



Loading arm damage at Tuapse



A recent casualty at the Russian oil port of Tuapse resulted in a significant claim and highlighted some of the difficulties which may, on occasion, hinder the provision of P&I security and the resolution of cases in the usual way.

A member's tanker was shifting to berth at the port, under pilotage and with tug assistance, when a tug line parted, and the ship made firm contact with the loading arms (*pictured above*), which sustained substantial damage.

The terminal operator obtained court orders for the ship's detention pending the provision of a bank guarantee for its claim of \$2.3m.

Arrangements were made to establish the guarantee but, because the bank warned that the process would take some time to complete, investigations were also made to see whether P&I security could be

agreed. The claimants, however, insisted on the bank's involvement. A possible reason for that intransigence became apparent when reports emerged of attempts to delay the local bank's issuance of the security, in tandem with signals that the claimant's primary objective was to achieve a settlement prior to the ship's departure. Moreover, just as finalisation of the bank guarantee was being effected, the claimants initiated a criminal inquiry into the casualty, potentially thwarting still further the ship's release.

In the circumstances, the member agreed to investigate alternative options to the provision of the security. Following further direct negotiations with the claimant, settlement became available at \$1.6m. The member's legal and technical advice on the merits and quantum of the claim confirmed this to represent a satisfactory result, and this unusual case was concluded

accordingly. In most significant cases, security can be arranged and the investigation and resolution of claims completed subsequently. In some jurisdictions, however - as this case illustrates - owners can be exposed to a variety of different dangers when claims arise. And in meeting challenges of this sort, the commitment to teamwork of the Club and its members is of paramount importance.

HK targets unsafe box handling

The Hong Kong Marine Department has issued a reminder emphasising the importance of safe working practices for shipboard container handling. In the past six months it has seen three fatal accidents involving such operations. In one case a worker fell while climbing container stacks via the side door, without a ladder. The other accidents involved a fall from container tops after a stevedore was struck by wire rope slings, and a seaman crushed by a container during loading. In each case, the HK Marine Department reported that a common contributing factor was the failure to observe safe working practices as outlined in its publication, *Safety Guide for Shipboard Container Handling*. Further information on the HK Marine Department's initiative and guide can be accessed at: www.mardep.gov.hk/en/notices/pdf/m dn04009.pdf

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Singapore reminder on new bulk carrier requirements



New requirements for bulk carriers come into effect from July 1, 2004.

The requirements apply to new and existing (pre-July 1, 2004-built) bulkers. They stipulate that bulk carriers have to be fitted with water-level detectors. They also specify that bulk carriers must have the means to drain and pump ballast tanks forward of the collision bulkhead, as well as bilges of dry spaces, any part of which extends forward of the foremost cargo hold.

These pumping arrangements must be capable of operation from a readily accessible enclosed space, the location of which is accessible from the navigation bridge or propulsion machinery control position without traversing exposed freeboard or superstructure decks.

The regulations have to be complied with by specified dates relating to the vessels' annual, intermediate or renewal surveys. The Singapore

Maritime Port Authority has urged owners and operators of bulk carriers to procure water-level detectors and to plan for compliance with the new regulations well ahead of the scheduled deadlines as "supply of water-level detectors and installation facilities may not be able to meet demand when the regulations come into effect." (www.mpa.gov.sg)

In-house training

The well-attended Billbroughs programme of in-house training seminars is continuing. Recent events have included a presentation on SCOPIC by Faz Peermohamed and Ron Smith of Ince & Co, and a talk by Tony Tye of Bentley Stokes & Lowless on COLREGS and Collision Avoidance. Forthcoming events include a talk by Ian Carter on Industrial Diseases (June 9) and a presentation on Cargo Claims - Actions in Contract, Bailment and/or Tort by Andrew Preston of Clyde & Co (June 23). Further details from arthur.crawfurd@a-billbrough.co.uk

Australia targets pests

Ports in the state of Victoria are to be the first in the country to have a ballast water management system for ships visiting after calls at other Australian ports. The initiative is an attempt to restrict the spread of existing marine pests, such as the Northern Pacific Seastar, and to prevent new invasions. Ships from high-risk Australian ports, including Tasmanian ports and Sydney, will have to discharge their ballast safely at sea and provide the environmental authorities with accurate information about any ballast water remaining aboard. Port authorities in Victoria say they would support a national ballast water management scheme.

(Middletons).

France targets polluters

New legislation, introduced in March this year, has further increased the level of potential penalties against ships found responsible for pollution in French territorial waters.

The PERBEN 11 Act increases both the size of fines as well as the possible prison sentences that may be imposed on masters of ships found to be involved with deliberate or accidental pollution.

The maximum penalty now stands at fines of Euro 1m and imprisonment of ten years in respect of acts of deliberate pollution, and at fines of up to Euro 700,000 and a prison term of up to seven years in accidental pollution cases.

(Eltvedt & O'Sullivan)



China publishes new dangerous goods transportation rules



Port of Shanghai

THE People's Republic of China published new rules on the transportation of dangerous goods in PRC waters which came into effect on January 1, 2004.

The definition 'Dangerous Goods' includes those listed under the IMDG Code and any other goods which are explosive, inflammable, poisonous, corrosive, radioactive and/or contaminable.

Vessels carrying dangerous goods should follow local regulations and special guidance given by the Maritime Safety Administration.

If passing through areas which are under the surveillance of a vessel traffic system, vessels should report to the VTS centre for guidance and information on safe navigation.

Vessels carrying dangerous goods are required to file an application with the MSA to enter, leave or tranship cargoes in PRC ports.

Those carrying dangerous cargoes on a one-off basis must report to the MSA for permission at least 24 hours before entering or leaving a PRC port. But vessels which are performing a liner service may report to the MSA on a periodic basis, to be agreed in advance.

Reports can be made electronically, and should contain the scheduled time of entering or leaving the port, the name, serial number, category, quantity, characteristics, packing and loading position of the dangerous cargo, and the relevant ship certificates.

Oil tankers, chemical and gas tankers above 50,000 gt, nuclear-powered vessels, and vessels carrying radiant materials are required to report to the PRC Ship Positioning Centre in Shanghai before entering PRC waters. Further information at: www.hfw.com
(Holman Fenwick & Willan, Shanghai)

Peru cracks down

Customs authorities in Peru are currently taking a hard line against smuggling.

According to Peruvian customs regulations, vessels must be able to produce, prior to arrival in port, cargo manifests covering all cargo on board, including cargo in transit. Any cargo not covered by manifest will be seized by the customs authorities.

There is a presumption under Peruvian law that any cargo not covered by manifest is the subject of smuggling.

In recent months, as part of an aggressive campaign promoted by the government of Peru, customs authorities have confiscated a number of in-transit containers at the port of Callao belonging to a number of different shipping lines. In each case, the master could not produce the manifests relating to the cargo.

Further, in one instance, the detention of a vessel and seizure of its 438 in-transit containers continued - even following the eventual production of the missing manifest.

Members are advised to instruct masters of their vessels to ensure that they are in possession of all manifests relating to the cargo on board, including those covering in-transit cargoes.

(Interlog Servicios SAC, Lima)



Minimising the risks of handling containers and lashings on board



The UK Maritime & Coastguard Agency (MCA) and the Health & Safety Executive (HSE) have highlighted safety concerns on containerships following a recent joint inspection on a new vessel on her maiden voyage to the UK.

Working closely with their counterparts in Germany, the two organisations took action to require the vessel's operators to improve access for lashing containers on deck after it was found that stevedores were required to balance on a narrow ledge to fit lashing bars to the outside tiers.

Injuries on board visiting ships are the largest single component of accidents to stevedores in UK container ports, and the most common cause of incidents is the lack of suitable and safe access to lashing work stations.

The MCA and HSE are now working with industry representatives to minimise the risk to stevedores and crew members who are required to handle containers and lashings on inadequate or unsafe main deck ledges, coamings and other awkward and unsuitable areas

commonly found on both existing and newly built containerships.

The authorities in other European countries are also reportedly starting to push for improvements in this area.

The MCA says shipowners who have already taken action to address these issues have reported quicker turnaround times, which have resulted in more cost-effective operations.

Efforts are also being made to raise awareness of these problems on the part of containership designers, with a view to having safe access built into new ships and for modifications to be considered for existing vessels.

Further information, including examples of structural modifications for existing containerships, can be accessed at:

(www.saferports.org.uk)

Interpreting EC halon regulations

STOPLOSS 33 highlighted the introduction, with effect from January 1, 2004, of a European Commission measure forbidding the presence of halon and other ozone layer-depleting substances on

board ships registered in EU states. A number of subsequent reports reaching the Club have indicated that some EU states may differ in their interpretation of exemptions within the regulations.

Accordingly, in cases involving any doubt, operators of vessels which are equipped with halon systems should seek clarification from their flag state administrations.

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