



Edition 21st February 2017

## LOSS PREVENTION NEWS

### Crew health: Advice for safe sex (Shipowners)

Sexually transmitted infections (STIs) are extremely common – it is estimated that up to 75% of sexually active people will contract an STI of some kind in their life time. For seafarers, the likelihood of contracting an STI is further increased, due to their unsettled lifestyles and a lack of access to necessary precautions.

[Read more](#)

### Crew Health advice: Dental hygiene in seafarers (UK Club)

... Seafarers are often at sea for long periods of time and unable to attend regular dental check-ups ashore, which may lead to dental problems developing unchecked. Long working hours and minimal physical exercise can result in the excessive consumption of highly caffeinated and very sugary drinks, unhealthy snacking and high levels of nicotine inhalation. In these circumstances, if oral health is neglected, gum disease, tooth decay and toothache can readily occur.

[Read more](#)

### Metal wire rope failure (Skuld)

Any wire rope failure is a serious and potentially life threatening event. Fortunately, such failures are relatively rare, but if a failure does occur, it is important that it is investigated thoroughly to determine the cause and from that, identify what went wrong.

[Read more](#)

### Fire hazard on board – the dangers of tumble dryer filters (UK Club)

During a number of recent ship visits, our Risk Assessors have found many cases where the filter elements and filter chambers of the vessel's tumble dryers (both domestic and industrial units) have not been cleared of lint build up.

[Read more](#)

### New Guidance on Minimising Risk From Ro-Ro Fires (North of England)

North P&I Club has published a new loss prevention briefing on how to prevent, detect and fight fires on roll-on-roll-off (ro-ro) vessels and car carriers. Such vessels are twice as likely to catch fire as other ships and vehicle-deck fires are notoriously difficult to contain and put out.

[Read more](#)



### Asian Gypsy Moth: USA and Canada Issue a Joint Bulletin (North of England)

The United States Department of Agriculture (USDA) and the Canadian Food Inspection Agency (CFIA) have recently issued a joint bulletin highlighting the threat of Asian Gypsy Moth (AGM) and outline some of the actions that should be taken by vessels.

[Read more](#)

### Revised Joint industry publication sets out Guidelines for the carriage of Calcium Hypochlorite (IG)

The International Group and CINS have issued revised joint industry guidance on the carriage of Calcium Hypochlorite by sea (first publication in May 2016) that now takes account of the package limit of 100 lb drums under US measurement as well as the previously stated package limit of 45kg net weight.

[Read more](#)

### IMO Guidance on Fuel Sampling (North of England)

[Read more](#)

## MARKET NEWS

### EU Parliament backs proposal to include shipping in CO2 reforms (Standard)

The European Parliament has voted in favour of proposed reforms to including international shipping in the EU Emissions Trading System (ETS) from 2023.

[Read more](#)

## LEGAL NEWS

### Charterparty with unfamiliar entity: what steps can I take to ensure charterer will pay hire? (Shipowners)

... Although there are other ways in which Members can pursue Charterers for unpaid hire, the most straightforward and effective solution is for Members to carry out thorough due diligence (also known as KYC or 'know your client') on potential Charterers before entering into any charterparty.

[Read more](#)

### Can owners enforce a receiver's LOI against the receivers? (Standard)

Whilst the delivery of cargo without production of the original bills of lading in exchange for an LOI has become accepted as an industry standard request, owners are exposed to significant risks when they agree to deliver cargo without presentation of original bills of lading. This web alert intends to remind owners that accepting an LOI does not always provide adequate protection against the consequences of misdelivery claims. When owners are asked to accept an LOI to deliver cargo without production of original bills of lading, owners should carry out an appropriate due diligence investigation of the party who is to issue such security. This is because the LOI will replace owners' P&I cover as discharging cargo without production of original bills of lading falls outside club cover.

[Read more](#)

### The recoverability of costs under the ICA following the successful defence of a cargo claim (Standard)

In an important update, the tribunal in *London Arbitration 30/16* has declined to follow the decision in *London Arbitration 10/15* and instead allowed the owners to recover their costs of successfully defending a cargo claim under the ICA.

[Read more](#)

### Performance guarantees (Shipowners)

A good way for owners to improve their chances of being paid is to obtain a guarantee of the charterers' performance from a third-party (the Guarantor). However, there are a number of pitfalls which may prevent a guarantee being enforceable. There are many points to consider when accepting guarantees.

[Read more](#)



## Compliance with the 2010 Manila Amendments to the STCW Convention (Standard)

1 January 2017 marked the end of the transitional period and the beginning of the full implementation of the 2010 Manila Amendments to the International Convention on Standards of Training, Certification and Watchkeeping of Seafarers (STCW) 1978 (Manila Amendments).

[Read more](#)

## STOPIA 2006 (as amended 2017) and TOPIA 2006 (as amended 2017) – 2017 amendments (Skuld)

Web-only circular issued by International Group clubs

... During the review, the following changes to the Agreements were agreed that would address both the introduction of future sanctions legislation and the time period and operation of future reviews. These amendments will have the effect of:

[Read more](#)

## Transgrain Shipping (Singapore) PTE Ltd v Yangtze Navigation (Hong Kong) Ltd (Standard)

In a recent High Court case<sup>[1]</sup> the court considered the proper construction of clause 8(d) of the Inter-club Agreement 1996 ('ICA'). Clause 8(d) of the ICA states that 'all other cargo claims whatsoever' shall be apportioned 50/50 between owners and charterers. However, if there is 'clear and irrefutable evidence that the claim arose out of the act or neglect of' one of the parties then they shall bear 100% of the claim. The issue to be determined was whether the term 'act' in the phrase 'act or neglect' meant a culpable act or any act.

[Read more](#)

## Hanjin Shipping - Korean Rehabilitation Proceedings \*Update\* (North of England)

We refer to our previous Industry News update dated 3 February 2017, relating to Hanjin Shipping. The Seoul Central District Court has today (17 February 2017) converted the rehabilitation proceeding into a bankruptcy proceeding and has appointed a Bankruptcy Trustee, Jin Han Kim, to dispose of Hanjin Shipping's remaining assets and distribute the proceeds to the creditors, according to their priorities.

[Read more](#)

## Maintaining confidentiality for communications with attorney – comparing American/English law (Gard)

... In comparing the American and English law, we conclude that an individual seeking legal advice would be entitled to the same protection for confidential communication with his or her attorney whether the advice is sought in London or New York.

[Read more](#)

## What is the legal professional privilege under English law and why is it important? (Gard)

Legal professional privilege (LPP) is a fundamental legal right and a complex area of English common law. LPP arises when a client seeks legal advice from a lawyer and permits certain relevant documents to be exempt from production to a third party or the court. LPP is important because it enables a client to obtain effective legal advice, which requires absolute openness between a client and his lawyer.

[Read more](#)

## CONVENTION NEWS

### Nairobi Convention on the Removal of Wrecks – update on Belgium and the Cayman Islands (Standard)

[Read more](#)

### Nairobi International Convention on the Removal of Wrecks to apply to Cayman Islands (Standard)

The Nairobi International Convention on the Removal of Wrecks was extended to the territory of the Cayman Islands on 7 February 2017.

[Read more](#)

### Ballast Water Management – How to comply with the IMO Convention (Swedish Club)

With the ratification of the IMO Ballast Water Management Convention in September 2016, the convention will enter into force on 8 September 2017. With only some months to go, this Technical & Regulatory News is intended as a supporting document for the BWM implementation phase, focusing on compliance.

[Read more](#)



## SANCTION NEWS

### Iran Sanctions - U.S Imposes New Sanctions Against Iran (UK Club)

... Since these latest sanctions target specific individuals and entities, and not products or sectors of the Iranian economy, the overall effect on international shipping should be minimal.

[Read more](#)

### Cuba Sanctions (Skuld)

The nature of the relationship between Cuba and the US dates back to some of the most intense periods of the cold war era. A recent thaw in relations has led to some changes and further raised the prospect of a possible further liberalisation of existing sanctions, but members are well advised to consider the full picture before deciding to develop their trade in this direction.

[Read more](#)

### OFAC updating List of Medical Devices Requiring Specific Authorization for export to Iran (Standard)

The Department of the Treasury's Office of Foreign Assets Control (OFAC) is updating and clarifying the scope of medical devices that are not authorised for exportation or re-exportation to Iran under the US sanctions regime, pursuant to the General License at 31 C.F.R. Section 560.530(a)(3)(i). Exports or re-exports to military, intelligence, law enforcement purchasers or importers, or most blocked entities, remain unauthorised.

[Read more](#)

## PIRACY NEWS

### Piracy in Asia – situation update (Gard)

The piracy situation in the sea area between Sabah, Malaysia and the Southern Philippines continues to be a concern and all vessels are advised to report to the relevant authorities prior entering or passing the Sibutu Passage and Sulu-Celebes Sea.

[Read more](#)

## REGIONAL NEWS

### Argentina - Clarification of Sanitary Requirements (North of England)

North's local correspondent in Argentina has reported an increase in the number of enquiries related to sanitary regulations in Argentine ports. The regulation imposes a mandatory requirement for certain vessels to have a cleaning and disinfection programme carried out in order to gain free pratique.

[Read more](#)

### Australia - AMSA Notice on Global implementation of new sulphur content limit in fuel oil (Steamship)

The AMSA have issued the latest Marine Notice regarding the Global implementation of new sulphur content limit in fuel oil for all ships and the IMO MARPOL Convention, specifically Annex VI.

[Read more](#)

### Canada - New compulsory insurance scheme for passenger vessels (Shipowners)

Proposed new Federal regulations dealing with compulsory insurance of passenger vessels under the Canadian Marine Liability Act were issued by the Government of Canada in December 2016.

[Read more](#)

### Caribbean - EPA issues FAQ guidance regarding Caribbean ECA compliance (Standard)

In response to questions regarding Emissions Control Area (ECA) compliance issues, the US EPA has released the attached FAQ guidance. The FAQ's address a range of topics including handling exhaust gas scrubber effluent, NOx Tier III for dual fuel engines, fittings of non-Tier III engines on vessels constructed on or after 1 Jan 2016, and additional information about the EPA and Annex VI requirements.

[Read more](#)



### **China - Changes to Sludge and Garbage Disposal Requirements (North of England)**

North's P&I correspondent Huatai Insurance Agency & Consultant Service Ltd has issued a Circular regarding changes to China's Ministry of Transportation requirements.

[Read more](#)

### **Cyprus - Delays Expected at the Port of Limassol (North of England)**

[Read more](#)

### **India - Indian Service Tax (Steamship)**

On 12 January the Indian Government issued a notification withdrawing the exemption from service tax for the transportation of goods by a vessel from a place outside India up to the customs station of clearance in India.

[Read more](#)

### **Indonesia and Singapore - Sea Border Agreement Ratified by Indonesian Parliament (Standard)**

When the 2014 Treaty comes into force, it will demarcate a border covering 5.1 nautical miles in the eastern part of the Straits of Singapore and would be pivotal in regulating territorial seas, upholding state sovereignty and enforcing the law in these global shipping lanes.

[Read more](#)

### **Indonesia - Nickel Ore - Philippines tightens supply / Indonesia relaxes ban (Standard)**

... Interestingly, this comes around the same time when Indonesia has indicated relaxation on its ore export ban that had previously been in place.

[Read more](#)

### **Italy - New legislation on pilot liability (Standard)**

On 19 December 2016, a law was published in the Official Gazette introducing certain amendments in respect of liability for port pilots. The new regime became effective on 3 January 2017, amending relevant sections of the Italian Code of Navigation.

[Read more](#)

### **Italy - Reimbursements for crew medical expenses abroad (Standard)**

The club has been made aware of a number of occasions where Italian crew, employed aboard Italian flagged vessels, received medical care outside of Italy and the Italian Ministry of Health has then rejected, or only partially reimbursed the shipowner, for the medical costs incurred.

[Read more](#)

### **Japan - Guidance for Safe Navigation peak season of Stownet-fishing in Bisan-Seto (Japan P&I Club)**

The Stownet-fishing season has started from 1st February, 2017 throughout Bisan-seto, Japan. We attach herewith our free translation of the guidance for safe navigation which we received from Licensed Inlandsea Pilots' Association. The safety measures are scheduled to be taken from 9th February, 2017. We hope this information will be of help to you.

[Read more](#)

### **Libya - Port Situation and Safe Navigation (North of England)**

North has received the following information from local P&I correspondents on the status of Libyan ports:

[Read more](#)



### **Philippines - Nickel Ore - Philippines tightens supply / Indonesia relaxes ban (Standard)**

The club understands that in a bid to clamp down on environmental degradation, the Philippines Department of Environment and Natural Resources (DENR) has ordered to close 23 of the country's 41 nickel ore mines, amounting to almost 50% of the Philippines' nickel ore production (10% of global supply). Members with ships loading nickel ore in the Philippines are recommended to ensure that the cargo to be shipped is legal and loading is not from any of the mines mentioned in the attached list.

[Read more](#)

### **Singapore - New Singapore Mediation Act (Standard)**

Singapore has recently established a framework for international commercial mediation in its new Mediation Act 2016 ('the Act'). The Act will apply to mediations conducted in whole or in part in Singapore or where the mediation agreement provides that Singapore law applies.

[Read more](#)

### **Singapore - Third party funding of disputes in Singapore (Standard)**

On 10 January 2017, Singapore passed an amendment to the Civil Law Act to implement a framework allowing for third party funding in international disputes, in particular international commercial arbitration. This puts Singapore on the same footing as other major arbitral seats worldwide.

[Read more](#)

### **Singapore - The Information Fusion Centre (IFC) publishes guidance on Sulu Sea attacks (Standard)**

The IFC in Singapore has released a commentary on the recent spate of attacks in the Sulu Sea, in particular, the Sibutu Passage. The IFC reports that there were 33 incidents observed in the Sulu Sea over the last 12 months. Of these 33 incidents, 19 involved abductions. Most of the attacks have been directed at smaller boats, such as tugboats and fishing vessels. However, two large merchant ships have also been attacked. The IFC recommends the following measures be implemented while transiting in the affected area to mitigate the threat of getting attacked:

[Read more](#)

### **Singapore - ships at anchor in port (Britannia)**

The regulations dealing with ships at anchor in Singapore have been amended and there must be on board a sufficient number of men capable of veering cable, keeping anchor lights lit and taking appropriate action in case of an emergency.

[Read more](#)

### **Sudan - U.S. moves towards a relaxation of sanctions (Shipowners)**

Following the recent dialogue between the United States (U.S.) Government and the Government of Sudan, there has been a move by the U.S. to relax sanctions against Sudan.

[Read more](#)

### **Togo - Togo accedes to two IMO treaties covering unlawful acts at sea and anti-fouling (Standard)**

The IMO has announced that Togo has acceded to two treaties dealing with unlawful acts against the safety of maritime navigation, and the control of harmful anti-fouling systems on ships.

[Read more](#)

### **Thailand - Mekong River clearance plans underway (Standard)**

Thailand is supporting Chinese plans to make the Mekong River navigable for larger ships.

[Read more](#)

### **UAE - Port of Fujairah issue guidelines on crew illness (Steamship)**

Port management have issued a new advisory notice to agents representatives of Vessel in connection with the port policy in the event of Crew illness when the Vessel is in port.

[Read more](#)



### Ukraine - Ice conditions (Britannia)

[Read more](#)

### USA - US immigration order and its effect on ships calling US ports (Standard)

The club has received several queries from members regarding President Trump's Executive Order (E.O.) entitled *Protecting the Nation from Foreign Terrorist Entry into the United States*. There are immediate implications for members whose ships call in the US, including the following:

[Read more](#)

### USA - EPA issues FAQ guidance regarding North American ECA compliance (Standard)

In response to questions regarding Emissions Control Area (ECA) compliance issues, the US EPA has released the attached FAQ guidance. The FAQ's address a range of topics including handling exhaust gas scrubber effluent, NOx Tier III for dual fuel engines, fittings of non-Tier III engines on vessels constructed on or after 1 Jan 2016, and additional information about the EPA and Annex VI requirements.

[Read more](#)

### Yemen - UPDATE: Yemen situation 3/2/2017 (Swedish Club)

Preparations are underway at the Port of Aden for aid ship due to the escalation of military operations in Hodeidah between the Yemeni army and Houthi rebels. The Hodeidah port, however, is still functioning despite this development.

[Read more](#)