Members are set out in summary form below.

[Read more](#)



## REGIONAL NEWS

### Algeria - Dealing With Cargo Shortage Claims in Algeria (Charterers Club)

Our correspondents in Algeria, BUDD S.A., have provided us with some valuable advice concerning the handling of cargo shortage claims in this jurisdiction. Their bulletin focuses on issues such as procedures for determining weight, draft surveys, precautionary steps to minimise claims etc. and offers some useful guidelines on how to defend cargo shortage claims before the local Courts.

[Read more](#)

### Argentina - garbage discharge issues (Standard)

The club has been advised by the local correspondents in Argentina (Pandi Liquidadores S.R.L.) that there has been an increase in the activity of the Argentinean Authorities ordering vessels to land garbage ashore at a significant cost.

[Read more](#)

### Brazil - Delays Due to Ship Sanitation Certificates (North of England)

The most frequent problem for vessels obtaining free pratique is the failure to produce a valid SSC that has been issued by an authorised port and is within its period of validity. Any extension to a SSC must also be issued by a port on the approved list.

[Read more](#)

### Brazil - Crew overstay and immigration fines (Standard)

The club has been advised that there are still a number of cases in Brazil where ships and/or crew have been fined due to crew overstaying in the country. Fines are more frequent at the port of Rio de Janeiro where immigration controls are more stringent.

[Read more](#)

### China - Air emissions - new policy in Guangzhou (UK Club)

The Authority of Guangzhou which is located in Pearl River Delta ECA is drafting air emission rules to be applied to ships entering into port of Guangzhou.

[Read more](#)

### China - Recent Navigation Warnings of China Waters (Japan P&I Club)

We have obtained additional information on recent navigation warnings of China Waters issued by MSA China.

[Read more](#)

### France - General Strike in France, 2 June 2016 (Swedish Club)

[Read more](#)

### Ivory Coast and Ghana – stowaways (Britannia)

Local correspondents Budd have informed us that there are new anti-stowaway measures which came into force in Abidjan (Ivory Coast) on 1 May 2016.

[Read more](#)

### Lybia - Port Situation \*Update\* (North of England)

[Read more](#)

### Panama - Panama Canal - Suspension of Third Draft Restriction (Standard)

Further to the club's last update on the Panama Canal draft reduction, the Panama Canal Authority (ACP) has issued a new Advisory to Shipping (No.A-28-2016) announcing suspension of the third draft restriction (scheduled for 6 June 2016).

[Read more](#)



### **USA - US Vessel Response Plans - Alaska and Oregon (North of England)**

Members are informed that a third APC provider, Alaska Response Company (ARC), has now been approved by the US Coast Guard (USCG) covering the Western Alaska COTP Zone (including the Aleutians, Bristol Bay and Kodiak Island sub-areas) for international traffic coming either from a US port or going to a US port and/or transiting the Pacific Great Circle Route. Enrolment includes coverage under the ARC Plan in conjunction with its exclusive partner Aleutians Spill Control, Inc (ASCI). The Enrolment Agreements have been reviewed by the International Group and are acceptable.

All clubs in the International Group have issued a similar Circular.

[Read more](#)

### **USA - US Coast Guard : Cargo Securing Manual updates (CSM) (Britannia)**

The US Coast Guard is issuing an interim rule to require both US and foreign cargo ships of 500 gt or more on international voyages and carrying cargo other than solid or liquid bulk cargo to have CSMs on board.

[Read more](#)

### **Yemen - Port Situation \*Update\* (North of England)**

[Read more](#)

### **Yemen - New Procedure for Commercial Goods Permits (London Club)**

Members whose vessels are calling at ports in Yemen should note that new procedures to facilitate commercial imports have been instituted by the United Nations at the request of the Government of Yemen.

[Read more](#)