



Edition 23rd January 2017

## LOSS PREVENTION NEWS

### Pilot transfers – still a risky business (Gard)

IMPA's safety campaign draws attention to shipowners' responsibility to provide compliant pilot ladder arrangements and to ensure that the transfer process is undertaken in line with SOLAS.

[Read more](#)

### What steps should a shipowner take after a long period of layup? (Shipowners)

[Read more](#)

### Carriage of palm kernel shells (Gard)

Palm kernel shells are commonly perceived as a "non-hazardous" cargo, however a number of recent incidents have demonstrated that this cargo can be a hazard to the ship and its crew.

[Read more](#)

### EMSA publishes 2016 overview of marine casualties and incidents (Standard)

The report describes an increase in less serious events (possibly attributable to better reporting over time), but the number of more serious incidents remains stable. Half of recent casualties related to navigational issues. The 'human element' was a factor in a majority of incidents.

[Read more](#)

### Mariners Alerting & Reporting Scheme (Steamship)

As part of Seaways, the international journal of The Nautical Institute publishes on a monthly basis, the Mariners Alerting & Reporting Scheme outlines contemporaneous incidences experienced by crew at sea and in port. The report contains the most vibrant professional correspondence section for seafarers to be found anywhere in the industry.

[Read more](#)



### **New sampling guidelines for the sulphur content of fuel oil (Gard)**

The IMO has published a recommended method for sampling of liquid fuel oil used on board ships to assist with effective control and enforcement of the sulphur content requirements under MARPOL Annex VI.

[Read more](#)

### **Incomplete Propeller Immersion - Risk of propeller shaft bearing damage (Swedish Club)**

DNV GL has observed an increasing trend in reported incidents involving aft propeller shaft bearing damages. Most of the damages reportedly have developed within a short period of time, typically a few minutes to an hour, under the respective operating conditions. This technical news reflects what is suspected to be one of the contributory factors to some of these types of damages, namely operation involving incomplete propeller immersion. It is recommended that operators undertake suitable precautions and respective mitigating measures in this regard.

[Read more](#)

## **MARKET NEWS**

### **International Group reinsurance 2017/18 placement – termination of “fall-back” cover (IGA)**

Placement of the International Group General Excess of Loss (GXL) reinsurance and Collective Overspill contracts and the Hydra reinsurance programme for 2017 have been completed.

[Read more](#)

## **LEGAL NEWS**

### **New Guidelines on the use of drones for offshore operators (Standard)**

Following the growing use of drones (unmanned aerial systems [UAS]) by offshore operators, Oil and Gas UK has recently published the Unmanned Aircraft Systems (UAS) Operations Management Standards and Guidelines (*the guidelines*).

[Read more](#)

### **The Risks of Letters of Indemnity (Steamship)**

A recent High Court decision by Teare J again highlights the commercial risks associated with delivering cargo against a Letter of Indemnity when no Bill of Lading is presented.

[Read more](#)

### **Passenger Liability Regulations - Update regarding Class A vessels in domestic carriage (Standard)**

As of 31 December 2016, the application of the Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the Liability of Carriers of Passengers by Sea in the Event of Accidents (the “PLR”) to Class A vessels will apply in the following countries:

[Read more](#)

### **No Hague Rule Limitation for Loss or Damage to Bulk Cargo – The Aqasia (Steamship)**

In a recent case Sir Jeremy Cooke in the English Commercial Court was asked to determine whether the Hague Rules limitation regime applied to bulk cargoes.

[Read more](#)

### **Punitive Damages and Unseaworthiness (Steamship)**

On February 22nd 2016 The King County Superior Court dismissed Allan Tabingo’s claim for punitive damages on the basis that such damages are not recoverable under the general maritime law doctrine of unseaworthiness. Subsequently the plaintiff successfully received permission to appeal from the Supreme Court of the State of Washington who, on June 28th 2016, contrary to the U.S Fifth Circuit’s decision in *McBride v Estis Well Service* (2013), granted the request for a review of the Trial Court’s decision.

[Read more](#)



## Comparison of Hong Kong and London arbitration (Skuld)

Whilst London arbitration is the most popular platform for resolution of charterparty disputes, where the parties involved are based in Hong Kong or Mainland China it is quite common for the parties to opt for arbitration in Hong Kong. The purpose of this article to discuss the major procedural differences between arbitrations in London and Hong Kong.

[Read more](#)

## IMSBC Code Amendments (HME Cargo Residues) (Standard)

Effective 1 January 2017, the amendments 03-15 to IMSBC code has come into force.

[Read more](#)

## INTERCARGO supports IMO in the mitigation of global GHG emissions from ships (Swedish Club)

IMO Secretary-General Kitack Lim's concerns that including shipping in the European Union's Emission Trading System (EU-ETS) could undermine efforts to reduce greenhouse gas (GHG) emissions from ships on a global basis.

[Read more](#)

## CONVENTION NEWS

### New Year – New Regulations (North of England)

The 1 January is traditionally a day when new legislation and amendments to existing regulations come into force. The year 2017 will be no different. New regulations that may affect your operations include:-

[Read more](#)

### Nairobi Convention on the Removal of Wrecks could soon be adopted by Norway (Standard)

The Norwegian Ministry of Transport is working on a proposal to ratify the Nairobi International Convention on the Removal of Wrecks by way of incorporation into its national legislation.

[Read more](#)

### Nairobi Convention on the Removal of Wrecks – update on Jordan, Romania, Finland and China (Standard)

[Read more](#)

### International Convention for the Control and Management of BWM Regulations (UK Club)

The IMO's International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the "Convention") will enter into force on 8th September 2017. The Convention seeks to prevent the spread of harmful aquatic organisms from one region to another, by the establishment of standards and procedures for the management and control of ships' ballast water and sediments.

As of 11th January 2017, there are 54 Contracting States to the Convention representing 53.30% of the world's global tonnage.

[Read more](#)

### STCW Convention: Update (Skuld)

In 2012, amendments to the 1978 International Convention on Training, Certification and Watchkeeping for Seafarers, the STCW Convention, were adopted by all countries being parties to the Convention. It aimed at enhancing training and certification requirements applicable to seafarers, shipowners, training institutions and maritime administrations by updating and setting the necessary global standards to train and certify seafarers to operate technologically-advanced ships. These amendments enter into force on 1 January 2017.

[Read more](#)

## SANCTION NEWS

### UPDATE: Iran sanctions (Swedish Club)

Updated information regarding Iran Sanctions - Payments involving Iran or Iranian entities cannot involve any of the following currencies: USD, CAD, NZD, AUD.

[Read more](#)



## PIRACY NEWS

### IMB 2016 annual report - crew kidnappings on the rise despite a decrease in piracy from 2015 (Standard)

According to the report, a total of 191 incidents were reported which represents the lowest annual figure since 1998. However, the number of crew kidnappings in 2016 was the highest in 10 years.

[Read more](#)

### Sulu-Celebes Sea - increase in pirate attacks & crew abductions (Standard)

The Maritime and Port Authority of Singapore (MPA) and the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) Information Sharing Centre (ISC) conducted a two day meeting of anti-piracy contact points and a workshop on piracy and armed robbery against ships involving participants from Africa, Asia and Europe in Singapore on 11 and 12 January 2017.

[Read more](#)

## REGIONAL NEWS

### Australia - Australian Maritime Safety Authority Marine Notices (Steamship)

The authority has recently issued a direction for cruise vessels carrying over 100 passengers to limit sulphur emissions while at berth in Sydney Harbour.

[Read more](#)

### Australia - Recognition of foreign maritime liens? – revisited! (Standard)

The outcome of this decision is to be welcomed by owners as it significantly undermines the ability of claimants to enforce foreign maritime claims against vessels in Australia, where those claims would not be recognised under Australian law.

[Read more](#)

### China - MSA Issue Implementation Plan for Emission Control Areas (Steamship)

The Maritime Safety Administration of the People's Republic of China (MSA) has issued the 'Implementation Plan on Domestic Emission Control Areas (DECAs) in the river and coastal waters of China.

[Read more](#)

### China - Wreck Removal Convention (Britannia)

The Wreck Removal Convention will come into force in China from 11 February 2017. As Members are aware, under the terms of the Convention, ships with a gross tonnage of 300 and above need to apply for a certificate of insurance.

[Read more](#)

### Cuba - OFAC clarifies Cuba sanctions (Shipowners)

On 6 January 2017, the OFAC revised its Frequently Asked Questions (FAQs) adding five new FAQs (numbers 86-90). These provide further clarity on matters concerning the 180 day rule and related issues.

[Read more](#)

### India - Shipowners May Be Liable to Pay Service Tax (North of England)

... The effect of this requirement may be that a vessel's owners may need to provide agents with funds before the vessel arrives into the country, since the tax amount could be substantial and the agents may call for a copy of the Charter Party and a declaration by the owners as a supporting document.

[Read more](#)



### Indonesia - Ore Export Ban Relaxed (North of England)

Press reports indicate the Government of Indonesia has relaxed the ore export ban that had previously been in place. The export of materials such as nickel ore and bauxite may resume.

[Read more](#)

### Iran - P&I Insurance and the Legacy of The Iran Sanctions Programme (North of England)

On January 16 last year the European Union and the US ended sanctions introduced in response to Iran's nuclear programme, putting into effect the implementation day under the Joint Comprehensive Plan of Action. It might be assumed that the Iranian legal and trade regimes would then have been restored to the same position as they were in before the introduction of that programme. In other words, full and unrestricted trade with Iran and membership of International Group P&I Clubs by Iranian shipowners and charterers. However, notwithstanding the significant work done by the International Group to facilitate such trade, this has not been the case. The continuation of non-nuclear related US primary sanctions when coupled with banks' reluctance to do business with Iran has meant that the insurance of Iranian shipping and the payment of Iran nexus claims is, and is likely to remain, fraught with difficulty.

[Read more](#)

### Ivory Coast - Update on Abidjan Port 19/1/2017 (North of England)

[Read more](#)

### Libya - Port Situation \*Update\* 17/1/2017 (North of England)

[Read more](#)

### South Korea - Preventive measures against the Zika Virus have been lifted (Standard)

Further to the club's latest update in respect of strengthened quarantine measures against the propagation of the Zika Virus in South Korea, members are advised that the country's quarantine measures have been scaled back to normal procedures and requirements.

[Read more](#)

### Spain - Ship's waste products (Britannia)

There have been some recent changes to the Spanish regulations which deal with Annex V of the International Convention for the Prevention of Pollution (MARPOL). These changes deal with the information required about the exact kind and amount of waste generated. This information is important in order that the storage capacity for waste on board each ship can be accurately calculated. This information would also help to improve the efficiency of inspections carried out in Spanish ports.

[Read more](#)

### Sudan – US Economic Sanctions - Sudan (American Club)

The US Treasury Department's Office of Foreign Assets Control (OFAC) today issued regulations lifting US economic sanctions against Sudan and the Government of Sudan. Transactions and activities previously prohibited under these sanctions will be generally authorized as of January 17, 2017 when the regulations take effect. The new regulations also authorize transactions involving property in which the Government of Sudan has an interest and no longer require the blocking of such property.

[Read more](#)

### Turkey - Marine surveyors and survey companies (Standard)

The Turkish Ministry of Transport, Maritime Affairs and Communication (*Ministry*) has recently enacted The Regulation of Surveying Services in Maritime Commerce (*Regulation*) that imposes an obligation on individuals and companies acting as marine surveyors to obtain an operating licence.

[Read more](#)

### Turkey - Update on Marine Pollution Fines in Turkey in 2017 (Standard)

Further to the club's web alert back in April 2016 on the Turkish pollution fine rates for 2016, Members are advised that as of the 1st of January 2017 the updated rates will enter into force for 2017.

[Read more](#)



### **USA - Cyber Incidents – USCG Reporting Requirements (North of England)**

Vessels or ports that have an approved Vessel Security Plan (VSP) or Facility Security Plan (FSP) are required to report suspicious activity (SA) and/or breaches of security (BoS). There are potentially a large number of malicious but low level cyber incidents not all of which need to be reported. The USCG has issued a policy letter to clarify for ports and ships the types of cyber incidents that should be reported to the National Response Centre (NRC):-

[Read more](#)

### **USA - US Coast Guard approves new BWMS (Britannia)**

As Members are aware, the IMO's Ballast Water Management Convention requires the installation of a ballast water management system (BWMS) meeting the IMO's standards by the date of a ship's first renewal of its IOPP certificate after 8 September 2017. On the other hand, for most ships the US Coast Guard (USCG) regulations require the installation of a BWMS meeting the USCG's stricter testing standards at the first scheduled dry docking after 1 January 2016.

[Read more](#)

### **USA - North American and U.S. Caribbean Sea ECA - Understanding Compliance Issues (Swedish Club)**

Frequently asked questions issued by EPA about North American and U.S. Caribbean Sea ECA – Understanding Compliance Issues can be found in the attached document.

[Read more](#)

### **Yemen – Port Situation Update (North of England)**

Local P&I correspondents regularly provide North with advice on the status of ports in Yemen and an updated list of all ports and their current status is provided below.

[Read more](#)