

# **MARCH 2020**





## **IN THIS ISSUE:**

- IMO NEWS ABOUT CORONA VIRUS COVID-19
- CESMA BOARD IN BRUXELLES
- EUROPEAN SHIPPING WEEK 2020
- THE CRIMINALIZATION OF THE VESSEL MASTERS WORKSHOP IN ROME
- HIGH LEVEL MINISTERIAL MARITIME CONFERENCE IN OPATIJA, CROATIA
- MASTER FINED IN DELAY OF REPORTING MAIN ENGINE FAILURE
- IMO CONTINUES GMDSS WORK

# CESMANEWS MARCH 2020

#### CONFEDERATION OF EUROPEAN SHIPMASTERS' ASSOCIATIONS

**SECRETARIAT:** MUNTPLEIN 10

NL-1012WR AMSTERDAM THE NETHERLANDS

TEL: SEE LIST OF BOARD MEMBERS BELOW

email cesma-eu@introweb.nl

PRESIDENT: CAPT. H. ARDILLON, FRANCE

TEL: +33 2 35 801 505 MOB: +33 6 09 450 057

e-mail: hubert.ardillon@afcan.org; hubert.ardillon@gmail.com

DEPUTY PRESIDENT: CAPT. D.DIMITROV, BULGARIA

MOB: +359 888 340 160

e-mail: mitko652012@gmail.com; mitko652012@yahoo.com

VICE PRESIDENT: CAPT. G. RIBARIC, SLOVENIA

TEL/FAX: +386 56772642 MOB: +386 31 375 823 e-mail: zpu.slo@siol.net; jrg.ribaric@gmail.com

**GEN.SECRETARY:** VACANCY

TEL/FAX: ..... MOB: .....

e-mail: .....

ADMINISTRATOR: CAPT. L. GEENEVASEN TEL/FAX: +31 512 510 528

MOB: +31 6 3052 3886

e-mail: LGHGeenevasen@cs.com

HON.VICE PRESIDENTS: CAPT. R. SERRA †

**CAPT. W.VON PRESSENTIN** 

HON.MEMBERS: CAPT.F.J.WIJNEN † CAPT. H.B. BOER †

CAPT. J. CHENNEVIERE † CAPT. J-D. TROYAT

CAPT. G. KIEHNE CAPT. J. JUAN TORRES

ADVISORS: PROF. J. SPAANS CAPT. W. MUELLER





To: All IMO Member States

United Nations and specialized agencies Intergovernmentalorganizations

Non-governmental organizations in consultative status with IMO

Subject: ICS Coronavirus (COVID-19) Guidance for ship operators for

the protection of the health of seafarers

The Secretary-General has received the attached Coronavirus (COVID-19) Guidance for ship operators for the protection of the health of seafarers, prepared by the International Chamber of Shipping in response to the coronavirus outbreak. Member States and international organizations are invited to make use of the Guidance, as they see fit, and circulate it to all parties, as deemed appropriate.

#### PRESS RELEASE

### Shipping needs to prepare for coronavirus restrictions warns Hill Dickinson

The shipping industry needs to be prepared for potential restrictions in order to prevent the further spread of the 'Wuhan' coronavirus, advises a leading maritime law firm.

Preparation for potential escalation is needed advises **Beth Bradley**, a Partner with Hill Dickinson, who says that shipping should be prepared to face the same issues that arose in previous severe disease outbreaks, such as with other coronaviruses or Ebola, such as infection of crew members, quarantine measures, closure of ports, and possible repercussions on charterparty obligations. "While this outbreak is not currently anticipated to cause the global

complications experienced by the Ebola and Sars outbreaks, it is wise for ship operators and charterers to be prepared for any greater spread of this virus," she says.

#### **Quarantine and Deviation**

Delays caused by quarantines and deviations have a different impact under charterparties. In relation to the safety of the crew, employers have a duty of care towards the crew under their employment contracts, and a breach of such a duty may lead to exposure to a variety of claims. Under time charterparties, when a vessel is delayed by a quarantine or is forced to deviate due to an infected crew member, the vessel may be placed off-hire, subject to the wording of the charter. Common wordings of charterparties have been held to place the vessel off-hire due to legal or administrative restraints if they

related to the efficiency or condition of the vessel or crew. In spite of this, should the delay be the inevitable result of orders resulting from how the charterers chose

to employ the vessel, the vessel may remain on hire. The outcome in each case will depend on the facts and the wording of the charterparty.

Under voyage charters, a deviation for the safety of the crew will be at the shipowner's expense as no additional freight may be payable unless, under the Hague or Hague-Visby Rules, a "reasonable deviation" defence is successfully raised.

#### **NOR and Free Pratique**

In order to commence laytime under a voyage charterparty, owners need to tender a valid Notice of Readiness (NOR). For owners to do so, a vessel requires free pratique. Absent wording to the contrary in the charterparty, everyday practice provides that a Master can give a valid NOR without having first obtained free pratique, provided that there is no reason to assume that it is anything other than a mere formality.

However, in cases of an outbreak, a vessel may be subject to quarantine delays, such that the assumption that the vessel will be able to obtain free pratique will not be a mere formality. If a vessel is calling or has called in an infected area, special protective measures may cause delays until the health of the crew is ascertained. The risk of such delays until a valid NOR is capable of being tendered is borne by the owner, unless the charterparty provides otherwise.

#### **Safe Port Warranty**

Under a charterparty, charterers are under an obligation to nominate a safe port, an order with which the shipowners must comply with unless there is an unacceptable risk, or the port is known to be unsafe. Risks to the crew may render a port unsafe even where there is no risk of real damage to the vessel. Consequently, a contagious disease may legally make a port unsafe.

The safety of a port depends greatly on whether proper precautions and protective measures are in place to ensure that a vessel can call at the port without risking infection of its crew. Such measures were taken during both the Ebola and MERS outbreaks, and numerous ports remained open despite being affected by the outbreak.

At present, the Wuhan virus is not at a stage where it may render a port unsafe, and the severity of the outbreak would need to escalate significantly before owners could reasonably refuse to call at scheduled or nominated ports on the basis of the ports being unsafe.

### Force majeure

A standard force majeure clause suspends and/or terminates the contract on the occurrence of an extraordinary event beyond the parties' reasonable control, which materially affects the parties' ability to perform their contractual obligations. Such an occurrence should not reasonably have been foreseen or provided against.

**John Agapitos,** Hill Dickinson paralegal, adds: At this time, there have only been internal transport bans affecting certain Chinese cities around the centre of the outbreak. There has not yet been a travel ban to China or any other neighbouring countries. It is unlikely that any given situation will fall within the scope of a force majeure clause, unless the wording of a particular clause is quite broadly drafted.

However, if the outbreak escalates in the future and/or travel bans are imposed, questions of whether it amounts to a force majeure event may come to the fore."

https://www.hilldickinson.com

# iCALL Helps Seafarers Deal with Coronavirus Concerns, By The Maritime Executive 03-19-2020 09:56:29

A mental health and wellness helpline service set up to support sea and shore-based maritime personnel worldwide is receiving increasing requests for assistance as the coronavirus (Covid-19) pandemic crisis mounts.

iCALL for Seafarers is a free, confidential and anonymous psychological helpline for the worldwide maritime community established by leading Singapore-based shipmanager Synergy Group in October 2018 in partnership with India's renowned Tata Institute of Social Sciences (TISS). "We had a 40% jump in messages and calls in February and coronavirus is an issue," said Dr Aparna Joshi, Director of iCALL. "We've now added a 15th counsellor to ensure all seafarers and their families receive the help and support they need." Now available in 10 languages, iCALL for Seafarers is available 24/7 via phone, email and the chat-based nULTA App. "Management at TISS tell me there has been a recent increase in calls received from maritime personnel and this is entirely understandable," said Captain Unni, CEO and Founder of Synergy Group.

"We have highlighted the intense pressure on seafarers due to the spread of coronavirus so it is no surprise the spike in calls might be related. Current events really just highlight that shipping has for far too long been in denial of the mental pressures on ship crews. Seafarers are on the front line of world trade supplying the consumer necessities and commodities we all need during this pandemic. They should have all the support they need."

Since its inauguration, counsellors located at TISS in Mumbai have fielded daily calls, emails and online chats from maritime personnel and their families. All 15 counsellors that currently support distressed maritime personnel have at least a Master's degree in Clinical or Counselling Psychology and are trained to help with over 20 wellness issues including mental health, career anxiety, relationships, suicide & self-harm, substance use and work-life concerns. A first year report into the counselling conducted by iCALL for Seafarers found that the top three mental challenges seafarers and their families raise with counsellors relate to emotional distress, relationship issues and work-life concerns. Despite seafaring still being maledominated, 17% of the calls received were made by females. "It's heartening to see

a vague idea about setting up a completely anonymous psychological helpline for seafarers turn into one of the most important mental health initiatives in shipping," said Captain Unni.

"The availability of mental health support for seafarers and their families is crucial now more than ever. I'm delighted that with TISS's support that is what we are able to offer help through iCALL for Seafarers." Dr Joshi said the partnership between TISS and Synergy was built on a vision to create a healthy environment on ships where mental health is prioritized and help-seeking is normalized. "Together we aspire not only to create interventions to address mental health concerns, but also to promote mental well-being," she said. "iCALL has addressed diverse issues of seafarers such as those related to work-life balance, interpersonal relationships, self-image, sexual health and suicide. Moreover, iCALL has facilitated workshops and engaged in outreach activities with the support from Synergy Group to raise awareness in shipping about the importance of mental health."

Dr Joshi said iCALL starts from a belief in the philosophy that suicide is preventable if adequate care is available to the vulnerable. "We have been able to create a network of first responders on ships who help with early identification of potential crises and help build an empathetic culture," she added. "I am grateful for the proactive efforts of the Synergy team that have helped us extend the services to other seafaring companies across the globe. I also appreciate the sensitivity Synergy has shown towards the vital cause of mental health and the issues faced especially by women seafarers."

Captain Unni said Synergy was fully-committed to the long-term success of iCALL for Seafarers. "The important element of this for me personally is not the numbers but when we've really helped individuals," he added. "When I hear that seafarers have called up with obvious suicidal tendencies and have been counselled, provided with psychological services and support, and their wellbeing ensured with several follow- up sessions, it is fantastic to know this project is making a difference. I have always maintained that mental health issues must be treated with the same urgency with which we in shipping treat safety-related issues. Having a world-class helpline in place ensures that every seafarer – irrespective of the owner or manager she or he is employed by – has access to support when they need it. This is the least we owe our seafarers."

The products and services herein described in this press release are not endorsed by The Maritime Executive

**To:** All IMO Member States

United Nations and specialized agencies

Intergovernmental organizations

Non-governmental organizations in consultative status with IMO

Subject: Coronavirus (COVID-19) – Guidance relating to the certification of Seafarers

- **14** The Secretary-General has been made aware of a number of concerns regarding seafarers' training and certification as a result of the coronavirus outbreak.
- 15 The actions taken worldwide as a result of the outbreak pose a serious challenge for Administrations to allow the continued training of seafarers, revalidate certificates, including medical certificates, and issuance of endorsements attesting recognition of certificates in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for seafarers (STCW Convention), 1978, as amended.
- **16** In light of the foregoing, issuing Administrations are encouraged to take a pragmatic and practical approach with regard to the extension of the above-mentioned certificates and endorsements, as strictly necessary, and to notify ships, seafarers and relevant Administrations accordingly.
- **17** Port State control authorities are also encouraged to take a pragmatic and practical approach in relation to these certificate and endorsement extensions, and their acceptance in the exercise of control procedures in accordance with article X (Control) and regulation I/4 (Control procedures) of the 1978 STCW Convention, as amended.
- **18** Members States are invited to communicate to the Organization general information on the practices adopted by the issuing Administrations and port State control authorities. The Organization will circulate this information.
- **19** Member States and other stakeholders are invited to bring the contents of this circular letter to the attention of all concerned, especially issuing Administrations and port State control authorities.

# **CESMA BOARD MEETING, BRUSSELS, 17 FEBRUARY 2020**

On February, 17<sup>th</sup> 2020 at Ibis Hotel in Brussels the board of CESMA met with the presence of CESMA President Capt. Hubert Ardillon, Deputy Pesident Capt. Dimitar Dimitrov, Vice President Capt. Girgio Ribaric and Capt. Leo Geenevassen as Aadministrator. The agenda of the meeting consisted of 16 points all discussed and agreed with consensus. Before the meeting all board members received information on the agenda of the meeting, financial statement, execution of the budget during 2019, proposed budget for 2020 and assets of CESMA by the president. Financial matters were adopted. The CESMA web site was discussed as it was non operational for one year. Capt. Geenevassen said that he contacted the programmer who made the site but he is no more dealing with such matters. It was proposed by

Leo to try to get the password and instructions as to how the site could be maintained. Then the board members will try to find a person or company who will edit the site in future. Capt. Dimitrov advised on recent developments with the CESMA newsletter and said that until we find a Secretary General he will try to edit the newsletter quarterly and print and distribute it among the members. The board approved the required expenses. Ten copies of the newsletter will be delivered to Rijeka for distribution during the AGA based on the proposal of the president. The new design of CESMA neckties has been approved. The board approved an order of 100 CESMA ties and 15 papillons. Capt. Ardillon informed the board about CESMA registration in the EU Transparency Register and proposed the number of persons registered from CESMA to be increased to three. The job description of Secretary General was discussed and it was agreed that one person cannot do everything as it was to previously. We will not be able to find a person to apply for that position as it is now. That's why the board decided to clarify the job description till next AGA in Rijeka and to distribute the activities between the board. For the moment financial matters will be covered by the president and the deputy president will edit CESMA News and will prepare the Secretary General's Report. Capt. Geenevasen will continue with the administration and contacts with the bank, the service provider and office attendance at least once every two months. The archives of CESMA have been inspected and a lot of papers predominantly financial have been found in the office. The president proposed to investigate the papers and to try to summarise the history of CESMA. The membership was discussed and the board will continue its efforts to increase membership in order to strengthen the representation of EU shipmasters. The Romanian Shipmasters Association will be invited to join at the next AGA and become members. The composition of the Board and candidates were discussed. All three candidates are eligible to compete. The next AGA in Rijeka was decided to be organised as proposed by the host Croatian Shipmasters Association. The number of resolutions from the previous AGA will be kept the same, but the wording of the preamble will be changed after the council meeting and AGA as per discussions and decisions made. The board found out that till 2019 all the contacts with EU Parliament, Commission, EMSA and nongovernmental associations like EMPA, IFSMA, ETF had been made by former Secretary General and most of them had been lost. The board decided that in future contacts will be made by at least two board members and immediately afterwards. Any meeting conducted on behalf of CESMA will be followed by a report which will be prepared and sent to the board in order to keep the Board informed. During the board meeting in Brussels several attendances were approved; the FERRARA Conference, March 6th, OPTIJA Conference, March 11th, CORK Conference, March 26th, EMD Cork, May 14th & 15th. Finally the board decided to make a pin with logo of CESMA and wording "25 YEARS – 2020" around it to commemorate 25th anniversary of the confederation. The next board meeting will be at Rijeka in May 2020.

# D. Dimitrov, CESMA Deputy President

# **European Shipping Week 2020**

European Shipping Week(ESW 2020) was organised by ECSA (European Community Shipowners' Association) and SI (Shipping Innovation) from 17th to 21st february 2020 in Brussels. CESMA was represented there by three Board Members capt. Hubert Ardillon, President, capt. Dimitar Dimitrov, Deputy President, capt. Giorgio Ribaric, Vice President attending at conference and panels all 4 days spliting between different panels. The board meeting had been organised on February 17th where the administrator of the Board capt. Leo Geenevasen attended as well.

The theme on Monday, February 17th was «Trade and Competitiveness». The first panel attended by capt. Dimitrov and capt. Ribaric was the panel «The Chartered Master Mariner (CMMar) ». The presentation had been made by Scott Hanlon, CMMar administrator. The institute of CMMar had been established by Honourable Company of Master Mariners of United Kingdom (HCMM). « Charter » is a Royal Warrant granted by the Crown (State, in this case United Kingdom) permitting an activity or practice to be carried out by certain individuals, a town, a city or region. Chartership is a mark of excellence, indicating that the holder has reached the highest level of his profession. Those who achieve CMMar should be individuals who have proven their eminence within the Maritime Community. Chartership is available for Master Mariners with STCW II/2 Unlimited Certificate of Competency who have completed more than their regular activities as shipmasters and contributed to the industry with their knowledge, innovation and extra work for the development of the maritime industry. The application can be made via the Nautical Institute with a CV and several essays evaluated by approved assessors from the Registration Authority and the final approval by the Court of HCMM. The possibility to apply had been granted at first to shipmasters from Australia, Canada, Hong Kong, New Zealand, Singapore and the USA. Since 2019 that possibility as per the action plan of the institute had been extended to European shipmasters and then it will be available for the rest of the world. Some of the well recognized in maritime industry shipmasters such as Capt. Nick Nash, President of NI, Guy Platten, Secretary General of ICS, Capt. Michael Lloyd, Nautilus Council Member had already been awarded with CMMar.

The second day of ESW continued with the theme "Safe and Social Shipping". The CESMA Board attended the panel "Seafarers Employment - How to make EU shipping attractive".

The topic was summarised initially as "Seafarers should have the faith in maritime sector, if not it will be difficult to run it". The first speaker from Norwegian Seafarers Union delivered information about differences in working conditions and wages of seafarers when sailing on board ships under national flag and flag of convenience. He said that 75% of ships controlled by Norwegian shipowners do not sail under the Norwegian flag, but under flags of convenience. Reflagging of ships leads to dismissal of seafarers, which then has as consequence reflagging as there are not

enough seafarers to board on ships sailing under national flag! Reflagging is for all shipping sectors, including coastal one.

The next speaker was Terje Hernes Pettersen, lawyer at Scandinavian Institute of Maritime Law. He confirmed what was already said and suggested the same seafarers' rights and wages for ships sailing under Norwegian flag and Norwegian International Flag (Second Norwegian Register) when vessels operate in waters under norwegian control (territorial waters, internal waters, Exclusive Economic Zone and continental shelf). Well known are conditions under which work seamen under flag of convenience – 12 hours per working day, 7 days a week, 6 to 9 months contracts, 3 euro per hour salary. Annual average salary of Filipino able seaman is 10200 euro while Norwegian able seaman gets 74000 euro per year – the reason for dismissal of Norwegian seafarers and employment of seafarers from third countries after ship reflagging. The topic was continued by Hanna Furuseth from Centre for EU Law in the University of Oslo. In addition to analysis of working conditions and wages she mentioned Public International Law with coastal state jurisdiction versus flag state jurisdiction and made proposal for new legislation in Norwegian waters and cabotage where Norwegian working conditions and wages should apply. The same is opinion of Spanish and French Unions. While IMO minimum basic wage is 641 USD/month she proposed state aid for reflagging of ships back to national flag and employment of national seafarers. The panel continued with short discussion where it was insisted that the the voice of seafarers should be heard during ESW and the minimum wages were easily become the maximum wages. After a question from audiance it was noted that the cargo owners have no responsibility on the subject, and they have no means to put pressure on the manning managers. A positive point was seen in the vetting inspections, wich could lead to a better regulation of wages. Member of EU Parlement Vera Tax from Netherlands says that it is very difficult to do something positive, as this is a global system, so it should be more regulated under IMO rules. European Union decreed "European Maritime Space (EMS)" wich should permit to better regulate the maritime work. We can note that ECSA and ETF agree on same.

Next panel which CESMA board members attended was "An EU maritime growth plan for sustainable maritime jobs, growth and competitiveness". ECSA intends to ensure a thriving EU shipping industry, a strong skills base and development of a word-class maritime cluster in Europe. The objectives are to increase the employment of Europeans at sea and in the onshore maritime clusters and to develop an attractive, smart, safe, social and sustainable quality shipping industry. The key words are attracting, retaining, and feminizing. Speakers came from shipping management and maritime administrations. They mention huge differences in EU countries in maritime education and training but also they ascertain reduction of accidents, incidents and claims when using EU seafarers. The shortage of officers in world shipping industry is estimated to 2.1% or 147000 in the next 5 years. Statistics shows 488000 Europeans employed in shipping in 2014 while they are

700000 in 2018 which is good increase, Altogether there are 1.3 million jobs in the maritime sector. EU seafarers cannot compete with the rest of the world in wages but in quality of job. In general changes in the industry had been summarized as containerization, automation and decarbonisation. The measures to attract seafarers should be on a national level and EU should do monitoring and proper regulation. To illustrate that Cyprus raised Cyprus Shipping Communications Campaign for career at sea and career in shipping in general. Adopt a ship program created ensured the young children to be acquainted with everyday onboard activities. 350 classes from 90 schools participate via national foundation. The other positive example is Dutch Company Van Dam Shipping. The experience was shared by the owner and general manager of the company Jan Van Dam who is still sailing on board one of his own company ships as shipmaster. He is minimizing the number of nationalities on board his ships and minimizing mixing of different religions. The ships are engaged in short sea shipping and the crew work on two months on two months off system. Marcelo Pica shared Grimaldi's experience with providing free internet on board the company's ships, on board welfare crew facilities and psychometric control of the crew. Mentioning the problems with finding places for cadets on board national ships Anne Trolle, Executive Director of Danish Shipowners' Association informed the audience about intership guarantee and established shipboard training office as well as the research they made for future skills needed in the maritime sector. In improving that they created student grants for officers and more flexible education and training programs and mentoring program among young people at the age between 14 and 28. To boost the same in Dutch Shipowners Association a program had been created to students 16 years old plus to stay one week on board ships at sea to be attracted to maritime profession.

The afternoon session continued with one of the most important for shipmasters panels "Facilitating Seafarer Travel and Onshore Leave". The new EU Visa Code for non EU seafarers will start on March 02<sup>nd</sup> 2020. Mr. Guido Schwarz and Mr. Fernando Otero-Arcero explained the goals of the new legislation of Visa Code. The sistem is still complicated and not benefit the seafarers. There is definition as per the Code that anyone employed on board the ship is seafarer. There are three types of multiple visas – one year, two years and five years visa. Application for visa could be done up to 9 months in advance and is made over the web platform. The seafarers are exempted from visas except if they join the ship in EU port. The problems does not exist for EU citizens or resident card/permit holders but still remais for the Owners/Operators on seafarers crew changes in EU Ports for third country nationals. EU states still follow their own visa code which is sometimes different from the EU directives and here the seafarers run in trouble. Seafarers have a problem to get EU visa because all depends on which country will join the vesssel. The visa procedure takes from seven (7) till thirty five (35) days at the embasies/consulate of single EU state. The suggestion from the maritime industry representatives was that all EU

states must harmonise the EU visa code and implement in member stare procedure.

The third day of ESW was dedicated to the environmental problems. CESMA participated in different panels. Capt. Ardillon observed the panel "Restoration of the Marine Environment: why ratification of HNS Convention is a matter of urgency!" (HNS: High Noxious Substances). 2 000 different products regularly are carried at sea for some 200 millions tons annualy. In top 10 of HNS are sulphuric acid, hydrochloric acid, sodium hydroxide, phosphoric acid, nitric acid, ammonia, benzene, etc. First a reminder on what are already in force for compensation regimes – liability and compensation for Oil as Cargo, Bunker Fuel Oil, Passengers, Wreck Removal. HNS Convention is dated 1996 et its protocol 2010. Not yet in force, which is not really a problem (?), nor a surprisee. BWM Convention took 14 years before entering in force! Of course less accidents, more safety in the maritime trade. But also more vessels, bigger and bigger, and as a consequence if any accident occurs the effects could be more dangerous. Measures already exist covering prevention, preparedness and answer, but nothing for compensation. HNS Convention will cover measures for prevention, cleaning, economical losses, reasonnable measures taken for restoration (so back to as it was before) human death and/or injuries (immediate and later on). HNS Convention is drawn up on the model of the "International Oil Pollution Compensation". Today five IMO states ratified the Convention - Norway, Canada, Turkey, Denmark and South Africa. Four states sign it - Germany, France, Greece and The Netherlands. European Commission is pushing EU maritime States to ratify the Convention. Then one country, having contrated the Convention, explained what the state put in place as reports, controls and delivered certificates. Two countries, having signed but not ratified the Convention explained that they are supporting the Convention, but not yet ratified because they wish it to be done as part of a European range (range Le Havre – Hamburg). In other words, if a State of this range contracted alone the Convention, the others States in the same range could have economical benefits. Germany, France and The Netherlands signed already the HNS Convention, but what about Belgium which is included, of course, in that range. An other point is that the implementation of reports is seen as an obstacle. France said that there are also discussions with Mediterranean neighbourg States (Italy, Spain but also Malta and Cyprus). France needs first a national law (law on mobilities), then there should be a decree, then an internet site facilitating to contract the Convention, then back to French parliament to finally ratify it. Ratification is so now not scheduled before 2023!

Capt. Dimitrov attended the panel "50 shades of Green". The aim of the panel was to bring different actors in the maritime industry together to join efforts to reduce emissions and pollution from spills and waste disposal. The focus was EU Green Deal which was signed. Up to 2030 the EU short sea shipping should be with zero emissions. At the moment the easiest way to reduce emissions is to transfer from fuel oils to LNG but future is in alternative fuels without carbons as hydrogen

and ammonia. The Deputy Managing Director of DG MOVE informed that the target of EU is up to 2050 Europe to be climate neutral and that's why the crew should be properly trained. The worry of shipowners is that there is still no legislation about using ammonia and hydrogen, safety rules, etc. and the economical life of ships is 30 years and the ships built today have to be used during new challenging times. Joint participation of CESMA was in the next panel "Decarbonising the Shipping Industry: What's already happenning and how can we help accelerate it?" Above mentioned captain/owner Jan Van Dam from the Netherlands presented his vessels, coasters and inland coasters sailing in Baltic sea. For him to be back at full sail is a nonsense, a sail ship has list, and list is not good for carrying goods, even in containers. He took idea from the Cousteau's wing mast and used the system "Ventifoils". Two wing masts fixed on a container loaded on the deck. After trials ashore, with a car, in order to have a clear view of the effect of the wind – force and relative direction – on the stability, he had installed one such container on one of his vessels (m/v Ankie). Of course he kept the usual mechanical propulsion. When the wind is pushing the vessel, the propeller is running more easily, and he got up to 25% less consumption for a same speed than withou the system. Average gain of consumption is around 9%, depending of the wind force and direction. For him this system is quite good for small vessels, bigger will be the vessel, lesser will be the gain down to no gain. But important is to keep in mind that the system is not there to increase the speed, it is there to decrease the consumption for the same speed, less consumption meaning less carbon to atmosphere, and this is the most important. More information could be found on www.econowind.nl.

Next speaker John Andreopolulos, a greek bulk carriers owner, came back on the charter-party. Is there an interest to reduce the speed in order to consume less, following the vessel's type. Also the interest could not be the same for a time chartered vessel and for a voyage chartered vessel. Interests could not be the same for the owner and for the charterer. OK to make efforts on reducing emissions to atmosphere, but the economical model should not be too much changed. LNG, even if less emission of NOx and SOX, has still a big impact on GHG. Mainly in case of leak where the gain will be difficult to proove. What to do - better ship design, decrease the power, slow steaming.

The next speaker spoke about new energy sources which are hydrogen and green ammonia. Studies and researchs are still needed, and it is necessary to have funds for that purpose. Actually testing of 2MW project with almost zero emission, but this leads to have five conteners onboard (for ammonia and for batteries). Associated with a classical propulsion (LNG and MDO), the emissions decreases by 70% to 90%. Next step is to test at high sea vessels. The ports' point of view in reducing emissions are quite various. Barcelona declared low emission zone, a short sea shipping line between Barcelona and Civitavecchia had been established which transfers a lot of cargo on roads to be shifted to sea thus saving 129 millions euros annualy. Ostende, with an important wind farm off cost, worked on the digitalisa-

tion of the port, storage of hydrogen and financial investment of 50 MW ready to be delivered to ships, from electrolysis. Rotterdam delivers an "Environmental Ship Index Green Award" to low emission vessels, also pushes to biofuels consumption or hybrid powered vessels, investment on energy shore powered to vessels at berths (fixed or mobile means). Conclusion was made by EU Commission that we should be optimist, efforts are made, ideas come. And it is clearly understood that the emission problem is not for vessels only, it has to be solved in cooperation with all the actors of the maritime industry, including rules writers. The last panel for the third day was "From Targets to Transition: Developping the Pathway to Zero-emission Vessels." The DG CLIMA European Commision Director reminded that EU Green Deal should help for economical growth. She is asking and waiting ideas, proposals. There is a financial fund for innovation, which is open for states controlled interests but also for private ones. The research should be applied in all sectors of the maritime industry. Following speakers put all the finger on the research, and economical funds necessary for it and for the development after. There are a lot of problems to solve on new fuels, such as LNG, ammonia and hydrogen, storage in very low minus temperatures leads to a loss of cargo capacity (exemples were given as 9% TEU for hydrogen and 55% TEU for batteries. Ammonia should be stored at -33°C, which is already cold and dangerous, but hydrogen should be stored at -253°C, what about safety systems not yet developped. The way is known but long - research – development – demonstration – deployment – then operation. More, it should be done only on new vessels, designed for this type of propulsion. We should not foreseen to modify the engine of existing vessels, it's too risky. Owners (CMA-CGM, Hapag, Maersk, MSC) spoke about their own actual situation in this context. Often they apply LNG solution, but some are still at the thinking level, even to wait what is created elsewhere, including in other industries than maritime one, in order to see if it could be transposable to maritime. During the session, there was a call to IMO and Member States to create a financial fund. The key word is still competitiveness, economical though is never far away. Why to search and pay for it if competitors take only the advantages...To conclude, there is no answer to the preliminary question: who will pay?

The crown of ESW was the flagship conference on the fourth day of the event. The conference welcome speech was delivered by Martin Dorsman, Secretary General of ECSA. He summarized the previous three days panel presentations and discussions. Then he gave the floor to Carla Olival, President of WISTA Portugal to moderate the conference. She addressed the audience that the shipping industry is global one and Europeans had to unite and to work together on a global basis as well as to look for solutions in shipping on international level as a global player. She reminded that there are still European flags which are attractive like Malta, Cyprus, Croatia and Portugal. Then she gave the floor to the first speaker Josip Bilaver, State Secretary in the Ministry of Sea, Transport and Infrastructure of Croatia. He mentioned that Croatia has 22000 seafarers 15000 of which sailing internationally

and that's why safety of navigation, development of ports and port infrastructure, digitalization and automation of shipping and competitiveness of the shipping sector are quite important. The second speaker Norbert Brackmann, Federal Government (Germany) Coordinator for the Maritime Industry stressed that youth prosperity is connected with free trade and competitiveness of the maritime industry. The competitiveness and growth in Europe will be among the priorities of the German presidency of EU during the second half of 2020. Implementation of EU Green Deal, connectivity and digitalization are the other important issues. Maritime Europe should be global, smart and green. The Maritime Coordinator in EU has to coordinate shipping activities in Europe and keep in contact with other world regions and especially Asia. Regarding decrease of green house gas emissions (GHG) Europe will ensure research and development funds for new propulsion systems to meet the challenges of EU Green Deal. Hendrik Hololei, Director General of DG MOVE from EU Commission stated that maritime transport is the backbone of EU industry. EU is the largest exporter in the world and the coming coronavirus is disturbing the global trade. Digitalization is making the world economy different and blue. Stable regulatory environment for maritime industry and transport will ensure sustainability of the maritime sector which is most global in the world economy. He mentioned importance of measures to reduce maritime litter. The digitalization will transform our life and that's why we need new solutions for monitoring and control of cargo, data sharing between ships and ports. In that field further implementation and improvement of Maritime Single Window, Horizon Europe project, free trade agreements to support competitiveness and especially EU – China trade agreement prove its significance to ensure fair trade. He pointed out enhancing employment conditions for EU seafarers as important measure to prevent their decrease. Diederik Samson, Head of Cabinet Executive for First Vice-President of the EU Commission Frans Timmermans gave details about EU Green Deal and the aim of EU economy to become climate neutral to 2050. The intentions of politicians are to arrange new EU policy framework for green shipping through enhance of innovation via investment and boost of offshore and solar industry. Europe has to be world leader in clean shipping as young people demand clean future. Secretary General of IMO Kitack Lim mentioned EU member states together with East Asia as important for promotion of IMO ideas in safety, security and environmental soundness, decarbonisation and development and implementation of alternative fuels as ammonia and hydrogen. Concerning the seafarers he informed about IMO initiative of 2020 sulphur cap and also use of artificial intelligence in shipping to enhance safety. In order to decrease crew administrative burden of crew on board ships Secretary General of IMO confirmed the leading role of Europe implementing Maritime Single Window as part of efforts of IMO for implementation on global basis of FAL convention (not yet into force). The last speaker of the first panel was Claes Berglund, President of ECSA stated the leading role of EU shipping in the world but at the same time he pleaded that competition in shipping is getting tougher and EU share in shipping is declining.

Seafarer background is valuable in ship management and that's why maritime education and training is important together with tax regulations. Ships are part of the world ecosystem and contribute to clean climate. The panel moderator concluded the importance of politicians to ensure funds to implement green decisions.

The second panel in the morning was "Shipping and the Environment" moderated by Craig Neame, partner in the International Law Firm HFW commenced with the information that shipping emissions are only 13 percent of all transport emissions. On international level IMO targets 50 percent less emissions by 2050. The first speaker Kostas Gkonis, Secretary General of INTERCARGO mentioned that at the moment shipowners rely on fossil fuels and they need clear regulatory picture to play their role in decarbonisation. He said also that EU shipowners are leaders in the industry but all the measures should be on international level, not on EU level. Faig Abbasov from European Transport Strategies said that shipping is late comer to climate debate and has less time to cope with the challenges. Bud Darr, Vice-President of MSC and Emanuele Grimaldi, President and Managing Director of Grimaldi Euromed SpA once again stated that research and development should be urged for solutions to reduce GHG emissions and global problems need global but not regional solution. Lasse Kristoffersen, CEO for Torvald Claveness defined EU role to wake up global regulatory bodies about climate change. Magda Kopczinska, Director of Waterborne Transpport in DG MOVE confirmed EU support to IMO strategy and said that the regulators are aware of the longer life of assets in shipping than in the other industries but at the same time solutions for GHG emission reduction are available and they should be implemented. Giannis Plakiotakis, Minister of Maritime Affairs in Greece advised that shipping industry is strategic asset of Europe and it should be preserved. In conclusion of the panel the moderator Craig Neame mentioned the strong competition between technological companies in the new developments, cargo owners ready to pay more for modern ships with less emission but finally the customers of goods transported will be forced to pay more for greener technologies while the ship owners will face the highest risk during transitional period. The regulatory bodies have to ensure all the parties involved in shipping to pay their part in making the industry greener.

The first panel of the conference in the afternoon "Trade and Competitiveness" had been moderated by Carla Olival. The speakers again mentioned the necessity to safe European shipowners from over regulations raised mainly from Greek shipowners who traditionally do not rely on the stock market and that's why survive during the years. Their usually family controlled shipping business is driven mainly by market forces but they are not obliged to increase dividends paid continuously. The last panel of the conference "Safe and Social Shipping", moderated by Craig Neame included most politicians who repeated the most important statements already said but several important topics for seafarers were raise among which necessity of amendment of STCW because of technological changes in the industry and new skills necessary to be obtained by future seamen. STCW is just minimum stan-

dard and European countries have to keep their leading role and higher standards. During the final discussion the most important matter raised was safety of mariners at sea, measures to stop piracy, most severe in recent months in Gulf of Guinea and the need of more skillful and qualified seafarers. The closing keynote from Adina Valean, EU Commissioner for Transport touched in general all the matters during ESW and concluded with the words "We cannot regulate what we cannot understand, and we cannot understand what we cannot measure".

# Hubert ARDILLON, CESMA President, Dimitar Dimitrov, CESMA Deputy President

# HIGH LEVEL MINISTERIAL MARITIME CONFERENCE, March 10<sup>th</sup> 2020, OPATIJA, CROATIA





The Conference was organized by Croatian Ministry of the Sea, Transport and Infrastructure. The event on the first day (10/3) was intended for a wide range of stakeholders.

CESMA was invited by the Croatian Ministry to assist the Conference in Opatija. We CESMA thank ZHUPK-Branch "Kraljica Mora, Rijeka" for their efforts to be present at the Conference. CESMA and ZHUPK were present as follows: Capt.Giorgio Ribaric- Vice President Cesma, Capt. Juraj Karnincic – Representative Zhupk, President K.M.Rijeka, Capt. Bero Vranic – Member K.M.Rijeka (IMO Maritime Ambassador, Croatia), Capt. Jakov Karmelic – Member K.M.Rijeka (IMO Maritime Ambassador, Croatia).

Many key persons of world and EU Maritime industry was present at the Conference and share their vision on future of very important industry worldwide. On the floor among several speakers were a lot of important people of Maritime Industry as follows: Capt. Sinisa ORLIC – Assistant of Croatian Minister of the Seas,

Transport and Infrastructure, IMO Secretary General Mr. Kitack LIM, EMSA Executive Director Mrs. Maja MARKOVCIC KOSTELAC, IMO Maritime Safety Director Ms. Heike DEGGIM, Mr. Michael KINGSTON – International Maritime Lawyer, ECSA President Mr. Claes BERGLUND, ECSA Secretary General Mr. Martin DORSMAN.

The Conference Program was divided in four panels.

FIRST PANEL: Reinforcing the internal market through further digitalization Digitalization is a great challenge for EU shipping to remain competitive globally. The goals are to work in a way to harmonizing mostly all shipping papers to simplify, speedy procedures in shipping sectors. Here EU faces lack of understanding/harmonization between member states and ports in the EU. Still realized that EMSW not working well as was planned. Deadline of comply and adopting with SW is year 2025. Same position is for shipping papers which can be digitalized until 2025. An enormous problem between EU member states is the issue of Seafarers' "E-Certificates", because still it is not an legal obligation between member states. IMO representatives mentioned AUTONOMOUS SHIPS which they have in their agenda from 2017. The convention has to be rewritten and make some changes regarding those ships.

**SECOND PANEL**: Investing in future of seafaring profession

Capt. Sinisa ORLIC – Assistant of Croatian Minister of the Sea, Transport and Infrastructure, made a point of Croatian Seafarers situation. He stated that Croatia is the sixth seafarers' country provider in EU. Croatia work a lot on scholarship financing to facilitate young officers to get their profession starting with co financing cadets and assistant engineers on board vessels. Speakers which talk about education of EU seafarers point out that needed a high level competence skills in maritime industry to be worldwide competitive. Mr. Neven MELVAN – SPH (SUC) General Secretary pointed out that still EU seafarers have wages problems and in some circumstances poor onboard conditions. Practically we had yet seen substandard vessels. ECSA GS Mr. Martin Dorsman mentioned that EU Seafarers must be ready for the MASS ships and the complete digitalization of the system. Furthermore in order to prevent the negative trend of decreasing number of EU, efforts towards making the profession more attractive need to be made. Maritime University teachers had a concern how to fill the gap between today and future skills. STCW should be adequately amended. EU Commission advised that Women in shipping is now are 2% of whole Seafarers. EU Commission established platform for Women employment.

**THIRD PANEL (Key Note)**: Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977

Ms. Heike Deggim explained the problems in the fishing industry. The STCW(F) is in force from 2012. On this field there is not a good safety control over the fishing vessels. There is yet present nowadays modern slavery on fishing vessels. Unfortunately in fishing industry the safety standards had not been adopted yet. This

Convention have to be applied on fishing vessels of 24mt in length and over. Mr. Michael Kingston briefly explained the Torremolinos Convention. Last EU state which rectified the Convention till today is Bulgaria. Tomorrow March 11<sup>th</sup> 2020 in the presence of EU Maritime Ministers it is a chance that EU member states signed the Torremolinos Convention and rectify the Cape Town Agreement. Unfortunately EU member states are far back on signed mentioned conventions/agreements.

FOURTH PANEL (High Level Panel): Greening of the shipping sector – 2030 Vision – Facilitating sustainable shipping solution for GHG emission reduction EU Shipowners have 40% of world fleet. The problem is that shipping industry does not like to comply so fast on GHG. On IMO data declared that good progress was made on GHG.GREEN DEAL communication must be pushed on higher level. All players in shipping industry have to work FAST and together to comply with those goals. In order to continue working together on a green future, the shipping sector needs to turn towards innovation and sustainable solutions. Those innovations must be applied even on inland waters and land transport. A strong proposal was that even Mediterranean area become Sulphur free. This area has a problem because there are involved even non EU states which is difficult to deal with. IMO is in favor of this idea to get Mediterranean area Sulphur free. It was stated that EMSA made a very good work to control the industry to comply with the several different resolutions.

Giorgio RIBARIC – Vice President CESMA

## The Criminalisation Of the Vessel Masters



Rome, 27 January 2020. The workshop "The criminalisation of the vessel masters: criticality and perspectives" was held at the headquarters of Confitarma. Organised by Istituto Italiano di Navigazione (IIN), following a proposal of the Union of Masters and Engineer Officers USCLAC/UNCDI, the workshop has dealt with the progressive extension of the criminal liability of the apical roles onboard the vessels, especially the Master. This will be the object of a study which will be realized with the scientific coordination of Unitelma - Sapienza.

**Palmira Petrocelli**, President of Istituto Italiano di Navigazione (IIN), introducing the workshop has emphasized that the need of a thorough study of this serious phenomenon is due to the scant attention so far dedicated to the implications of a psychological nature that this full and exclusive responsibility produces on the

shipboard personnel involved. For these reasons, one of the objectives of the study will be focusing on the difficult conditions in which the vessel masters operate, also because of a partly obsolete legal framework.

Professor **Antonello Folco Biagini**, Rector of Unitelma Sapienza stated "This workshop is part of the initiatives that our university supports to strengthen its commitment in the education of highly skilled roles. In particular, it represents a stable instrument of growth for the many professionals of the sector that contribute to the cultural development of our country. Specifically, I believe that the topics discussed today have focused the possible links between the difficult conditions in which the masters of both public and private vessels operate, and the lack of clarity in the legal framework of the sector, which is largely obsolete".

Master Claudio Tomei, President of USCLAC-UNCDI -SACD, after having thanked IIN for having agreed to carry out a study on this subject, and Confitarma, for its understanding of this problem, pointed out that "A sudden technological and regulatory progress that has led to radical organizational changes, both on the vessel and at the shipping offices, has not been matched by a legislative and cultural adaptation. The Master today is no longer the top of a pyramidal hierarchical structure. His role is nearer to a manager of a complex organization (that is a vessel today) by means of skilled, empowered collaborators, and with the technical organizational support of the base on land. Nobody has ever accused a pilot whose plane has undergone a structural damage not attributable to impact, while the master of a vessel in these cases is immediately indicted."

Luca Sisto, Managing Director of Confitarma, stressed the importance of the synergy between legal experts and operators for a thorough study of the subject on a global level. This is very important not only for the seafarers, but for the whole shipping industry. In fact, criminalisation, together with piracy, is one of the main causes of withdrawal from the maritime careers. "After a maritime accident or an infringement of the anti pollution rules, seamen are often detained and are denied the standard rules of fair play and justice when facing criminal charges". Unfortunately, the guidelines of IMO and ILO on the fair treatment of seafarers in the event of a maritime accident enacted in 2006 following the continuous resurgence of the phenomenon of the criminalisation of seafarers, were not applied in an appropriate way. A typical case is that of the oil tanker Prestige, sunk in 2002. In 2016 the Spanish Supreme Court sentenced to two years in prison the master as culpable of environmental disaster due to imprudence and inconsiderate behaviour, overturning the previous ruling of the Provincial Court of La Corufia (Galicia). Another event that is increasingly occurring is the detention of seafarers following the discovery of illegal narcotics on board the vessels of shipping companies, that are increasingly used without their knowledge by criminal organizations to carry drugs to Europe.

Elan Cohen, Executive Chairman of the Liberian International Ship & Corporate Registry (LISCR) that has sponsored the event, has declared to be honoured to take part in this workshop, considering that the Liberian Registry, the second one in the global ranking, has a deep knowledge of the sector. It is therefore important the opportunity to share and exchange views with the proud and lively Italian maritime community, with which the Liberian Registry hopes to find new areas of cooperation to tackle together important issues, such as that of the criminalisation of masters."

Criminal lawyer **Francesco Del Freo**, expert of maritime law, recalled how the role of master is defined in the navigation code, mentioned the introduction of the Management Information System and the development of TLC and the possible implications on the activity of the master, the organization of the system of Port State Control and the need to increase the powers of inspection the Psc units of the Coastguard, and exemplified actual cases under examination by the Court of Rome, concerning military, merchant, passenger transport vessels, and cases related to piracy, immigration, rescue and pollution. Finally, Francesco Del Freo explained the current legislation related to the flag country and the responsibility of the shipowner and of the master.

"The responsibility of the master in the judicial experience highlights an escalation of criminal proceedings and sentences", stated **Vincenzo Mongillo**, Professor of Criminal Law at Unitelma Sapienza. Based on a hierarchical, pyramidal, quite obsolete model, the master is considered to be the holder of an extremely wide range of responsibilities for all the accidents and harmful events occurring in the course of navigation and in ancillary activities. It is necessary a reconsideration to restore the reasonableness of the system of criminal liability in the nautical sector".

Stefania Moltoni for the Ministry of Infrastructure and Transport, Antonio Zippo, Francesco Chiappetta and Giovanni Vitaloni for the Navy, Vincenzo Leone (maritime director of Lazio) and Massimo Seno (Head of Unit II) for the General Command of the body of Capitanerie di Porto-Guardia Costiera, Giovanni Lettich (president of Collegio Capitani), Emanuele Bergamini, Nicola Corradino, and Salvatore Scotto di Santillo representing the Masters of the Merchant Navy, Alessandra Xerri (professor of navigation law and member of IIN, participated in the discussion.

Interesting ideas and contributions to the study came to light. Together with the proceedings of the conference, they will be the subject of a publication coordinated by Professor **Mario Carta**, President of the Scientific Committee IIN-Unitelma Sapienza.

**USCLAC** 

# CESMA LOGBOOK (2020 – 1)

# We were represented at the following occasions:

- 27 JANUARY ROME WORKSHOP "THE CRIMINALIZATION OF THE VESSEL MASTERS
- 17 FEBRUARY BRUXELLES CESMA BOARD
- 17-21 FEBRUARY BRUXELLES EUROPEAN SHIPPING WEEK
- 20 FEBRUARY PIRAN, SLOVENIA PIRAN NAUTICAL MUSEUM PROJECT "MALA BARKA2"
- 10 MARCH OPATIJA, CROATIA HIGH LEVEL MINISTERIAL MARI-TIME CONFERENCE

On the front page:

COVID-19 in focus, IMO web site, Conference in Opatija, Croatia, European Shipping Week, Bruxelles

#### FROM THE EDITOR



#### **IMO Continues GMDSS Work**

By The Maritime Executive 01-15-2020 07:06:18

The IMO's Sub-Committee on Navigation, Communications and Search and Rescue (NCSR 7) is underway from January 15 to 24, continuing its ongoing work to review the GMDSS requirements.

The integrated satellite and terrestrial radiocommunication communications system Global Maritime Distress and Safety System (GMDSS) is mandatory under the regulations in chapter IV of SOLAS, and the Sub-Committee will continue its work reviewing GMDSS requirements with the aim of enabling the use of modern communication systems in the GMDSS, while removing requirements to carry obsolete systems. The aim is to finalize the work in 2021, for submission to the Maritime Safety Committee (MSC), so that the revisions can be adopted for entry into force in 2024.

The Sub-Committee is also expected to complete its update of the International SafetyNET Services Manual. SafetyNET is part of the GMDSS, providing an

international automatic direct-printing satellite-based service for the promulgation of maritime safety information, navigational and meteorological warnings, meteorological forecasts, search and rescue (SAR) information and other urgent safety-related messages to ships.

On other matters, work on developing safety measures for non-SOLAS ships operating in polar waters will continue. While the IMO Polar Code is mandatory under SOLAS, this generally excludes fishing vessels, pleasure yachts, smaller ships under 500 gross tons and vessels on domestic voyages. The session will look into applying Polar Code chapters 9 (Safety of navigation) and 11 (Voyage planning) of the Polar Code to non-SOLAS ships.

The IMO Assembly in 2019 adopted a resolution urging Member States to implement, on a voluntary basis, the safety measures of the Polar Code, as far as practicable, for non-SOLAS ships operating in the Arctic and Antarctic, including fishing vessels of 24 meters in length and above and pleasure yachts of 300 gross tonnage and above not engaged in trade.

The Sub-Committee will also consider proposed revisions to the Guidelines on places of refuge for ships in need of assistance, which were adopted in 2003 (resolution A.949(23)), to provide guidance when a ship is in need of assistance but safety of life is not involved (when safety of life is involved, search and rescue provisions should be followed).

Recognition of navigation systems is also on the agenda. The Sub-Committee will receive information on the Indian Regional Navigation Satellite System (IRNSS), with a view to considering its recognition as a future component of the world-wide radio navigation system. Information will also be received on the Quasi-Zenith Satellite System (QZSS) (Japan) for development of performance standards for QZSS equipment, with a view to its future recognition.

The IMO currently recognizes the Global Positioning System (GPS), Global Navigation Satellite System (GLONASS), BeiDou Navigation Satellite System (BDS) and Galileo Global Navigation Satellite System. SOLAS chapter V requires all ships to carry a global navigation satellite system or terrestrial radio navigation receiver, or other means, to establish and update the ship's position by automatic means, for use at all times throughout the voyage.

IMO Secretary-General Kitack Lim opened the session, which is being chaired by Ringo Lakeman (Netherlands).



Master Fined for Delay in Reporting Main Engine Failure

By The Maritime Executive 01-15-2020 07:26:49

The master of a ship has been fined for failing to report without delay a main engine breakdown off Queensland, Australia, that affected the safety, operation and seaworthiness of his ship.

The incident occurred on January 31, 2019 when the tanker Asphalt Spirit was en route from Korea to Australia carrying 14,000 tonnes of asphalt. The ship suffered a main engine breakdown at 4pm local time and began drifting 30 kilometers northeast of Point Lookout on North Stradbroke Island.

The ship's master reported the incident via email to the Australian Maritime Safety Authority (AMSA) just after 10pm that night – six hours after the initial breakdown.

Modelling predicted the possibility of the ship running aground at the southern end of the island within the next 17 hours if it continued to drift without power.

AMSA began making arrangements to intervene with an emergency tug from Brisbane. The ship's master confirmed the engine damage could not be repaired at sea. Following discussions with technical experts, the Asphalt Spirit's insurer UK P&I Club entered into its own commercial arrangement with Svitzer who tasked its tug Clontarf to intervene. Clontarf arrived later that day, securing the Asphalt Spirit and towing her to Brisbane.

The master was fined A\$3,000, and a conviction was recorded.

AMSA Chief Executive Officer Mick Kinley said the responsibility to report a marine incident to authorities without delay and the consequences for failing to do so, ultimately rests on the shoulders of the ship's master. "Without intervention, the incident with the Asphalt Spirit could have been an environmental disaster. It goes without saying that the reluctance from the master and company management to report the incident to AMSA with the urgency that it warranted, is completely unacceptable.

"The Australian coastline is huge and assets such as tugs may take time to arrange. We understand that ships can break down from time to time, and we will always support responsible operators who report these incidents and who are taking the necessary steps to undertake repairs or arrange a tow.

"Ship tracking technology today means we will know exactly when a ship stopped one way or another, and we will ask questions if it is not reported."

(abridged)

• ////

#### AIMS OF THE ORGANISATION

- TO WORLDWIDE PROTECT THE PROFESSIONAL INTERESTS AND STATUS OF EUROPEAN SEAGOING SHIPMASTERS.
- TO PROMOTE MARITIME SAFETY AND PROTECT THE MARINE EN-VIRONMENT.
- TO PROMOTE ESTABLISHMENT OF EFFECTIVE RULES WHICH PROVIDE HIGH PROFESSIONAL MARITIME STANDARDS AND PROPER MANNING SCALES FOR VESSELS UNDER AN EUROPEAN NATION FLAG.
- TO INFORM THE PUBLIC IN THE EU ABOUT DEVELOPMENTS IN THE EUROPEAN MARITIME INDUSTRY AND THOSE CONCERNING SHIP-MASTERS IN PARTICULAR.
- TO CO-OPERATE WITH OTHER INTERNATIONAL MARITIME OR-GANISATIONS.
- TO RETAIN AND DEVELOP THE HIGHEST MARITIME KNOWLEDGE AND EXPERIENCE IN EUROPE.
- TO BE INVOLVED IN RESEARCH CONCERNING MARITIME MATTERS IF APPLICABLE IN CO-OPERATION WITH OTHER EUROPEAN INSTITUTIONS AND/OR ORGANISATIONS.
- TO ASSIST MEMBER SHIPMASTERS WHO ENCOUNTER DIFFICUL-TIES IN PORTS WITHIN THE REACH OF NATIONS REPRESENTED BY CESMA MEMBER ASSOCIATIONS
- TO PROMOTE THE SEAFARING PROFESSION IN EU MEMBER STATES

#### ANNUAL SUBSCRIPTION:

EURO 16,- PER SEAGOING MASTER (WITH A MINIMUM OF 25) EURO 8,- PER SEAGOING MASTER FOR ASSOCIATED MEMBER ASSOCIATIONS (WITH A MINIMUM OF 25)

#### LIST OF CESMA MEMBERS AND REPRESENTATIVES

 MEMBER REPR
 CAPT. W. MERTENS
 TEL: 0049 40 384981

 VDKS
 PALMAILLE 29
 FAX:0049 40 3892114

GERMANY 22767 HAMBURG E-MAIL: vdks.office@t-online.de

MEMBER REPR CAPT. B. DERENNES TEL: 0033 2 98463760

AFCAN RUE DE BASSAM

FRANCE 29200 BREST E-MAIL: courrier@afcan.org

MEMBER REPR CAPT. F. VANOOSTEN E-MAIL:

HYDROS 201 RUE RENE CASTELIN vanoosten.francis@wanadoo.fr

FRANCE 59240 DUNKERQUE

MEMBER REPR CAPT. L.J.H. GEENEVASEN TEL: 0031 512 510528

NVKK WASSENAARSEWEG 2

NETHERLANDS 2596 CH THE HAGUE E-MAIL: nvkk@introweb.nl

MEMBER REPR CAPT. M. CAROBOLANTE TEL: 0039 040 362364 CTPC VIA MAZZINI 30 MOB.: 0039 334 7400488

ITALY 34121 TRIESTE E-MAIL:

collegio69@collegioditrieste.191.it

MEMBER REPR CAPT. G. LETTICH TEL: 0039 010 2472746

CNPC VICO DELL' AGNELLO 2/28 E-MAIL:

ITALY 16124 GENOA info@collegionazionalecapitani.it

MEMBER REPR CAPT. C. TOMEI TEL: 0039 010 5761424 USCLAC VIA XX SETTEMBRE 21/10 FAX: 0039 010 5535129

ITALY 16121 GENOA E-MAIL: segreteria@usclac.it

MEMBER REPR CAPT. L. TRIGGIANI TEL: 0039 3483365010

IYM MOLO CENTRALE BANCHINA PORTO ITALY 17025 LOANO (SV) E-MAIL:

italianyachtmasters@hotmail.com

MEMBER REPR CAOT. M. BADELL SERRA TEL: 0034 934089288 ACCMM SPAIN CARRER DE SARDENYA 259 1-4 MOB: 0034 680321138

SPAIN 08013 BARCELONA E-MAIL:info@capitansmercants.com

MEMBER REPR CAPT.J. ZARRAGOIKOETXEA TEL: 0034 94 416 65 06 AVCCMM C/BAILEN, 5 PLANTA – 1 MOB: 0034636 44 90 54

SPAIN 48003 BILBAO E-MAIL: avccmm@avccmm.org

MEMBER REPR CAPT.B. BAERT TEL +32 475435942

KBZ ITALIELEI 72 E-MAIL:

BELGIUM ANTWERP secretary-general@kbz-crmb.be

MEMBER REPR CAPT. B. KAVANAGH TEL: +353 214335637

**IIMM** NATIONAL MARITIME COLLEGE

**IRELAND** RINGASKIDDY / CORK E-MAIL:bill.kavanagh@nmci.ie

**CAPT. G. RIBARIC** MEMBER REPR TEL(GSM): +386 31 375 823

ZPU **OBALA 55** 

**SLOVENIA** SI – 6320 PORTOROZ E-MAIL: zpu.slo@siol.net

TEL: +359 888 435977 MEMBER REPR CAPT. I. CONEV

**BSMA** 49B CHATALDZHA BUL E-MAIL: chairman@bsma-bg.org

BULGARIA **9000 VARNA** 

MEMBER REPR CAPT. J. SPRIDZANS TEL: +371 67099400 LKKA TRIJADIBAS STREET 5 FAX: +371 67323100

**LATVIA RIGA, LV-1048** E-MAIL: jazeps.spridzans@lja.lv

MEMBER REPR CAPT. I. SOSIC E-MAIL: udruga.kapetana@zd.t-

**CROATIA** 23000 ZADAR com.hr ZHUPK TRG PAPE ALEKSANDRA III,3 HRVATSKA

MEMBER REPR **CAPT. J. MILUTIN** E-MAIL: captain@t-com.me

TEL: +382 32 304 672 **UPKCG** PELUZICA b.b FAX:+382 325 107 **MONTENEGRO** 85330 KOTOR

MEMBER REPR E-MAIL: jurukapitonuklubas@gmail. **CAPT. J.LIEPUONIUS** 

com LCC AGLUNOS g.5 TEL: +37069875704

**LITHUANIA** KLAIPEDA/LT-93235

MEMBER REPR CAPT. J. TEIXEIRA E-MAI:

sincomar.fesmar@net.vodafone.pt

**SINCOMAR** CAIA DE ROCHA TEL: +351 213918180

**Portugal CONDE D OBIDA** 

**ARMAZEM 113** 

MEMBER REPR CAPT. S. SUNDBERG stig.sundberg@pp1.inet.fi E-MAIL:

TEL: +358 40 5944954 HELSINKI **VEHNAKUJA 4** 

**SHIPMASTERS 06400 PORVOO** SF-FINLAND

1350 352 LISBON