

BULLETIN No. 201
March 2005

Strategic policy - Criminalisation

The work of Intercargo and its Round Table colleagues must by its definition, involve certain setbacks as well as successes and this has been sadly made all too clear by the European Commissions stated proposals to infer criminalisation for seafarers for accidental pollution. The fight to convince the EC to abide by international law and the wording of MARPOL as the relevant international convention will continue, but as stated in a weekly e mail update to members, all owners – as part of their remit to analyse and control risk, must be ready to plan for such an eventuality as and when the EC and the individual countries take action.

Communication with members

With increasing use being made of the Intercargo website Members Area, the role of a paper-based Bulletin has now diminished to the point where its use is now limited to a journal of record of our activities and a summary document as to what may be found on the website. We will continue with the paper Bulletin for as long as members want us to.

However, this presupposes that our weekly e mail is re-circulated within our membership to relevant persons other than the “Intercargo Focal Point” such as your relevant Technical, Commercial and Operational staff.

We would therefore seek your cooperation to ensure that as a minimum

level of service, our weekly e-mail update is received by :-

- a) The main Intercargo contact name, usually the Executive Committee member or equivalent
- b) A Technical Director, or equivalent, usually the CASTEC member or equivalent
- c) A Commercial Director, or equivalent
- d) An Operational Director, or equivalent and
- e) If requested, a focal point within key international offices

We would be grateful if you could let rob.lomas@intercargo.org know whether you would like us to copy the weekly e mail update to additional individuals within your organisation.

Intercargo meetings

Planning is now underway to prepare for the forthcoming meeting programme in Hong Kong on 2-3 June.

In addition to the Executive Committee meeting, other events including a meeting of CASTEC will also be held. We look forward to meeting members at our 2005 Asian gathering.

Furthermore, plans are also being made to mark our 25th Anniversary at our meeting in Athens on 22-23 September. Further details will be announced in due course, but we would in the first instance, like to acknowledge the extreme generosity of Chandris in marking this milestone. Further details will follow – meanwhile please could members make a note of both dates in their diaries.

1. ASSOCIATION POLICY & INDUSTRY NEWS

1.1 New Members

Intercargo is delighted to welcome the following new members :-

Kassian Maritime Navigation of Greece Controlling eight panamaxs. The contact will be Mr N Papadakis.

NEI Treatment Systems LLC – a Los Angeles based company specialising in Ballast Water Treatment / Ballast Tank Protection Systems. The contact is Mr Peter McNulty, President :- www.nei-marine.com

Gallagher Marine Systems Inc of New Jersey, this company offers Qualified Individual / Spill Management response services. The contact will be Mr Thomas Wiker – www.gallaghermarine.com

1.2 Members Area of the Website.

Nearly every member has applied for a password to the Members Area of the Intercargo website but as a reminder, the system permits unlimited numbers of personnel from Intercargo members to apply for passwords.

Over the next few weeks, we will modify and improve the website to make existing Commercial, Technical, Policy and Operational information easier to use but meanwhile, if you are looking for information on port operational issues, reports on IMO / IACS meetings or press coverage on dry bulk issues, why not take a look at the website ?

Enclosed with this Bulletin is an index of information which can currently be found on the members area.

1.3 Outstanding Intercargo Invoices

A few 1 January fees remain unpaid. A reminder is **enclosed** in this mailing if we have not received your fees !

1.4 News about Intercargo members

Intercargo is pleased to pass on news of some recent joint ventures relating to our members –

IMC and V Ships have agreed to form “V Ships (Asia) MSI Pte. Ltd” to manage a fleet of around 90 vessels. Further information can be found on www.vships.com.

Cosco Wallem Ship Management Co Limited based in Qingdao has been formed by Wallems and Cosco to provide Third Party Shipmanagement services – initially with thirteen vessels : mainly bulk carriers. Please see – www.wallem.com / www.cosco.com.cn

In addition, Rightship has won a Lloyds List Award for its on-line ship vetting systems (www.rightship.com).

2. OPERATIONAL ISSUES

2.1 Facilitation of Documentary Requirements

As from 1 February, a new Electronic Notice of Arrival / Departure System in the US will facilitate the submission of vessel, crew and passenger information. Previously, copies had to be sent to US Coast Guard and Customs and Border Control. Further information - www.nvmc.uscg.gov.

2.2 European Ports policies

Although somewhat peripheral to Intercargo activities, members with

European port interests might be interested to view the European Sea Ports Organisation (www.espo.be) website which outlines a useful counter view to the European Commission's proposed Directive on Market Access to Port Services. ESPO suggests that the new Directive discourages potential investment and creates commercial and legal uncertainty.

2.3 Great Lakes – US Pilotage fees

Unchanged since 2001, it now appears that Pilotage Fees will be increased by a significant percentage with effect from 11 April 2005. Your local agents will have more details about the charges.

2.4 Japanese Insurance

A reminder that with effect from 1 March 2005, all vessels calling at Japanese ports must have adequate funds to meet costs of damage caused by bunker oil pollution or wreck removal expenses. Ships must :

- Have valid P&I (it is, of course, a condition of Intercargo membership that entered ships have P&I coverage)
- Carry the relevant certificate on board and
- Report the insurance status prior to entry.

Further details on www.mlit.go.jp

2.5 U.S. response plans for nontank vessels

Please note that non-tankers must submit response plans to the US Coast Guard no later than 8 August 2005, but companies are **strongly** advised to submit by 8 July at the latest.

Further details may be found on the Intercargo Members Area. Our thanks to our new Associate member, Gallagher Marine for assisting us with the background information.

3. COMMERCIAL ISSUES

3.1 Closing Hatchcovers – charterers responsibilities

With many thanks to Intercargo Associate member DLA Piper Rudnick Gray Cary for bringing to our attention a recent English Court of Appeal decision regarding the closing of hatchcovers.

In the particular circumstances of the case, the charterers were deemed to be responsible for the closing and safety of the hatchcover operations given that under the charterparty used on this occasion, these aspects were linked to cargo operations – the responsibility of the charterer. www.dlapiper.com

3.2 Bulk Carrier Operating Costs

As discussed at previous Executive Committee meetings in Athens and Shanghai, members have requested that the secretariat investigate the possibility of benchmarking bulk carrier operating costs for the general benefit of the members of Intercargo.

All aspects of this exercise have been considered – not least of which has been the need to ensure that the data is maintained within the strictest confidentiality and anti-trust parameters, and we now believe that the Moore Stephens “Opcost” survey and report is the optimum solution to this particular action item. This report collates and aggregates costs data from as many shipping companies operating

specifically defined ships as possible prior to releasing the report annually to companies who have supplied the information.

Further details are contained in the **attached** Moore Stephens leaflet but please note the following points before submitting data :-

- Intercargo members submitting data by 31 May 2005 will be sent a free copy of the 2005 “Opcost” report : to be published in September 2005
- Data to be returned on the attached form to Moore Stephens.
- As a special concession for Intercargo members who do not have access to operating cost information, Moore Stephens will provide the 2005 “Opcost” report to Intercargo Members only at USD 500 : this being a 33% discount.
- Data is managed in the strictest confidence and is never released to third parties. It is not possible to identify individual data or fleets from the published data.

4. TECHNICAL AND IMO NEWS

4.1 IMO meetings

A report of the 48th session of IMO Sub-Committee on Ship Design and Equipment is on the Intercargo Members Area. The following issues are highlighted :-

- Protection of fuel tanks
- Performance standard for protective coatings
- Anchoring, mooring and towing equipment
- IACS unified interpretation to MARPOL Annex VI
- Measures to prevent accidents with lifeboats

- Guidelines for the use of exhaust gas scrubbers on board ships

A report on the 13th session of IMO Sub-Committee on Flag State Implementation covers MARPOL Annex VI PSC Guidelines on detainable deficiencies and Survey Guidelines.

4.2 MARPOL Annex VI – Regulations for the prevention of air pollution from ships

MARPOL Annex VI, which has implications for bunker suppliers and shipowners comes into effect from 19 May 2005. Please see the Members Area for further details.

4.3 US Coast Guard Policy on oily water separators

Although meant for ships with keels laid after 1 January 2005, US Coast Guard requirements in respect of ows also applies to other ships where the ows has been fundamentally replaced. For further information please see the US Coast Guard website or Xianyong.zhou@intercarg.org.

4.4 Quarterly summary of main issues of concern

Intercargo’s Technical Committee (CASTEC) closely monitors developments at IMO, the EU, the USCG and IACS. An update of 16 issues with current status and CASTEC position has been posted on the Intercargo Website.

FOR FURTHER INFORMATION :
rob.lomas@intercarg.org
www.intercarg.org

RL 29.3.05