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BULLETIN

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ASSOCIATION NEWS BRIEFING

- **★ California State - Mandatory Requirements for dry cargo ships ★**
Ballast Water Management and Spill Response requirements for California are now mandatory – check with either **INTERCARGO** or your P&I Club should you need further information
Full report inside (1)
- **Chairman to lead delegation to Washington D.C.**
INTERCARGO Chairman Frederick Tsao will be visiting the US Capital on 15,16 & 17 March with Executive Committee members. Key personnel in the US Coastguard will be visited as well as administrators and politicians.
See inside (2)
- **CASTEC - Next meeting – Hong Kong, 8th March (3)**
- **Erika** - consequences of the sinking of the tanker 'Erika' (*cover, and inside, 4*)

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Fallout from the 'Erika' spill



On 15 December the 'Erika' sank on the French Atlantic seaboard. Few in Europe can now be unaware of the oil washing up on the beaches of Brittany – a region heavily reliant on the tourism and fishing industries.

Is this spill going to be more significant in that it makes legislators reach for their pens to draft new and tougher requirements for tankers and other ship types in Europe? After all in the last three decades we have seen countless spills / explosions in European waters – the big ones are names many will never forget: *Torrey Canyon, Amoco Cadiz, Haven, Aegean Sea, Braer, Sea Empress*. Dominating the shipping press and the the French news for more than a month now, the *Erika* has joined this unfortunate list. What will the consequences be? **INTERCARGO** considers some of the differences this time around and assesses where the industry and regulators may be heading after this casualty. (*see inside – 4*)

1. California State Requirements for dry cargo ships

California Ballast Water Management

With effect from 1st January 2000, the State of California introduced what it considers to be proper ballast water management procedures in the form of:

- ❑ A stand alone **Ballast Water Management Plan** with responsibilities and action plans incorporating mandatory mid-ocean exchange of ballast water
- ❑ mid-ocean means more than 200 miles from land and water over 2,000m deep
- ❑ Carefully maintained logs and entries
- ❑ Confirmation of proper reporting for each and every California port call in a voyage
- ❑ Submission of the USCG Ballast Water Report Form via email: bwform@slc.ca.ca.gov or fax. +562 499 6444

The California State Lands Commission and Dept. of Fish & Game, Oil Spill Prevention and Response Division have devoted most of their resources since 1st January to boarding as many ships as possible and are targeting 25% for random ballast water sampling. The fee is US\$600 per port call which is collected on behalf of the State by the ship's agent. Any ship which does not follow the correct procedure is likely to be fined US\$5000 per day for every day of non-compliance.

California Oil Spill Response Plan

With effect from 3rd February 2000, *all* ships - wet and dry - will need an approved California State Contingency Plan, QI/SMT/OSRO/Salvage and Towing Contracts in place as well as a California COFR.

Whilst this information is not new, the implementation has been pushed back from the original date of September 1999 and some Members may have overlooked the requirement.

2. Washington D.C. visit and Connecticut Maritime Association arrangements

Washington D.C.

INTERCARGO Chairman Frederick Chavalit Tsao, together with Secretary General Roger Holt, CASTEC Chairman Mike Shuker and Executive Committee members will be visiting the US Capital on 15,16 & 17 March to meet the US Coastguard, regulators and

politicians. Good relations with the US authorities involved in maritime affairs is very important. Of particular importance is the continuation of **INTERCARGO's** good relationship with the US Coastguard. Issues at the top of the proposed agenda are Ballast Water Management, Port State Control and Pollution.

Connecticut Maritime Association (CMA) Shipping 2000 'Getting our Bearings'

As usual CMA's annual conference and trade show will be held in Stamford, Connecticut on 20,21 & 22 March. Frederick Chavalit Tsao will be a keynote speaker on Tuesday 21st March. **INTERCARGO** will have a stand in the trade show. Capt. Mike Shuker (Ceres Hellenic), the **INTERCARGO** CASTEC Chairman, will be moderating a discussion session on *Ballast Water Management and the Next Environmental Challenges*. Other sessions include *Marketing through the Internet*, and *Maritime Labour: The Changing Face of the Industry Labour Equation*. The CMA Commodore this year will be Per Heidenreich, President of Heidenreich Marine. For further information contact the organisers on +1 203 406 0109 / Tcavaliero@intmarketingstrategies.com or look at their website cmaconnect.com.

3. INTERCARGO Safety, Technical & Environmental Committee (CASTEC) Hong Kong – 8th March

CASTEC now comprises two sections – one that will meet in Asia and another in Europe. Both will have the same Chairman – Mike Shuker of Ceres Hellenic. The decision to use two sections was taken to ensure that members world-wide could be engaged without necessarily having to cross the globe. It is envisaged, eventually, that members will be able to follow the CASTEC agenda and contribute on the **INTERCARGO** website.

The key issues at the last (and inaugural) meeting of CASTEC on 14th October were:-

- ❑ Adoption of the Aims & Objectives.
- ❑ Bulk Carrier Casualty Investigations and Statistics
- ❑ Enhanced Survey Programme
- ❑ SOLAS Ch. XII Requirements.
- ❑ IACS Early Warning System.
- ❑ Voyage Data Recorders
- ❑ Formal Safety Assessment
- ❑ IMO initiative on excessive inspections

The next meeting in Hong Kong will be the first meeting of the Asian section and there are still a number of vacancies for members to be represented by one of their senior technical managers with either an engineering or navigation background.

- ❑ Harmonised system of survey and certification
- ❑ IMO review of the Bulk Carrier code **Members are reminded that minutes of the last meeting were circulated earlier this month.**

4. The case of the 'Erika'

INTERCARGO is watching very carefully to see what the fallout from the Erika spill will mean for the industry as a whole. The *Erika* is a tanker but the consequences of the spill will be felt industry wide. Here is what has happened and what has been said:-

'Erika' breaks in two On 12 December last year the motor tanker Erika (37,280dwt, built 1975) broke in two about 70 miles south of Brest in the Bay of Biscay. All of the crew were rescued from lifeboats in heavy weather. The 25 year old tanker was laden with heavy fuel oil under charter to TotalFina. Net outflow of cargo is estimated at 15,000 tonnes. The ship is owned by Giuseppe Savarese through a Maltese company, Tevere Shipping, managed by Panship (Italy) and classified by RINA. The ship was insured and had been inspected by class, port state control and oil majors in the months before the spill. The investigation has been focusing on an inspection carried out by RINA on 24 November in Augusta, Sicily and on allegations that the ship's Captain had expressed concerns related to corrosion in the tanks. *Seatrends Web* has reported that the *Erika*, one of 8 sisters built at the Kasado dockyard between 1974-76, had a lightweight 10-15% less than similar ships and that 3 of her sisters have 'suffered substantial structural failure'. The class, charterers and P&I interests involved with these sisters are now reported to be trying to confirm their safety.

Type of oil spilled increases the clean up difficulties The loss of the ship has caused outrage in France where beaches are heavily tarred and wildlife affected. Much of the damage is associated with the grade of oil with which the tanker was laden – 30,000 tonnes of a heavy fuel oil similar to ships bunkers. 15,000 tonnes of oil may not sound like that much compared with recent casualties where the outflow of oil was so much greater (*Braer & Sea Empress*). However it is the type of oil – heavy fuel oil – that has caused much of the damage and loss of wildlife. It is much more damaging than crude oil and many times more difficult to clean up – its high viscosity precludes evaporation and dispersion.

Who's fault is it ? The ships' master was originally jailed but has now been released and the focus of the investigations now taking place is on the structural condition of the ship and its class history. There has been widespread commentary by many different groups and authorities: French politicians, TotalFina, EC bureaucrats, European shipbuilders (AWES), RINA, the owner, the Japanese government, Greenpeace, ECSA and Intertanko (the owner is not an Intertanko member) have all been having their say. The press, of course, have been having a field day saying that the *Erika* will be the pretext for a European OPA 90 or 'EurOPA 2000' – they may be right. **Charterer exposed** The exposure of *Erika* charterer TotalFina as a responsible party in the spill has been the most significant factor in the case of the *Erika*. TotalFina failed, originally, to consider itself as having any responsibility for the incident. However the company soon backed down and has now accepted responsibility. TotalFina has made available FF40m in emergency clean up funds and FF400m (later raised to FF700m) to recover the 15,000 tonnes of oil estimated to remain in the wreck. Although the company has now started accusing other oil majors (Shell and BP Amoco) of chartering ships that TotalFina would never accept. One report indicated that Shell, BP and Exxon had all turned down the *Erika* whilst another said Shell and Exxon had in fact accepted the vessel as had Repsol and Texaco. Which is correct? What we do know is that oil majors will be thinking even longer and harder about the ships they employ in future.

New legislation The European Commission's maritime policy director, Georgette Lalis, said new measures to toughen up European maritime regulations could include tougher scrutiny of seaworthiness, scrutiny of flag and larger compensation funds. Main targets will be 'tankers and pollution'. There is talk of a European ban on single hull tankers as early as 2010. European classification rules may be examined. The EC is looking at the liability of cargo owners and at the idea of voluntary agreements with oil companies to increase compensation cover. The commission could also use the desire of Malta to enter the EU as a lever to force the Maltese administration to improve the quality of its tonnage – and that the same would go for Cyprus. The EC was already preparing new legislation on maritime quality and pollution. It remains to be seen to what extent the *Erika* will affect the severity of any future legislation in these areas. An acceleration of plans seems likely, an increase in severity certain. The French transport minister, M.Gayasott, called for a ban on the use of flag by oil companies and for all ships older than 15-20 years to be banned if ownership was unclear. He subsequently suggested the use of more French flagged ships – this of course was music to the ears of the Central Committee of French Shipowners who made a statement supporting the minister and urging oil companies to 'redynamise the French flag'.

Shipping under the spotlight The role of class, flag, owner and charterer will now be re-evaluated under the harshest of lights. The Japanese administration are pressing for an investigation into the longitudinal strengthening of tankers – their own investigation into the *Nahodka* incident highlighted the fact that 70 tankers have either broken in two or suffered a failure of longitudinal strength since 1963. The *Erika*, some say, will go down in history with *Torrey Canyon*, *Amoco Cadiz* and *Exxon Valdez* as shipping events that we will not be allowed to forget. Whether the pressure being faced by charterers will make a difference or spread to the dry cargo sector is now only a question of when and by how much.

The 'Erika'- what has been said:

'There is no doubt that the ship was in good condition.'
Giuseppe Savarese, owner of the *Erika*

'One of the more satisfying aspects of the Erika case has been seeing the oil majors get as much of a right royal roasting as the ship's operators.'
Tradewinds

'A policy paper on maritime safety was already in the commission's programme for this year. Now we will be targeting tankers and pollution.'
Georgette Lalis, EC Maritime Policy Director

'It is no longer acceptable that the community bears the brunt of damage caused by the rampant pursuit of profit.'
French President, Jaques Chirac

'..the system failed and, as a result, much of the substantial progress that has been made on tanker safety and pollution prevention has been ..cancelled out'
Lloyd's List editorial

'The major problem with sub-standard shipping is lack of structural integrity.'
Yoshio Sasamura, Japanese Government Technical Adviser

'Each flag is obliged to investigate, but they just don't do it'
'We think it's a disgrace for the industry. It's exactly what we have been working against..'
Dagfinn Lunde, Intertanko, on the lack of proper investigations by flag states and his anger at the spill.

' Who knew how much of this story? Was that knowledge put to any use – like distributing a product warning, for example. If not, why not?'
Seatrends

'They [the birds] will die by the hundred.'
The French League for the Protection of birds

5. Mississippi Towage – more terminals close their doors to free market, raising costs for shipowners

In the October Bulletin **INTERCARGO** reported the threat of extra costs, safety and liability concerns for owners as grain terminals on the Mississippi River force shipowners to use terminals' own towage contractors and that this practice is likely to spread.

This practice is indeed spreading. The last 'open' terminals are closing their berths to free competition.

We have now learned that the St. Elmo Terminal Elevator owned by the Peavey Company is the latest to go down this road and that from 1st February only tugs assigned by the Peavey Company will be permitted to work at the St. Elmo Terminal berth. All vessels will be required to deposit funds with Peavey Company (prior to filling out a berthing application) to cover anticipated costs. The tug service rates are fixed and have been listed (see below). Shipowners will not be able to benefit from volume discounts whilst the terminals will almost certainly be profiting from these arrangements at the expense of owners operating on a voyage basis and charterers with vessels under their T/C.

Dock / undock ships	\$1,650 per tug
Shifting	\$1,650 per tug
Standby	\$ 350 per tug hour
Hold ins	\$ 450 per tug hour
Reporting Charges	\$ 750 per tug hour
Towage not covered above	\$ 450 per tug hour

INTERCARGO is looking closely at these developments. It is now certain that the three Cargill grain terminals on the river, unwilling to lose out on the benefits accrued by the terminals on the Mississippi, will follow suit and close their berths to free competition.

INTERCARGO will be taking up the issue with terminals on the Mississippi and will liaise with other bodies monitoring developments and addressing the question from the perspective of anti-competitive practices.

In the meantime please send the secretariat your views and experiences and check when fixing on the terms and conditions required for Mississippi loading as you may find that you are unable to use your customary towage contractor.

Contact : Nicholas Brown
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6. **INTERCARGO** writes to leading classification societies regarding 'structural' detentions

In the second quarter of last year the Paris MOU carried out a concentrated inspection campaign on bulk carriers of 15 years of age or older and 30,000 grt or more. Of the 79 ships inspected 8 (10%) were detained for structural deficiencies. The classification societies of the detained ships were LR (4), NKK (2), BV (1) and ABS (1). **INTERCARGO** has requested further information and the societies' views, if forthcoming, of the detentions. Any news will be reported in subsequent bulletins.

7. SUB-COMMITTEE ON STANDARDS OF TRAINING AND WATCHKEEPING - 31ST SESSION

The Sub-Committee on Standards of Training and Watchkeeping met from the 10th to 14th January 2000. The meeting was attended by delegations from 67 maritime administrations and observers from 22 non-governmental organisations.

A short account of the progress of the 'White List' was presented by the Secretary General. This List is to contain the names of those administrations whose measures on the training and certification of seafarers have been declared acceptable under procedures laid down by the revised STCW Convention. It would appear that the processing of this information is taking longer than anticipated and there is a distinct possibility that it will not be ready, as planned, in time for the next session of the Maritime Safety Committee. So far 32 panels have completed their work and reported back to the Secretary General, and 45 have sought further information from the administrations concerned, of which 20 are awaiting a response.

The successful implementation of the revised Convention depends crucially upon the publication of the List and unless it becomes available in the not too distant future, administrations will find it difficult to make arrangements for the certification of their seafarers. Japan advised the Sub-Committee that in the absence of the White List it was taking steps to recognise certificates issued by other Parties through the evaluation of individual seafarers.

The Organisation intends to promulgate recommendations on the training and certification for pilots, other than deep-sea pilots. It hopes that administrations will be encouraged by this initiative to establish and maintain competent authorities to administer safe and competent pilotage systems. It was intended to finalise the work at this session. However, on reflection, the Sub-Committee decided to delay the decision in order to review a number of important omissions in the present text of the guidelines. In the area of certification and licensing it wishes to explore the inclusion of such requirements as entry requirements for new pilots; the relationship between

the competent authority and pilot's associations; and the duties of the competent authority on pilotage standards and the investigation of incidents. In respect of operational procedures, the Sub-Committee on Navigation is being asked to consider the inclusion of references to the Master Pilot Information Form and other guidelines, which deal with pilotage matters.

The STCW Convention (reg. I/10) lays down explicit conditions before one administration can recognise certificates issued by another. Given that the employment of foreign seafarers is common practice on board ships, the observance of this regulation is of considerable importance not only to the maintenance of standards but also to prevent the use of fraudulent certificates. It is the responsibility of an administration to assure itself of the authenticity and effectiveness of foreign certificates of competence. However, guidance on the conditions for recognition, the procedures to be followed, the channels of communication, and other related matters were drawn up to assist them in the process.

The STCW Convention requires every candidate for certification as a chief engineer officer and second engineer officer to undertake an approved programme of education and training to meet a specified standard of competence. Bearing in mind that a second engineer officer may be required to assume the responsibilities of the chief engineer officer at any time, the Convention also prescribes that his assessment should test that he has assimilated all available information affecting the safe operation of the ship's machinery and the protection of the marine environment. Some authorities interpret this as implying that chief engineer officers and second engineer officers have to meet the same level of competence and assessment for certification. Others hold the view that there should be two different levels of assessment. The arguments were finely balanced and in the event a decision was postponed to the next session.

A research study by the Seafarers International Research Centre, Cardiff has been commissioned to determine the nature and extent of unlawful practices associated with certificates of competency. The first phase of the work has commenced and an oral report was presented to the Sub-Committee on progress to date. Preliminary indications suggest the problem of fraudulent certification may be more extensive than was originally thought. The unlawful practices identified so far include seafarers holding: certificates not corresponding to their function on board; certificates obtained on the basis of false information; and those that are plain forgeries. The findings are based on focus group studies and interviews with seafarers. However, other methods of inquiry are to be considered for the next phase. It would appear that the failure of employers to verify the authenticity of certificates is compounding the problem. To encourage communication, the feasibility of a central database holding information on seafarer's certificates and available internationally was discussed.

But given the complex practical and legal issues to overcome (costs, technology, reliability, accuracy, security, data protection legislation etc.) the Sub-Committee decided to recommend instead the establishment of national electronic registers, which provided controlled access via the Internet through the IMO website as a single point of access. Or, alternatively, the establishment of dedicated e-mail addresses to which requests for certificate verification could be made and responded to in good time.

Guidelines were developed for inclusion in Part B of the STCW Code, on the minimum physical abilities expected of seafarers both at the time of entry and during service. In essence, the guidance would link typical shipboard tasks, functions, events and conditions

8. Pilotage

Members are asked to inform the secretariat of their experiences with: -

- a) Pilotage in the **Panama Canal** – are members happy with the standard of the pilots and management of their transits?
- b) Have members any comments regarding the standard of pilots in the **St. Lawrence Seaway** and have they noticed any significant differences in style or quality between the US and Canadian pilot services.

9. Visits to members / potential members

On their way to and from the **INTERCARGO** meetings in the Far East both Roger Holt and Nicholas Brown took the opportunity to visit members and potential members.

Nicholas Brown visited Chinese members Cosco Bulk Carrier Co. in Tianjin and China Shipping Group in Shanghai as well as calling on Sinotrans in Beijing. In Hong Kong he saw members Noble Chartering, The Wallem Group, Hong Kong Ming Wah, Cosco (Hong Kong) Shipping Co. as well as potential members Island Navigation, Oak Steamship, Jardine Shipmanagement, Wayfoong Shipping Services (Hong Kong Bank), Valles Steamship (now members) and Johnson Stokes & Master.

Roger Holt saw Denholm Shipmanagement in Hong Kong and Neptune Orient Line (NOL), Pacific International (PIL), Pacific Carriers Ltd., U-Ming and Masterbulk in Singapore. In Kuala Lumpur he visited Ecoship and in India, Great Eastern, Century Shipping, Chowgule Steamship, Tolani Shipping Co. and Shipping Corp. of India.

Members are reminded that visits to the office in London are always welcome and that there is a

meeting room available for booking as a service to members.

10. Multiple Inspections

Members of the Inter Secretariat Liaison Group* met for a discussion chaired by Roger Holt to prepare an industry response on the proliferation of ship inspections. It was agreed that **INTERCARGO** would submit to IMO an agenda and an introductory paper. This has now been sent to IMO. Each association will present their own positions individually at the meeting convened by Admiral Mitropoulos, Director of Maritime Safety at IMO and scheduled for 9th February. The initiative was instigated by Secretary General of IMO, Bill O'Neil. **INTERCARGO**'s submission has been incorporated into the meeting agenda papers.

*Bimco, Intertanko, ICS, SIGGTO, OCIMF, IPTA & The Union of Greek Shipowners as

11. Northern Sea Route Conference

The conference was held in Oslo on 17-20th November 1999 was attended by some 240 delegates largely from Russia, Japan and Northern Europe, especially the Scandinavian countries. **INTERCARGO** was represented by Bruce Farthing who chaired one of the sessions and generally participated in the others. The Conference was the culmination of six years of study by scientists, ice condition experts and others into the feasibility of a Northern Sea Passage for commercial traffic from Europe to the Far East and vice versa as a viable alternative to passage via Suez or Panama Canal.

The general consensus was that whilst such passage was technically feasible for ice strengthened vessels with assistance as necessary from icebreakers, it was unlikely to be commercially viable, despite the shortened distance, for some long time and certainly not until answers were obtained to a number of outstanding questions. This, however would not affect the existing or future services from or to ports in Russian Arctic regions.

From the perspective of non-Russian shipowners the position taken by most speakers was that whilst the North East passage appeared technically feasible, viability was a long way off for various reasons including

- ships for the passage would be expensive
- operations restricted to 5/6 months a year
- crews would need special training
- draft restrictions in many places

Equally, the following conditions would need to be met

- clear rules/regulations through IMO
- reliable and readily available information
- icebreaker backup
- reliable navigational systems and charts
- a search and rescue capability
- cargo appropriate to the conditions

Aside from the above conditions the point was made by others and on behalf of **INTERCARGO** that the issue basically was how to make the North East Passage commercially viable for the dry cargo sector.

For the future it was recognised that much additional work would be necessary. This would include

- a new 'think tank'
- additional research
- 'user' participation in future analysis
- a detailed risk analysis
- further attention to environmental aspects

The immediate outlook for the use of the passage for transits by **INTERCARGO** members appears limited. This position could change in the future - driven by the interest, shown in particular by the Japanese, the Russians, Norwegians and to a lesser extent the other Scandinavian countries.

Roger Holt
Secretary General
INTERCARGO

INTERCARGO		2000 Diary
January		
12	Inter-Secretariat Liaison Group Meeting – Multiple Inspections <i>London</i>	
28	INTERCARGO Quality Shipping Charter signing ceremony – Georgette Lalis to attend from EC Maritime Safety Directorate <i>London</i> Inter-Industry Promotion Group Meeting (Public Relations) <i>London</i>	
February		
4	Gander – Safer Seas from Satellite Surveillance – Open day <i>University of Surrey, Guildford, UK</i>	
9	Multiple Inspections – IMO Convened Meeting <i>London</i>	
15	EQUASIS Editorial Meeting <i>Brussels</i>	
March		
3-5	Asian Briefing Meeting for Executive Committee Members <i>Kunming, China</i>	
8	CASTEC Committee Meeting – Asian Section <i>Hong Kong</i>	
15-17	INTERCARGO Chairman and Executive Committee Members to visit US Coast Guard shipowners, shipping organisations and regulators <i>Washington D.C.</i>	
20-22	Connecticut Maritime Association (CMA) – Frederick Tsao to speak <i>Stamford, Conn., USA</i>	
21-23	Asian Pacific Heads of Maritime Agencies Forum <i>Singapore</i>	
24-25	MareForum – INTERCARGO sponsored <i>Singapore</i>	
29	London Committee <i>London</i>	
April		
14	Marine Money / American Marine Advisers Ship Finance Asia Seminar – INTERCARGO sponsored <i>Hong Kong</i>	
May		
9	Baltic Exchange Centenary Celebration <i>London</i>	
11-12	Seatrade SeaFinance Conference <i>Monaco</i>	
15	Seatrade Awards <i>London</i>	
18	Asian Shipowners' Forum <i>Singapore</i>	
31	INTERCARGO Commercial Panel <i>Athens</i>	
June		
1	INTERCARGO Executive Committee Meeting & Commercial Panels <i>Athens</i>	
2	Seatrade / Posidonia Congress – Frederick Tsao to speak <i>Athens</i>	
5-9	Posidonia <i>Athens</i>	
November		
To be confirmed	INTERCARGO Executive Committee Meeting & Commercial Panels <i>China</i>	

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