



Know your bridge equipment



A recurring theme in various industry reports on collision cases has been the inappropriate use of technology such as an Automatic Radar Plotting Aid (ARPA). A typical example would be of the bridge team suffering from 'information overload' by acquiring and attempting to monitor an excessive number of targets in congested waters. And some observers have commented that there is evidence that reliance on electronic aids has created a 'video game mentality' in the collision avoidance manoeuvres of some officers. But two recent reports emphasise that a basic lack of familiarity with - rather than an over-reliance on - what is now standard bridge equipment can play a causative role in collisions.

In a recent judgment, a US Court of Appeals reviewed a case in which a steel-hulled fishing boat struck and damaged an unused but charted oil rig in good visibility at night. The watchkeeper had failed to monitor the vessel's navigation and was fully aware that, prior to the collision, he was not keeping a proper look-out. Interestingly, he failed to set up an anti-collision alarm on the radar, which would have alerted him, while he was distracted, to

the fact that he was running towards a cluster of twenty oil rigs. The watchkeeper was unaware that his radar was capable of being set up to provide an anti-collision alarm.

The second report is that of the UK Marine Accident Investigation Branch (MAIB) into a near-miss between a car carrier and a cruiseship carrying 1,697 passengers. The bridge team on the passengership had acquired the car carrier as a target and planned to make a navigational alteration of course that would result in their ship crossing ahead of the other vessel. The bridge team tried to conduct a trial manoeuvre on their ARPA which they believed confirmed that their planned manoeuvre would result in a safe passing distance.

Crucially, the bridge team mistook the ARPA display of the Closest Point of Approach (CPA) and Time to CPA as being the ARPA prediction of what would result from their planned manoeuvre, when it was in fact the data on what would result if they maintained their current course and speed. The bridge team on the car carrier had been alerted by an ARPA alarm that a close-

quarters situation was developing with the passengership, which was the give-way vessel in a crossing situation. After warning the passengership of the danger but being dissatisfied with the response, the car carrier executed a round turn to starboard to avoid the imminent threat of collision. The MAIB commented that the car carrier's action was "understandable and entirely justified."

The UK Maritime and Coastguard Agency has recently published Marine Guidance Note 379 (M+F) Navigation: Use of Electronic Navigation Aids. The section on Electronic Radar Plotting Aids includes the very sensible advice that "Watchkeepers must be fully conversant with the operation and limitations of these plotting facilities and should practise using them in clear-weather conditions to improve their skills." (The Marine Guidance Note is available for download from www.mca.gov.uk)

StopLoss podcasts

Dissemination of the London Club's loss prevention news has been enhanced following a recent agreement with Coracle Online Ltd, a provider of professional development services for the shipping industry.

Spoken versions of *StopLoss* are now available as podcasts in both English and Mandarin. To hear the recordings, go to: www.coracleonline.com and follow the link to Shipping Podcasts. The website allows listeners to subscribe to podcasts either directly or via iTunes.

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Bilbrough would like to take this opportunity to thank you all for your continued support and co-operation throughout the past year, and to wish you a very happy, healthy and prosperous 2009



Proposals to inert DRI cargoes



The Club has previously reminded members about the risks associated with the more reactive types of DRI (Direct Reduced Iron), known as DRI (B) and including pellets, cold-moulded briquettes, and DRI Fines, which are a byproduct of other forms of DRI.

DRI (B) cargoes are covered by the current IMO Bulk Cargo (BC) Code, but DRI Fines are not. Under proposals to revise the BC Code, Fines will be denoted as DRI (C) and the shipping industry recommendation is that the carriage of (B) and (C) will only be allowed under an inert atmosphere. Moreover, the proposals feature strict limits on the allowable moisture content of DRI (C) and recommendations on both monitoring and emergency response procedures.

Although there is widespread shipping industry support for the proposed revision to the BC Code, which is to be renamed the International Maritime Solid Bulk Cargo Code (IMSBC Code), there is concern about a counter-proposal

from shippers to allow the carriage of DRI (B) and (C) without following all the proposed safety measures, provided the measures taken are 'at least as effective and safe as those

required by the code'. Agreement on the provisions of the new code may not be straightforward. Until the IMSBC Code has been adopted, members who are contemplating the carriage of any DRI cargo are welcome to contact the Club for advice.

Philippines court denies 120-day claim

In the *Crystal Shipping* case, decided in October 2005 and reiterated in the *Remigio* case of April 2006, the Philippine Supreme Court ruled that Filipino seafarers are subject to the Labour Code concept of permanent disability. Thus, those who are unable to perform their customary work for more than 120 days are deemed totally and permanently disabled. And earlier this year, the Supreme Court denied the manning organisations' motion for reconsideration on the earlier denial of its motion for intervention in the *Remigio* case.

On a more positive note, the Club has recently been advised by P&I correspondent Del Rosario Pandiphil that the Supreme Court has finally denied a seafarer's claim which was based on the 120-day issue, and instead took the position that, if a seafarer requires further medical treatment beyond 120 days, then the temporary total disability period may be extended up to a maximum of 240 days. In *Jesus Vergara v Hammonia Maritime Services et al*, Justice Brion reconciled the pertinent provisions of the Labour Code with the POEA Standard Employment Contract differently to the court in *Crystal Shipping*. The case involved a seafarer who injured his eye while attending to a defective hydraulic valve. He was repatriated and declared fit to work after a

period of more than 120 days but less than 240 days from initial treatment. He filed a complaint for Grade I (100 per cent) disability benefits on the basis of *Crystal Shipping*. The Labour Arbiter awarded Grade I disability benefits amounting to \$60,000. The National Labour Relations Commission subsequently reversed the decision, however, as the seafarer had been declared fit to resume duties by the company-designated physician. This was upheld by the Court of Appeals.

The seafarer argued before the Supreme Court that his illness was for more than 120 days, and that in line with *Crystal Shipping* he should be considered totally and permanently disabled. The Supreme Court denied the petition on the basis that the seafarer was declared fit to work prior to the expiration of 240 days. The court held that the *Crystal Shipping* ruling of 120 days cannot be applied for all cases and in all contexts. It accepted that *Crystal Shipping* was decided correctly, but only on the basis that the seafarer in that case was unable to work for more than three years, and so his disability clearly went beyond 240 days. On the face of it, this is a positive result for shipowner interests. It remains to be seen, however, how future decisions will address this issue.



Promoting safe chemicals carriage



Calcium hypochlorite is a chemical in widespread use throughout the world. It is most commonly used in the treatment and purification of water, but it has some inherent properties which can make it extremely dangerous. If it becomes too hot, or contaminated with impurities, a reaction may set in leading to fire or explosion.

Indeed, several such incidents occurred in the late 1990s, some involving explosions in onboard containers which resulted in extensive damage to large oceangoing ships. Subsequently, both the International Group and IMO issued guidance on the carriage of calcium hypochlorite, and the IMDG Code was amended. Copies of the relevant IG circulars can be downloaded from www.lsoo.com. A number of carriers went further and simply refused to accept any calcium hypochlorite cargoes.

But a Club member recently experienced a fire on board one of its ships which originated in a calcium hypochlorite cargo which, in order to

circumvent the carrier's prohibition of carriage, had been deliberately misdescribed by the shipper as 'calcium chloride'.

Given the nature of modern transport logistics, there is a strong likelihood of further such misdescriptions occurring, either intentionally or inadvertently, particularly since international rules to ensure the safe transportation of chemicals are not applied universally.

Voluntary schemes do exist, however, to promote safe practice in the carriage of chemicals. One such is the Chemical Distribution Institute (CDI) Marine Packed Cargo scheme, which has already been adopted by major shipping lines, terminals and freight forwarders. It provides audit reports on each category of service provider in the distribution supply chain. The scheme includes shipping companies, ships, tank container operators, container freight stations, freight forwarders, ship agents, and container terminals. Further details can be found at: www.cdi-mpc.org

Dakar customs

The authorities in Dakar, Senegal, are imposing heavy fines on ships for what are deemed to be breaches of customs regulations. In particular, they are focusing on discrepancies between ships' declarations of stores, paints, bunkers and lube oil manifests and the actual quantities on board.

Owners of ships calling at Dakar are advised to prepare their customs declarations in good time when entering Senegalese territorial waters, as per customs regulations, having already requested in advance, from the ship agent, written confirmation of the latest requirements in this respect.

Members should not agree to lower the gangway until everything is in order to receive the authorities on board. Great care should be taken to avoid possible duplication of administrative requirements. As a general rule, precedence should be given to requests for documents by the health authorities, followed by immigration, customs and harbour master's agent.

Ideally, the agent should check that a complete set of all documents has been prepared by the master, and the documents should be handed over in person by the master and agent when the customs officer is received on board. All consumables - including food, paint, engineroom consumables, spare parts in boxes, crew personal effects, and the contents of the drug store - must be accurately described and declared.

(TCI, Dakar)



THE LONDON
P & I CLUB

Tell us about your background and working for Huatai:

“Before joining Huatai, I served with an ocean shipping company for twenty years on tramp ships, container vessels and bulk carriers, rising through the ranks from ordinary seaman to master. The experience I gained at sea has proved to be invaluable in my present role at Huatai, acting as a P&I correspondent in China and providing consultancy and claims handling advice for P&I clubs and underwriters. Huatai has offices in each of the main Chinese ports, and the Shanghai office deals with all issues relating to Ningbo and Zhangjiagang, as well as Shanghai itself and other ports along the Yangtze River.”

Tell us about the sort of P&I work you do:

“We have a number of important functions to perform as club correspondents. In the event of a dispute we try to mitigate losses and make arrangements to collect any relevant evidence. If a ship is placed under arrest, we try to get the arrest order lifted as quickly as possible. We work together with surveyors and other authorised parties to discharge cargo and then seek to limit any potential request for security. We help monitor cargo disposal, and work to limit likely cargo claims. We handle large numbers of collision claims in Shanghai waters, mainly in the East Sea and the Yangtze River,

*From Our
Correspondent*

The second in a series looking at the work of London Club correspondents and the regions in which they operate



*CAPTAIN JIANG WEIJIAN,
Huatai Insurance
Agency & Consultant
Service Ltd, Shanghai*

where ship movements are numerous and the traffic schemes can be complex. In the East Sea there is a high incidence of collisions between merchant ships and local fishing boats, while Yangtze River collisions are most likely to occur between merchant ships and local barges carrying sand and aggregates.”

Do owners face any common or particular problems in your area?

“Local environmental regulations have become very strict. In the event of a pollution incident, we collect

all pertinent information relating to direct costs, such as clean-up expenses, and we also look closely at indirect costs. In order to achieve the most favourable outcome, we recommend that such claims are dealt with promptly, working closely with surveyors and experts where appropriate.”

Tell us about working in the shipping industry in China:

“Shanghai is one of the leading economic centres in China. The ports covered by our office are always busy with internationally trading vessels loading and discharging cargo. Cargo loss and damage and collisions are the two types of claims primarily handled by our office. Today, the growth of Zhangjiagang and other cities has resulted in a huge increase in the importation of chemical products, and off-spec chemical cargo disputes are now the most frequent source of claims.”

Working with the London Club:

“Huatai is the sole correspondent for the London Club in China. We have a good, long-term relationship and have worked together on many cases. We like working with the Club because of its efficiency, its strong teamwork ethic, and our close relationship with the Club’s Hong Kong office. This helps us to give advice quickly, which in many cases can be the difference between success and failure.”

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50 Lemn Street, London E1 8HQ, UK.
Tel: +44 (0) 20 7772 8000
Fax: +44 (0) 20 7772 8200
E-mail: stoploss@a-bilbrough.com
www.lso.com

EDITED BY

Chris Hewer,
Merlin Corporate Communications,
5A Downview Road,
Worthing,
West Sussex BN11 4QR, UK
Tel: +44 (0) 190 350 2050
Fax: +44 (0) 190 350 0272
E-mail: wizard@merlinco.com

PRINTED BY

Stuart Vaux Associates,
Chiltern Lodge,
38 Clifton Road,
Amersham,
Buckinghamshire
HP6 5PP, UK.
Tel: +44 (0) 1494 726593
E-mail: sbv@talktalk.net