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NAUTILUS
Federation
A Federation of Maritime Professionals

the global seafarer

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MLC 'helping to end problems'

Nautilus ITF
inspector reports
unpaid wages
onboard 30% of
checked ships

→ While the introduction of the Maritime Labour Convention may not have ended the abuse of seafarers, Nautilus/ITF inspector Tommy Molloy says it has had a beneficial impact in terms of getting problems resolved.

'It seems to me that the mechanisms put in place for port state control authorities to involve themselves more closely with seafarers' employment conditions have encouraged a much closer working relationship with

ITF inspectors,' he explained. 'Their ability to detain a vessel for non-payment of wages, for example, can focus a shipowner's mind given the additional costs a detention can incur. This in turn can result in a speedier resolution.'

However, Mr Molloy says he is less convinced that MLC 2006 discourages the operators who run their vessels on, or way below, the margins of acceptable standards.

He believes there are still too many who are prepared to gamble that they won't get caught rather than comply in the first place.

Mr Molloy, who covers the NW coast of the UK for the ITF, inspected 103 ships between February and the end of September this year — 31 of which resulted in successful claims for owed wages for crew.

'The figure of 30% is far too high,' he reflects.



Paying owed wages to a 32-year-old crew member who had been paid as deck boy instead of an ordinary seaman

In the last few weeks he has recovered US\$101,598 from the Russian operators of the Maltese-flagged products tanker Masali and US\$65,552 from the Turkish operators of the Panama-flagged general cargoship Vera Rose in respect of unpaid wages.

On both occasions the Maritime & Coastguard Agency was involved and Mr Molloy believes the threat of detention was certainly a factor in achieving successful outcomes.

'But often the claims are for much smaller amounts and often for individual seafarers who are not being paid correctly at the appropriate rank,' he noted. 'The smallest amount I have recovered this year was US\$93, but it belonged to the seafarer, not the employer.'

Mr Molloy says some companies — usually managers or large crew managers — will sign ITF agreements for all of their vessels and will then chisel what for them are very small amounts, but which can be significant for the crew member.

Wages are not the only issue, he adds. 'Problems — breaches of the requirements of MLC — can be any one of or a combination of things: poor or no food, unsuitable accommodation, lack of safety equipment, excessive hours of work, not being repatriated when the contract has expired and so on. In other words, the same issues I was dealing with when I started with ITF 21 years ago. It never changes.'

Recent cases have included

the Barbados-flagged general cargoship Arkonia, where US\$6,089 was paid after it was discovered the second officer was being paid as third officer, the bosun and cook/AB paid as OS, the oiler paid as a wiper, and none of the ratings were paid for additional overtime hours worked.

In another case, Russian crew on the Belize-flagged general cargoship Luka were found not to have been paid wages for three months, and five seafarers had contracts that had expired and were overdue repatriation. The MCA was advised of the situation and the vessel was detained and not allowed to sail until wages had been paid, fresh provisions placed onboard, the cooker replaced and arrangements made for the repatriation of those who requested it. A total of US\$59,382 was recovered.

Mr Molloy says some companies are like motorists who drive without insurance, MOTs, road tax, or licences. 'Here in the UK, MCA surveyors are doing a great job to police the situation and enforce the requirements of MLC where they have to, but you can only do so much on limited resources,' he adds.

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☑ **Sweden agrees it tonnage tax**

Unions and owners hope new scheme will boost the flag and increase jobs

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☑ **P&O and Cunard switch to FOC**

Eleven ships in the P&O Cruises and Cunard Line fleets are being taken under the wing of the Carnival Maritime Fleet Operation Centre (FOC) in Hamburg.

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☑ Pictured left to right following talks at Nautilus House in Wallasey last month are: national secretary Jonathan Havard, assistant general secretary Ronnie Cunningham, senior national organiser Garry Elliott, Gardline HR consultant Norman Quayle,

Gardline HR manager Mark Browning and marine manager Leon Nutman.

Following the meeting, Nautilus has written to the company with a formal request to enter into a partnership at work agreement, together with a draft memorandum

of understanding which had been the subject of discussion at the meeting.

Mr Havard described the talks as constructive and said the Union is looking forward to developing a productive relationship with Gardline.

Brussels estimates EU seafarer total

by Justin Stares

☑ The European Commission has made one of its first official estimates of the number of seafarers left in the European Union: around 220,000.

The figure is contained in the latest Brussels maritime strategy paper, without any explanation as to where it comes from. Commission officials have until now professed ignorance about the number of seafarers remaining in Europe.

But new figures collated by the European Maritime Safety Agency give a better picture of both officers and ratings, the Commission says.

Data gathered from 26 EU member states authorised to issue certificates of competency to masters and officers shows that there were 161,419 certificate holders in 2014, of which 143,681 were EU citizens and

14,722 non-EU citizens.

A further 3,016 were of an 'unknown' nationality.

Data from 14 member states authorised to issue certificates of proficiency to ratings showed that 65,751 held valid certification in the same year, of which 95% were EU citizens.

'Based on the above, the estimate of 220,000 EU seafarers can be justified,' said a Commission source.

Statistics are important because, if they are published regularly, they will show whether EU seafaring is in decline, as many suspect. If the Commission's next set of figures provide evidence of this decline, seafaring unions are likely to make fresh calls for action to be taken. However, Brexit is likely to knock 10% off the total.

☑ Justin Stares is editor of maritimewatch.eu

NAUTILUS AT WORK

Labour warned on UK seafarer numbers

UK seafarer numbers are 'on the edge of the cliff' and there is an increasingly urgent need to recruit to replace the thousands who are due to retire in the next few years, maritime unions warned at the Labour Party conference in Liverpool.

Nautilus took part in a fringe meeting at the event organised by the RMT to highlight the case for action to increase UK seafarer employment and training. The meeting heard that the number of UK ratings has fallen from more than 30,000 in 1982 to less than 9,000 now, and could tumble to just 5,000 by the end of the decade.

Shadow secretary of state for transport Andy McDonald told the meeting that it would be 'irresponsible in the extreme' if the number of British seafarers is allowed to decline further.

'Protecting jobs, skills and training for UK seafarers is not discrimination if it is handled correctly,' he argued. 'What is discrimination is paying someone less if they are a different



Labour's transport spokesman Andy McDonald speaks at the RMT fringe meeting flanked by, left to right, UK Chamber of Shipping CEO Guy Platten, RMT general secretary Mick Cash, ITF maritime coordinator Jacqueline Smith, RMT national secretary Steve Todd, and Nautilus assistant general secretary Ronnie Cunningham

nationality.'

RMT national secretary Steve Todd said efforts had been made to arrest the slump in ratings numbers — including a link to the tonnage tax scheme and an apprenticeship

programme. 'It is up to the industry now,' he added. 'We have had Plan A, Plan B and Plan C — this is the last roll of the dice.'

Nautilus assistant general secretary Ronnie Cunningham told

the meeting that the increasing age profile of UK seafarers is a huge challenge for the future. 'But we remain an island nation and 95% of everything that comes in and out of the country goes by ship,'

he stressed. 'With heightened uncertainty around the world, there is a strong strategic case for ensuring the security of our trade by having sufficient seafarers.'

UK Chamber of Shipping president Guy Platten admitted that the industry had been 'complacent' over seafarer training in the past — but with evidence that some ratings are now in their 70s, the case for action was clear. He said there are examples of good practice — with DFDS having 'outstanding success' with a ratings apprenticeship scheme and Caledonian MacBrayne being 'deluged' with applications for its apprentice vacancies.

RMT general secretary Mick Cash said the national living wage should apply to all ships operating in UK coastal trades to prevent UK seafarers from being undercut by low-cost foreign crews. 'Unless governments start to regulate what's going on, all that will happen is the good will be undermined by the bad and the bad by the atrocious,' he warned.

Members voice fears on lifeboat capacities

It may have to take another disaster of Titanic proportions before life-saving provision onboard cruiseships is improved, members attending last month's Nautilus International Professional and Technical Forum warned.

The meeting in Hull heard that the SOLAS Convention currently only requires that there is lifeboat capacity for just 37.5% of people each side of the vessel, providing that liferafts make up the capacity to 125% — a statistic that would inevitably leave crew in the liferafts.

Not only are passengers and crew not guaranteed a lifeboat seat, but they are also not guaranteed to fit in the seat if they do manage to get one, the forum was told. SOLAS currently allows an average mass of 75kg per person and a seat width of 430mm (16.9 inches) which does not take into account the steady increase into people's average height and weight.

Members noted that the Costa Concordia grounding in 2012 demonstrated that once a vessel is listing beyond a certain point it will become almost impossible to launch the lifeboats on one side. They also questioned whether evacuation standards in shipping were as good as those applied in the aviation industry.

Nautilus professional and technical assistant David Appleton said that the members were raising an issue close to the Union's heart. 'Nautilus continues to call for a lifeboat seat for each individual onboard, a guarantee that each individual will fit in their allocated seat and full-scale evacuation exercise to be carried out on the first ship of every class,' he added. 'The general public would probably be quite amazed to find out that this is not already the case.'

Members attending the forum also spoke of their concerns about the quality of many seafarers being supplied to ships at present and warned of the importance of well-trained crews in an emergency.

'There has been a lot of focus in recent years on the reduction in crew numbers, but the issue of poorly trained and inexperienced personnel could potentially be just as dangerous — if not more so — in certain situations,' Mr Appleton noted.

Nautilus backs plans to combat isolation

ITF Seafarers Trust workshop looks at initiatives to promote mental health and wellbeing at sea

Nautilus has taken part in an ITF Seafarers' Trust initiative to address the mental health issues facing seafarers.

A two-day workshop and conference organised by the Trust last month examined the impact of problems such as social isolation, depression and suicide, and considered strategies for dealing with them.

The meeting was presented with a report covering the scale of research already undertaken into maritime mental health and discussed ways in which new initiatives could be developed to fill gaps in the knowledge base.

The report noted previous studies suggesting that seafarers have higher suicide rates than other occupations. However, more recent research has provided evidence that stress and 'burn-out' rates among seafarers are not any greater than

comparable shore-based occupations.

It noted figures from a 2015 study showing that, over a five-year period, only 1.7% of seafarers had to be medically repatriated and only 1.8% of these cases involved psychological or psychiatric problems.

Evidence that officers have higher levels of stress than other ranks may reflect their high levels of responsibility, the long working hours and the ever-changing nature of the demands of their jobs, the report added.

One study found that 87% of seafarer suicides between 1976 and 2002 occurred on deepsea ships, and the report pointed to the detrimental effects of separation from family and friends. It also considered the impact of isolation caused by cultural or communication problems amongst multinational crews, as well as differences related to gender or culture.

The report said there is evidence to sug-

gest that problems may be easing — most notably as a result of the way in which increased shipboard connectivity has given better access to friends and family ashore.

The meeting discussed the approaches taken to mental health in other industries, such as aviation, and ways in which support for seafarers could be improved.

It also considered the limitations of the current system of pre-employment medical examinations for many of the world's seafarers.

Nautilus head of strategic development Steven Gosling attended the workshop and said it had covered many important issues. 'This is a very welcome initiative by the ITF Seafarers' Trust, and the Union was pleased to be involved in the discussions.'

'There have been a lot of grounds for concern about the mental health problems

facing seafarers, but this meeting showed that some of the evidence is mixed and it is clear that there is a lot of work to be done to increase knowledge and determine the facts before we can develop appropriate responses and interventions to address the issues,' he added.

ITF Seafarers Trust head Kimberly Karlshoer commented: 'We are very pleased that the Trust was able to use two full days with people from within and outside the industry to address the important topics of seafarers' social isolation, depression and suicide.'

'The discussions proved fruitful and the Trust is now working on a plan to do focussed research where the gaps in knowledge exist and to take some relevant pilot projects forward that promote mental health and wellbeing on board, in port and at home.'

'Future leaders' meet at ITF maritime roundtable

Nautilus Council member and Young Maritime Professionals Forum chair Martyn Gray is pictured right with senior assistant organiser Danny McGowan and representatives from members of Nautilus Federation unions at the second International Transport Workers' Federation Maritime Roundtable, held in Montreal last month.

More than 130 maritime workers from 56 different countries attended the meeting to discuss campaigning, strategies for success and international cooperation in the

industry. They kicked off the event by holding a rally in the city to celebrate the gains made by unions for working people.

Opening the event, ITF president Paddy Crumlin commented: 'Dockers and seafarers face more potential issues at work than ever before: automation, subcontracting, the race to the bottom on health and safety standards, the rise of multinationals. Employers are thinking about profit margins, and in a lot of cases that's it. If it means workers are impacted then so be it. There has to be someone

there that says that's not OK and that's us, maritime trade unionists. We're here to fight the fights that need fighting to ensure safe, fair workplaces for ordinary people.'

Dave Heindel, chair of the ITF seafarers' section, added: 'This isn't just a meeting. The MRT is about bringing forward a new generation of activists by raising their skills to face the challenges, and recognise the opportunities, that they will deal with as maritime workers, trade unionists and potentially the movement's future leaders.'



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CADET CALL: the European Union should offer financial incentives to shipowners who commit to the employment of EU cadets after they complete their training, the European Transport Workers' Federation said last month. Speaking at the Malta Maritime Summit, ETF political secretary Philippe Alfonso said the Commission must find a way to 'balance competitiveness with the socio-economic need for more and better jobs at sea for European seafarers'.

PIRACY ADVICE: merchant ships should continue to take protective measures against the threat of piracy in the Gulf of Aden and the western Indian Ocean, experts warned an International Maritime Organisation meeting last month. Representatives from the EU Naval Force Operation Atalanta stressed the importance of maintaining best management practices to help prevent a resurgence of piracy in the region.

EMISSION APPEAL: introducing global curbs on sulphur emissions from shipping on time in 2020 will prevent 200,000 premature deaths a year, a new study has revealed. Published ahead of a crucial International Maritime Organisation meeting, the report has been backed by environmental groups who argue that any delays will be unacceptable.

COSTS CUT: shipping industry operating costs fell by an average of 2.4% last year, according to a new report from the accountancy firm Moore Stephens. It is the fourth successive year that overall costs have fallen, with crew costs reduced by 1.2% during 2015 and repairs and maintenance costs tumbling by 4.3%.

DFDS ADDS: DFDS has boosted freight capacity on its Rotterdam-Immingham service, adding the Antigua & Barbuda-flagged ro-ro Friedrich Russ to the route. The company has also ordered two new freight ships, to be built by the Jinling yard in China, with delivery due in 2019.

SHIPS BANNED: two flag of convenience ships have been banned from Paris MoU ports after repeatedly failing inspections. The Togo-registered cargoship Alnilam and the St Kitts & Nevis-flagged reefer Beam had both been detained three times within three years.

REFUGEES REVEALED: five refugees were discovered in a container onboard the Irish Ferries vessel Oscar Wilde in Rosslare last month. The vessel had come from the French port of Cherbourg and the refugees told police they were fleeing persecution in Iraq.

CARBON DEMAND: five global shipping industry groups have urged the International Maritime Organisation (IMO) to adopt a data collection system before introducing new controls on carbon dioxide emissions from ships.

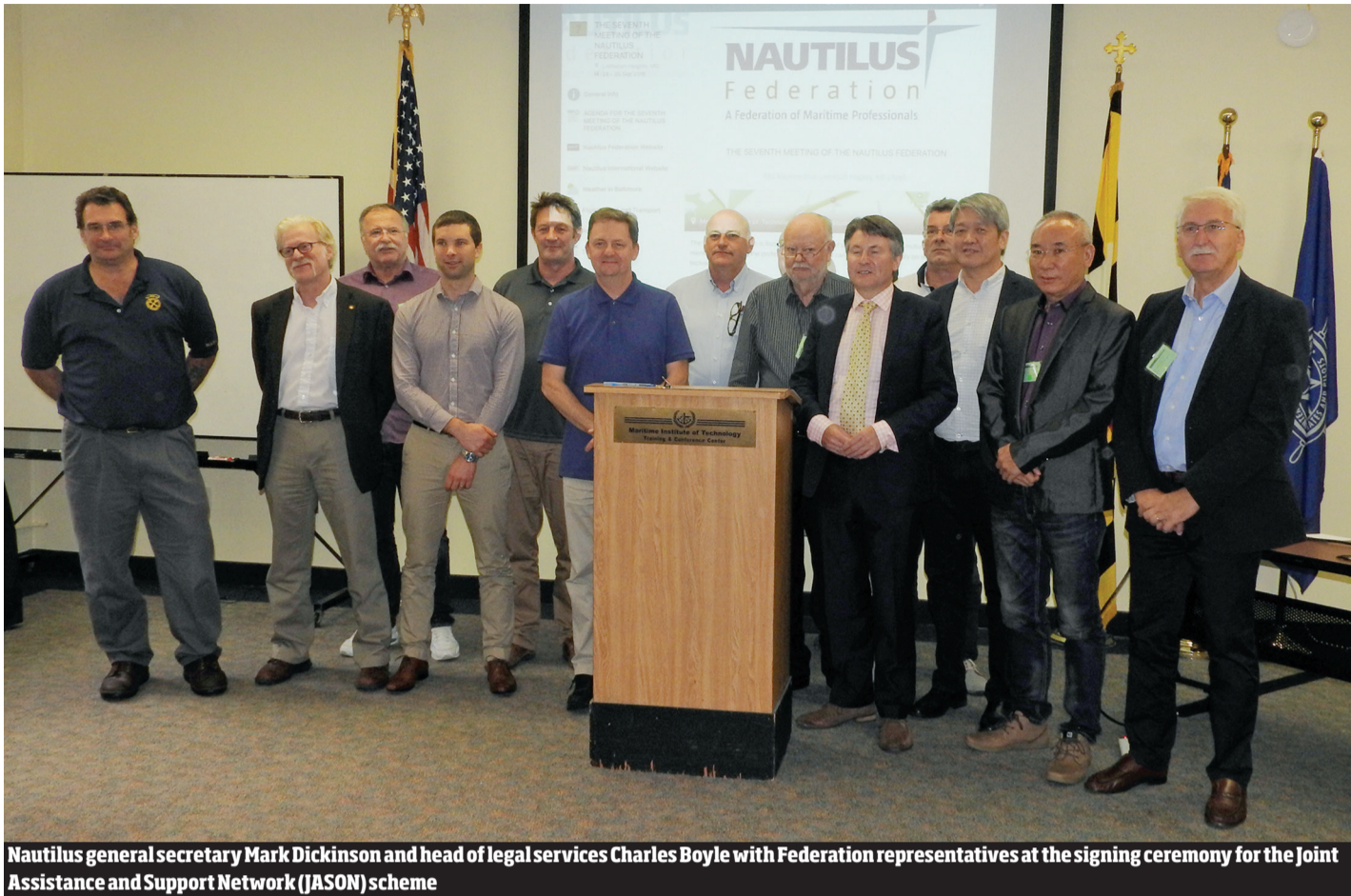
AUTO APPEAL: a crowdfunding scheme has been launched to support an ambitious project to sail an autonomous vessel across the Atlantic in 2020, to mark the 400th anniversary of the departure of the Mayflower from Plymouth.

BALLAST BOOST: more than 50% of world tonnage is now signed up to the Ballast Water Management Convention, after Panama became the 53rd nation to ratify the treaty last month.

WIGHT MOVE: the former Red Funnel ferry Red Jet 5 has been delivered to the Italian domestic operator Torremar to run on the service between Piombino, Cavo and Portoferraio on the island of Elba.

SHALE DELIVERY: the UK's first cargo of ethane derived from US shale gas was delivered to the port of Grangemouth last month by the Danish-flagged vessel JS Ineos Insight.

P&O BOOM: P&O Ferries says the number of freight units carried on its link between Britain and the Swedish port of Gothenburg has almost doubled within a year of operation.



Nautilus general secretary Mark Dickinson and head of legal services Charles Boyle with Federation representatives at the signing ceremony for the Joint Assistance and Support Network (JASON) scheme

Unions unite on fair treatment

Nautilus Federation scheme aims to stop members becoming scapegoats

→ A pioneering agreement to provide mutual support for members in trouble around the world has been signed by the 13 unions belonging to the Nautilus Federation.

The Joint Assistance and Support Network (JASON) has been developed with the aim of combatting the increasing criminalisation of the maritime profession and to ensure that members' rights to fair treatment following accidents and incidents at sea are upheld.

The scheme unites unions in the UK, the Netherlands, Switzerland, Belgium, Croatia, the United States, Hong Kong, Singapore, Australia and New Zealand.

It will ensure that reciprocal advice and support can be provided to union members if they are involved in an incident within a port, territory, territorial waters or onboard a vessel flagged in one

of the countries covered by the agreement.

'We are delighted that the JASON scheme has secured the support of all the Nautilus Federation members and, as a result of having signed the relevant agreement in Baltimore, it is now up and running,' said the Union's director of legal services, Charles Boyle.

'Criminalisation of seafarers has been a major concern for all the member unions in the Federation and we have worked hard to prevent seafarers from being treated as scapegoats after accidents,' he added.

'As a result of such work, the IMO/ILO guidelines on the fair treatment of seafarers following maritime incidents were developed and adopted in 2006,' Mr Boyle pointed out. 'However, the adoption of the guidelines in themselves was insufficient to

ensure that seafarers are not victimised. All the Federation members report some degree of criminalisation of members — most frequently involving pollution cases, as well as collisions — and we saw the need to develop further procedures to establish an international support and assistance network for the benefit of our respective members.'

The JASON scheme will provide concise and practical checklists for members to use if they are involved in an incident to raise awareness of their rights under the fair treatment guidelines.

Additional helpline support will be delivered in conjunction with the International Seafarers Welfare and Assistance Network (ISWAN) — which already provides the Nautilus 24/7 service.

As part of the JASON agreement, Federation unions will provide assistance such as advice on

choosing a local expert lawyer, guidance on local investigation and legal procedures, visiting a member or arranging visits and translation services, and ensuring consular access to any members of other unions who have been detained following incidents in their waters or on their national-flagged ships.

'The JASON scheme has been designed to address some of the biggest concerns faced by members at sea,' Mr Boyle said. 'It should ensure that they receive speedy and specialist support if they are involved in an incident in many parts of the world.'

'We hope that this will not only provide practical assistance, but that it will also make sure that the principles of the fair treatment guidelines are upheld and that seafarers are not unjustly singled out for punishment following accidents.'

Tributes to former Nautilus NL treasurer

Tributes have been paid to former Dutch merchant navy officer Arnold Sta, who worked for Nautilus International and its predecessor unions from 1971 to 2012, and who died last month at the age of 74.

Mr Sta attended the one-year course at the Maritime Academy in Amsterdam before joining the then VNS (United Dutch shipping

company) in 1962. He served with the company until 1971, leaving as a second mate shortly after VNS was merged with Nedlloyd.

He went to work for the Association of Captains and Officers in the Merchant Navy (VKO) and the Federation of Workers in the Sea (FWZ), which later became Nautilus NL and Nautilus International.

Mr Sta served as treasurer from

1988 until 2002 and worked as a part-time advisor to Nautilus until September 2012.

Mr Sta had also worked with various Dutch maritime welfare organisations and had been a director of the merchant marine, sea fish and FNV pension funds.

Former Nautilus director Hylke Hylkema said it had been a privilege to work with Arnold and described

him as 'an extraordinary man in many ways'.

'Arnold was a maverick, with a great social conscience, who made his interest subordinate to that of others,' he added. 'With Arnold's death, the sector loses an outstanding person who knew how to make the simple into something special. Our condolences go out to his family.'

INTERNATIONAL

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GREENLAND ROW: the head of the Greenland-based shipping firm Royal Arctic Line (RAL) has sparked outrage after suggesting that the company may re-flag ships and use 'hybrid' crews to save money. RAL CEO Verner Hammeken said the company — which has the government concession to run 'lifeline' services along the Greenland coast — is planning to form a pool of three ships with the Icelandic firm Samskip.

BANKERS HIT: German banks are struggling to recover loans totalling as much as US\$100bn as a result of the downturn in global shipping markets, according to a report published last month. A study by Moody's Investor Services warns that German ship lenders are more exposed than banks from any other single country in terms of outstanding debt to the sector.

FISHY STORY: up to 80,000 trout escaped from a fish farm off Denmark after it was hit by an Estonian cargoship, on its way from Russia to Denmark, last month. The 3,183gt general cargo ship Karmel was detained after the incident, which was blamed on a navigation mistake. The farm's owners claimed that stock worth up to US\$1.5m had been lost.

GAS WORRIES: the French merchant navy officers' union FOMM CGT has expressed concern that the giant French energy group Engie is considering the sale of one of the three French-flagged gas carriers. The union fears 60 jobs could go if GDF Suez Global Energy is sold or chartered out following the unexpected failure to renew a contract with Sonatrach of Algeria.

SCRAPPING RECORD: a record number of containerships have been scrapped this year, according to a new report from the shipbrokers Braemar ACM. During the first nine months of 2016, a total of 147 ships have gone to the breakers — removing some 507,000TEU capacity from the market, compared with 185,000TEU for the whole of 2015.

SCUTTLE CLAIM: Mozambique has detained 15 Indian seafarers suspected of trying to scuttle their ship for a US\$2m insurance claim. An investigation was launched after the crew of the 29-year-old reefer Spring Bay reported that the engines had failed while the vessel was en route to India for its final voyage before scrapping.

GREEK STRIKE: the Panhellenic Seamen's Federation (PNO) staged a 48-hour strike that shut down ferry services between the Greek mainland and its islands last month. The action was taken in protest against rising unemployment and planned cuts in pensions.

CABOTAGE ROW: three leading Italian maritime unions have requested an urgent meeting with the management of the ferry firm SNAV in a row over the employment of non-EU seafarers on cabotage services in breach of a national agreement.

SAVONA SERVICE: the Italian ferry operator Grimaldi has launched a 'no frills' service linking the Italian port of Savona with Barcelona and Tangiers.



Pictured above signing the new Shell handbook are, left to right: SSML director Richard Turner; IMEC CEO Francesco Gargiulo; Nautilus general secretary Mark Dickinson; Seafarers' Union of Croatia assistant general secretary Vladimir Svalina; and ITF head of maritime operations John Canias

'Milestone' for Shell's officers

Nautilus helps negotiate trailblazing fleet-wide terms and conditions deal

→ Nautilus International has signed a 'milestone' agreement which covers the terms and conditions and salary scales of all the officers serving with Shell Ship Management.

General secretary Mark Dickinson joined International Maritime Employers' Council CEO Francesco Gargiulo, International Transport Workers' Federation head of maritime operations John Canias and Croatian seafarers' union assistant general secretary Vladimir Svalina to sign the agreement in London last month.

The result of extensive discussions between unions and management, the agreement applies to around 1,000 officers from around 40 different countries serving in the Shell International Shipping Services fleet and the company says it demonstrates its 'resolve to offer the best terms and conditions of employment that the business can sustain'.

The agreement sets out core terms and conditions for all officers in the fleet, irrespective of nationality, and applies to issues including tour lengths, paid leave, hours of work and rest, sick pay, high-risk areas, and death in service.

The core agreement will be revised every three years, while local pay negotiations will continue on an annual basis.

Richard Turner, managing director with Shell Ship Management, said the company began the process of seeking the agreement because it wanted to simplify the 'time-consuming and costly' negotiations for the 'plethora' of different nationalities employed.

Mr Dickinson described the discussions as very posi-



The new agreement has also gained the support of the Maritime Union of India. Richard Turner from Shell is pictured with MUI representative Hormaz Bharucha, when they signed the document in July

tive. 'When the company first approached us as the main union representing Shell officers, we were not in a good position as the UK cadet programme had been frozen and the outlook for British officers did not look healthy.'

'But from the outset, the company assured us that it saw a sustainable future for UK officers to work on the ships and in its offices ashore, and that it was determined to return to training,' he added.

Mr Dickinson said Nautilus had worked with other unions, the ITF and IMEC to develop a standard set of consolidated terms and conditions for all officers, with an annex for each country reflecting local variations on salary levels and elements such as bank holidays and pensions.

'We are very pleased with the result, which not only safeguards the position of our UK members but also delivers a clear commitment to the future,' he added. 'It is an excellent example of the benefits of working in partnership.'

Mr Turner said Shell was also

delighted with the outcome. 'We had so many differences between the original agreements that a lot of people thought this could never be done,' he admitted. 'But everyone worked together to push things forward and get it to where it is today, and I am particularly grateful to Nautilus for its support on this project.'

The agreement meets — and in many areas exceeds — the standards set by the International Bargaining Forum (where ITF and IMEC join forces to establish minimum benchmarks) and Mr Turner said that bringing everything together in a single handbook will make things much easier in port state control inspections.

'We have tried to make it very simple, very clear and easy to read,' he explained. 'If you are an inspector, a captain or an officer you will know exactly where you stand.'

'What we have produced is simple, but it is a world-class document that will help us move forward in the future. It is ground-

breaking to bring all of these things together and it delivers transparency at all levels.'

Mr Svalina said he was proud to sign the agreement on behalf of Croatian officers. 'The negotiations were very friendly and productive,' he added. 'I believe this is a special moment in the shipping industry and a big achievement to secure in the current economic climate.'

'The agreement is a tribute to social dialogue and I think it will do much to promote loyalty to the company,' Mr Svalina said.

Mr Canias said it had been a challenging process to bring so many different agreements into a single document, but the successful result provided an example for other companies with mixed nationality crews. The agreement for officers has also paved the way for further discussions to cover ratings, he added.

'The good thing is that this is a "working" document which can be improved as we go forward,' Mr Canias pointed out.

Mr Gargiulo said IMEC was pleased to have played a part in the discussions. 'I was a great opportunity to work with the ITF and some of its key affiliates,' he added. 'We have built upon the IBF agreement, which is the only example of a worldwide agreement with multiple unions, and we have delivered a great result.'

'This is a really significant agreement; it reflects Shell's position as one of the most progressive members of the IBF and its commitment to be a good employer,' he added. 'This is definitely a model for other companies — there are benefits to be had from IMEC membership.'

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Pictured above making an inaugural call to the UK port of Southampton last month is the Panama-flagged newbuilding NYK Eagle. The 14,026TEU vessel, which was built at the Japan Marine United Shipyard in Kure, has been

deployed on the Asia-Europe service operated by the G6 Alliance, with calls at Ningbo, Shanghai, Xiamen, Shekou, Hong Kong, Yantian, Singapore, Colombo, Southampton, Antwerp, Hamburg, Rotterdam, Jeddah, Jebel Ali, Singapore,

Hong Kong and Ningbo. NYK Eagle replaces the 13,208TEU OOCL Brussels, which has been switched to the Asia-Med EUM loop as part of moves to upgrade and increase weekly capacity. Picture: Gary Davies/Maritime Photographic

Sweden agrees its tonnage tax

Unions and owners hope new scheme will boost the flag and increase jobs

by Andrew Draper

The Swedish parliament has finally voted for the introduction of a long-awaited tonnage tax scheme, bringing the country into line with just about every other European maritime state. Unions, owners and politicians all express optimism that it will turn the tide for the fortunes of the declining Swedish merchant fleet.

The Swedish shipowners' Association estimates that 8,000 jobs have been lost from the Swedish fleet in the last decade — and it predicts that the more attractive taxation arrangements will now result in 300 vessels reflagging to the national register, in time creating up to 30,000 new jobs.

MPs decided the tonnage tax scheme would take effect from 1 January 2017. It has been under consideration for many years and finally received EU approval in the summer.

Mikael Huss, director of officers' union SBL, said: 'Shipping and the maritime sector in Sweden have great growth potential. By focusing on this voluntary tax, we will get more jobs in the entire maritime sector, which in turn will contribute to Swedish economic growth. Experience from other maritime nations in Europe clearly shows that the introduction of tonnage tax broke the downward trend.'

Kenny Reinhold, head of the SEKO Sjöfolk maritime union, concurred that the tax will in time strengthen Swedish shipping companies and result in new jobs on Swedish vessels.

The Swedish unions have previously expressed scepticism about the potential uptake and success of the tax.

But Swedish Shipowners' Association boss Pia Berglund said companies are keen to commit to the scheme. 'The decision has been much awaited and we

are pleased and relieved that the reform will finally be in place,' she stated. 'Tax reform is a mutual interest for shipping companies and unions in the maritime sector, and not least for the population of Sweden. Our ambition is for more shipping lines to now opt to belong to the Swedish flag.'

Wallenius Lines CEO Anders Boman added: 'Shipping today faces the tough reality of the world and it is even more important that Swedish shipping is not left on the sidelines. With the decision, the Swedish fleet compete on more equal terms with the rest of Europe.'

The final bill that was adopted was amended. Originally, it was proposed that for a company to qualify for the tax, at least 20% of its fleet had to be Swedish-flagged. EU competition rules have led to the requirement that 20% of fleets must be registered in an EEA country, not necessarily Sweden.

'We've discussed this among

the parties and agree it's reasonable,' Ms Berglund said. 'Today, without tonnage tax, 30% of our fleet is already Swedish-flagged and we have many large owners who want the Swedish flag. So we will work hard for the Swedish flag and we know that parliament, government and labour market parties trust us when we say that.'

The Swedish Transport Agency is proposing to cut red tape for owners by reforming the rules governing some 6,000 merchant ships operating nationally.

The agency says present rules are outdated, complex and incomplete and it wants to make them functional, with the emphasis on what is to be achieved, rather than how.

The agency is consulting the industry on the changes and if they are adopted the new system will apply to commercial vessels including ferries, lifeboats, barges and workboats, with effect from March 2017.

Norway cabotage campaign

Norwegian seafaring unions have welcomed growing political support for their campaign to ensure that shipping operations in the country's waters are governed by domestic legislation.

Labour MP Else-May Botten, who sits on the parliamentary industry committee, told left-wing newspaper Klassekampen she wanted action — including a government inquiry to

examine the current legal loopholes.

Stian Grøthe, policy director for the three maritime unions, said: 'That the Labour Party is now supporting us is great. We have previously received the support of the Centre Party, which is very clear in its new draft manifesto. We're fighting a battle for dignity and justice. The growing support from political Norway clearly shows that we have a good case.'

Despite a recent Norwegian court ruling that foreign-flagged ships could engage in cabotage along the country's coast, the unions are pressing ahead with a campaign against social dumping — the use of mainly FoC ships employing cheap non-Norwegian labour in domestic waters.

They have managed to persuade around 500 local councils to support

their demand for an inquiry and they are planning further action in November to press the case.

Meanwhile, the Norwegian Maritime Authority reports a marked rise in Norwegian-flagged tonnage — up 800,000gt and 51 ships so far this year. Between January 2015 and mid-September 2016 Norway's NIS international register grew from 522 to 573 ships.

ITALIAN WARNING: the Italian shipowners' association, Confitarma, has warned that 1,500 seafaring jobs could be lost if MPs approve plans to ban the employment of non-EU nationals onboard ferries flying the Italian flag. Confitarma claims the jobs would be lost as a result of flagging out to avoid the cost of employing Italian and other EU seafarers. But some ferry firms, including Moby Lines and Tirrenia, support the proposals.

CASE DROPPED: a French court has dropped a criminal case against the owner and master of a Turkish-flagged general cargoship which collided with a fishing vessel in 2007, killing the skipper and injuring two other crew. The Rennes court ended the proceedings because the ship's master has died and two officers had fled to Azerbaijan.

DRINK DEATH: a Ukrainian seafarer died and two others had to be treated in hospital in Greece after drinking adulterated alcohol. Authorities in the port of Rhodes said the men, from the Tanzanian-flagged general cargoship Svyatogor, were believed to have bought the alcohol in the Turkish port of Mersin.

FLAG RECORD: the Marshall Islands registry is now the world's top flag for tankers after attracting vessels from Greece, the US and Asia to take its total tanker tonnage to 44.6m gt. The Marshall Islands flag had chalked up average annual growth of 15% over the past 15 years and its overall fleet now totals 137.3m gt.

CERTIFICATE PROBE: a court investigating an accident in which nine people died when the Italian containership Jolly Nero struck a harbour control tower in the port of Genoa in 2013 has heard evidence of shortcomings in the safety certification issued to the ship's operator and several other ferry companies.

IVORY PLAN: the Ivory Coast government is seeking to become the leading market for oil products in the 16 countries making up sub-Saharan Africa. Adama Toungara, the West African country's energy minister, said his government plans to make the Ivory Coast the 'Rotterdam of Africa' by 2020.

PILOTS PROTEST: the Danish pilots' association has warned that strike action will be taken in a dispute with pilot company Danish Pilot Service. It has accused management of underpaying pilots, not paying pilot cadets and not respecting rest-time rules. The first strike is set for 1 November.

BIO TESTS: Dutch dredger firm Boskalis has concluded six months of tests on the use of a bio-fuel based on wood to supply the diesel engines of its 1984-built dredger Edax, reporting that CO2 emissions have been reduced by more than 80%.

NIGERIAN FLEET: plans to establish a Nigerian National Carrier fleet, as a joint venture between the country's government and foreign investors, were revealed at a Commonwealth Maritime Initiative meeting in London last month.



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HEALTH & SAFETY

Report warns on ability to handle ULC casualties

German investigators highlight shortage of capacity to offload containers

Worrying questions about the ability to deal with an accident involving an ultra-large containership (ULC) have been raised in an investigation into the grounding of the 19,100TEU CSCL Indian Ocean in the river Elbe earlier this year.

The 187,541gt China Shipping Container Lines vessel spent six days aground before 12 tugs towed it to safety on the third attempt. A report by the German accident investigation board BSU says the incident highlights the need for work to enhance the capability for responding to ULC emergencies.

Investigators pointed out that CSCL Indian Ocean was freed without the need to reduce draught by offloading containers. But, the report warns, 'Should this be necessary in a similar case, it must be remembered that in Europe there is currently only one floating crane available that has the reach necessary to discharge containers from this above-average height.'

The Hong Kong-flagged vessel grounded on a sandbank on 3 February while approaching the port of Hamburg with two pilots onboard. 'An alarm sounded on the bridge at about 2210,' the report notes. 'This could not be attributed to anything to begin with. Shortly afterwards, it became clear that the helm had stopped responding.'

A crew member ran to the steering gear compartment and managed to restart the system, with the helm responding again at 2215. However, despite attempts



It took three attempts and 12 tugs to free the 19,100TEU CSCL Indian Ocean in the Elbe. Picture: Havariekommando

to manoeuvre out of trouble, the ship ran aground at 2220.

Up to six tugs spent almost an hour unsuccessfully trying to haul the ship back into the fairway before the tide turned. A second attempt involving seven tugs was made on the next high tide, but it also proved unsuccessful.

A detailed salvage plan was then drawn up, which included the removal of ballast and bunkers and the closure of the Elbe to all ships for four hours while 12 tugs finally freed CSCL Indian Ocean.

Investigations revealed that the accident occurred after the Safematic system — which is designed to maintain steering

capability in the event of an emergency such as an oil leak or a burst pipe — was activated.

Subsequent checks revealed that the system had been incorrectly installed, with the faulty switching of two valves meaning that two hydraulic cylinders were operating at the same time, both pressing on the rudderstock and preventing the rudder from turning.

The BSU was unable to determine why the system had activated, as there was no oil leak or any evidence of user error. 'Neither the incorrect wiring nor the random activation of the float switch alone would have caused the helm failure, but only the

combination of such errors,' the report points out.

The report recommends that the IMO should examine whether the SOLAS Convention should require modern steering systems to have a separate error log to enable better analysis of incidents.

The BSU commended the pilots for doing all they could to ground the ship in a controlled manner and also praised the work of the local vessel traffic services to minimise the impact of the grounding. The report also notes that a review has been launched to consider whether large ships should be required to test 'certain engine manoeuvres' before entering the Elbe.

Club calls for better training to reduce lifeboat death toll

Seafarers need to improve their understanding of increasingly complex lifeboat launching mechanisms and 'consistently train' in all aspects of the systems on their ships, a P&I club has warned.

Captain Anuj Velankar, loss prevention advisor with the UK P&I Club, said the continued high rate of lifeboat accidents underlined the need for all crew to be capable of operating lifeboat systems and understanding the mechanics and procedures.

But, he warned, many ships 'are progressively losing touch with the maintenance of wires and ropes due to lack of routine' and there has been an increase in detentions caused by the poor levels of understanding of release mechanisms.

'Continuous training of staff and rigorous risk assessment procedures are essential to counter lack of familiarity with lifeboats among crew members,' he added. 'The most effective training for the seafarers is

for them to know why something is done in a particular way, and to better understand the procedures — not just remember them.'

Nautilus senior national secretary Allan Graveson said he believed lessons to be learned from recent accidents included: 'The design and construction of winches, davits, wires and hooks needs to be addressed, crew should receive equipment-specific training as a team, and manufacturers should be engaged by owners to undertake regular inspection and maintenance.'

Afcan, the French shipmasters' association, has called for lifeboat safety and training regulations to be revised following the death of an officer on the cruiseship Harmony of the Seas during a drill in the port of Marseille in September.

'How many more deaths must be endured before the rules for protecting people at last becomes a priority?' it asked.

Crews 'fail to stick to safe entry rules'

Marine insurers have expressed concerns that seafarers are failing to follow new requirements for the safe entry into enclosed spaces onboard ships.

Chris Roberts, senior risk assessor with the UK P&I Club, said SOLAS Convention amendments which came into force on 1 July require all ships to carry portable atmosphere testing equipment to measure the concentration of oxygen, flammable gas/vapours, hydrogen sulphide and carbon monoxide.

However, he added, the club's risk assessors are continuing to find cases where the legally required precautions are not being carried out before seafarers enter enclosed spaces — defined as those with limited openings for entry and exit, inadequate ventilation and not designed to be continuously occupied.

To minimise the threat to life, the club is recommending that permit to work checklists include such precautions as whether the multi-gas detector is supplied with tubing long enough to reach all areas of the space to be entered, whether the enclosed space has been ventilated for at least 24 hours prior to entry, has ventilation been stopped at least 10 minutes prior to initial gas testing, and has an adequate risk assessment been undertaken and a pre-work safety meeting been held involving all personnel.

Nautilus senior national secretary Allan Graveson commented: 'It is disappointing, but not surprising, that there is no recommendation for personnel to attend an entry to enclosed spaces course, as required by the Merchant Navy Training Board for all new entrant trainees in the UK.'

P&O and Cunard switch to FOC

Eleven ships in the P&O Cruises and Cunard Line fleets are being taken under the wing of the Carnival Maritime Fleet Operation Centre (FOC) in Hamburg.

The 24/7 FOC service now monitors and supports 37 Carnival Corporation ships, including those in the Costa and Aida Cruises fleets. As well as 'optimising route planning' and delivering 'digital support, control and planning of all technical and nautical aspects', the centre can also provide risk and crisis management.

Keith Dowds, vice-president of Carnival Maritime's nautical department, said the centre aims to provide tactical support and professional guidance to secure

consistently high safety and professional standards. 'The main premise behind the new nautical operations department is that we are continuously seeking to improve and share information and best practices across the fleets,' he added.

'We provide extra nautical expertise also to the brands. This will give us enormous benefits, for example when it comes to the deployment of the ships, their energy efficiency and port costs.'

The centre also has a continuous improvement department, which analyses monitoring data and lessons learned, seeking to reduce fuel and energy consumption as well as improving wastewater treatment and waste management.



Pictured left to right at Carnival Maritime's Fleet Operations Centre are: nautical department VP Keith Dowds; Marc-Dominique Tidow; executive VP Lars Ljoen; and continuous improvement chief Alexander Klingelhofer

Inspector dies in hold

A cargo inspector died in a hold onboard a Panama-flagged bulk carrier which was delivering maize to the port of Hanshin in Japan last year.

A Japanese Transport Safety Board investigation into the incident onboard the 61,547dwt Triton Swan found that the grain inspector had died from asphyxiation in an area of a cargo hold where the oxygen concentration was between 11% and 12%.

Investigators said the inspector had probably entered the hold before the atmosphere had been checked and the report notes that the Japanese Grain Inspection Association has revised its health and safety procedures, as well as improving guidance and training, since the accident.

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UK urged to stay in EU naval force

Nautilus seeks assurances after UK-registered tanker is attacked off Somalia

➔ Nautilus has written to foreign secretary Boris Johnson to call for the UK to remain a part of the European Union Naval Force (EUNavfor) counter-piracy operation following an attack on a British-registered chemical tanker off Somalia last month.

EUNavfor's operation commander, Major General Rob Magowan, warned of the need for continued vigilance at sea after the 51,747dwt CPO Korea was targeted by pirates in a high-speed skiff, some 330nm off the east coast of Somalia on 22 October — the first such incident in more than two years.

EUNavfor said a number of shots had been exchanged between the pirates and the armed security team onboard CPO Korea. 'The suspected pirates eventually broke away after CPO Korea's crew successfully implemented self-protection measures by increasing speed, altering course and rigging fire hoses to thwart the attack,' it added.

Major General Magowan commented: 'This attack shows that pirates still have the intent to attack ships for ransom and cause misery to seafarers and their families. It is imperative that the international community remains vigilant. The EU Naval Force is working with counter-piracy partners to coordinate efforts to ensure pirates do not once again terrorise the waters off the Somali coast.'

Nautilus general secretary Mark Dickinson said the incident had not come as a surprise. 'We

Gold Rover joins GoG patrols



The Royal Fleet Auxiliary tanker Gold Rover is pictured left with the French helicopter carrier FS Dixmude and the Ivory Coast patrol boat Sekongo during operations to combat illegal fishing and piracy in the Gulf of Guinea.

The RFA vessel took part in a 200-mile patrol of the waters between Ivory Coast's principal port and largest city, Abidjan to San Pedro, close to the western frontier with Liberia, as part of the long-running French mission, Operation Corymbe, to deal with criminal activity in the region.

Gold Rover also carried out a series of combined manoeuvres and replenishment at sea operations with Dixmude, as well as some joint training between its Royal Marines team and French Navy riflemen.

Gold Rover is the last operational ship of the 'Rover' class and made a final call to the Simon's Town naval base in South Africa as part of the last tour of the South Atlantic.

have been very pleased to see the lack of pirate activity in the area — and feel that this is in no small part due to the success of EUNavfor's Operation Atalanta. However, it has been very clear that there is no room for complacency, especially as the political situation ashore in Somalia can best be described as fragile,' he added.

In his letter to the foreign secretary, Mr Dickinson called for 'assurances of the UK's continued and tangible support for counter-

piracy operations, off Somalia and in the other high-risk areas, such as the Gulf of Guinea.'

He told Mr Johnson: 'I am sure you can understand our concern about the future commitment towards the protection of UK ships and UK seafarers in the light of the UK's planned withdrawal from the European Union. A great deal of emphasis is being placed upon the UK's future trading relationships and as 95% of our international trade is by sea, the secu-

rity and safety of merchant ships and their crews is of paramount importance.'

Concerns have also been raised about a series of incidents involving ships off the Horn of Africa, including an attack on the laden Teekay LNG carrier Galicia Spirit off the coast of Yemen. The Spanish-flagged ship was approached by a small boat whose occupants fired a rocket-propelled grenade at the vessel, some 8nm off Perim Island.

Piracy falls to 20-year low

Piracy and armed attacks on merchant ships around the world have fallen to the lowest level in 20 years, according to a new report from the International Maritime Bureau (IMB).

The first nine months of 2016 witnessed a total of 141 incidents — down by 25% from the same time last year, and down 60% from the same period five years ago.

However, the IMB warned the industry against dropping security levels. It said kidnapping and hostage-taking remains a major risk off the coasts of West Africa and SE Asia — pointing out that pirates armed with guns or knives took 110 seafarers hostage in the first nine months of 2016, and kidnapped 49 crew for ransom.

Between January and September, 111 ships were boarded, 10 fired upon and five were hijacked. There were attempted attacks on 15 other vessels. A total of five crew members were assaulted, six were injured, and five threatened.

The IMB described Nigeria as 'a growing hotspot for violent piracy and armed robbery', noting that it accounts for 26% of all captured seafarers. Other problem areas include Indonesia, Malaysia, Guinea

and Ivory Coast.

The IMB said there has been a marked drop in incidents off Indonesia and Vietnam following crackdowns by local police. But it warned that more vessels of all types are being targeted by armed groups along Nigeria's rivers, anchorages and ports, and up to 118nm from the coast.

Though many attacks off Nigeria are believed to go unrecorded, the IMB received reports of 31 incidents in the first nine months of 2016, up from 12 in the same period last year. In one boarding in July, five crew were captured and the chief officer shot in the head.

While only one attempted attack was recorded in the Gulf of Aden in the first nine months of the year, the IMB warned that the situation in Somalia remains 'fragile' and ships need to continue to abide by the industry Best Management Practices.

'We are encouraged by the efforts of national and international authorities — and the shipping industry — to keep piracy down,' said IMB director Pottengal Mukundan. 'But clearly the threat to crew being taken hostage remains, and it is therefore necessary for shipmasters and response agencies to remain vigilant.'

Crew released after 1,673 days of hostage ordeal

The last hostages being held by Somali pirates have been released after spending more than four and a half years in captivity.

Twenty six crew from the Omani-flagged fishing vessel Naham 3 were freed following long-running negotiations involving the London-based law firm Holman Fenwick Willkan and Compass Risk Management.

Naham 3 was hijacked on 26 March 2012 roughly 65nm south of the Seychelles. Of the original 29-member crew from Cambodia, China, Indonesia, Philippines, Taiwan

and Vietnam, one died during the hijacking and two more died from illness, believed to be related to malnutrition, during their captivity.

John Steed, coordinator of the Hostage Support Partners (HSP) for Oceans Beyond Piracy, said the freed crew members were reported to be in reasonable condition considering the 'deplorable' conditions in which they had been held.

The International Seafarers Welfare and Assistance Network (ISWAN) is providing physical and psychological support to the released crew.

Concerns raised on at-sea crime rules

The challenges facing ship masters and officers in complying with requirements to collect and preserve evidence after a crime onboard were highlighted in a seminar staged by the UK Chamber of Shipping and the law firm Hill Dickinson.

Problems with securing jurisdiction from flag state or port state authorities when crimes are committed on ships in international or territorial waters were identified. Concerns were raised over whether flag state authorities or police will actually investigate in many instances and the idea of an international convention to address this was discussed.

Maria Pittordis and Javed Ali, from Hill Dickinson, described some case studies highlighting the legal necessities that a master should consider when a crime is committed or alleged onboard, as

well as the potential impact of future developments including the UK Policing and Crime Bill.

Katy Ware, director of maritime safety and standards at the Maritime & Coastguard Agency, explained the IMO guidelines for collecting, preserving and recording evidence from the scene of a crime onboard.

The meeting also discussed the provision of pastoral care to those affected by crimes onboard and identified the need to share best practice within the industry.

Detective superintendent Martin Dunn, from Police Scotland, described the role of the police when a ship arrives in a UK port after a crime. He stressed that there is no obligation for the captain of the ship to collect the evidence and urged any master who is in doubt of what to do in a criminal situation to contact the police for advice.

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INTERNATIONAL

shortreports

CALAIS PROJECT: French president François Hollande has laid the first stone of what will become a new cross-Channel ferry terminal in Calais. The €850m project, earmarked for completion in 2021, will see the creation of three new ferry berths and a ro-ro berth inside the harbour basin, along with a new 3km seawall and a 100-hectare harbour basin to the north of the current facilities.

LIGHTS OUT: the union representing officers and ratings in the French lighthouse and beacons service has called a 24-hour strike in protest at a €180,000 budget reduction proposed by management in the upcoming salary talks. The CFDT union has also expressed concern at possible reductions in the 280-strong workforce.

MARSEILLES GROWTH: the French port of Marseilles says it is planning to become one of the world's top 10 cruiseship destinations by the end of this decade. Marseilles was in 17th place in the cruise port 'league table' in 2015 and is planning to increase passenger numbers from 1.6m to 2m by 2020.

TSS LAUNCHED: a new traffic separation scheme in the Italian-French Corsica channel, approved by the International Maritime Organisation in May 2016, comes into effect on 1 December. The system comprises two 8nm long, 5nm wide navigation channels between Italy's Capria Island and the French coast.

RESCUE CRISIS: France's ailing national maritime rescue service SNSM is still awaiting a parliamentary report on its future financing — warning that it needs at least €50m spread over several years to renew its all-weather lifeboat fleet, and that without state aid it cannot effectively ensure safety at sea.

ANTWERP BLAZE: all 24 crew members were evacuated from the Panama-flagged car carrier Silver Sky when a fire broke out onboard while docked in Antwerp. Initial reports suggested the blaze had begun on a used car which had been loaded onto the ship.

GHANA ALERT: maritime employers and seafaring unions have warned that the jobs of Ghanaian seafarers are in jeopardy because the Ghana Maritime Authority (GMA) has delayed the issue of STCW 2010-compliant certificates.

SÈTE SALE: the French port of Sète has managed to sell the 37-year-old general cargoship Rio Tagus, which had been lying abandoned in the harbour since 2010. The St Vincent-flagged vessel was sold to a Spanish shipyard for €11,000.

DRUGS FOUND: nine crew members were arrested after 385kg of cocaine, with a market value of US\$85m, was seized from the German-flagged containership Rio de Janeiro off the Italian port of Gioia Tauro.

NEW SERVICES: Norwegian logistics firm ColliCare has started a new weekly service between Moerdijk, near Rotterdam, and Oslofjord with the 850TEU Viasea Shipping vessel Nor Feeder.

ITF warns again on canal safety

Unions raise fears over training as Panama authorities bring in private tugs

➔ Fresh concerns about the safety of new locks in the expanded Panama Canal have been raised by the International Transport Workers' Federation (ITF).

And at a conference in Panama City, ITF officers also warned of the potentially damaging impact of privatisation of key services in the canal.

The ITF said the Panama Canal Authority (PCA) had chosen not to act on key findings from a study it carried out in 2011 to determine the type and size of the tug fleet, as well as personnel, training and operational procedures, needed to operate the new locks.

'Now the lack of vessels has been used as an excuse for chartering 12 tugboats from private and anti-union companies,' the ITF added.

'The crews of those vessels live in fear of dismissal for union activities, meaning that they are denied union representation. This has led to them working longer hours for less pay, without union protection. There are particular worries over fatigue and the increased accident risk associated with it.'

ITF president Paddy Crumlin said the PCA has tried to outsource other areas, such as emergency medical and ambulance services. 'The truth is that what the PCA has done with these private tugboat companies is evidently part of a bigger plan to privatise many of the services offered by the canal,' he added.

'The canal workers, including the pilots and the tugboat captains, are trained professionals. The PCA's attempts to privatise

these services potentially jeopardise the operation of this vastly important route, at a time when it should be offering greater benefits to the people of Panama, and to world trade.'

Mr Crumlin said the authority had also ignored the results of an ITF-commissioned manoeuvrability study and accidents have taken place in the new locks that are very similar to those raised as risks in its report.

Nautilus international officer Nick Bramley, who is chair of the ITF's inland navigation section, commented: 'The canal is a vital piece of infrastructure for world trade and it needs an adequate fleet of tugs and trained personnel to operate them. Anything else is foolhardy and a threat to the safety of seafarers, tug crews and ships.'

Ivan de la Guardia, general secretary of the union representing masters and mates on Panama's tugs, added: 'The crews on these hired tugs do not have the same skillset that canal personnel have acquired through intensive training and years of experience. There are language barriers and ignorance of even the most basic operational protocols and procedures.'

'It takes at least a year to train and put in place a tug officer in the canal,' he pointed out.

'Tug personnel are being exploited and grossly overworked in order to make ends meet,' Mr de la Guardia added.

'All these factors point towards a severe breach of the integrity of the operation and a serious downgrade of the safety to navigation through our waterway,' he pointed out.

French alarm over training cutbacks

➔ The French officers' union FOMM CGT has written to the country's shipping minister to call for urgent government support to head off cuts at the national maritime academy, ENSM.

General secretary Jean-Philippe Chateil warned the minister that ENSM is in the red because of the lack of state support and it 'does not have the capacity to attain the government's own expressed aims'.

The union said the academy is resorting to short-term solutions, notably by replacing full-time lecturers with temporary staff with adverse effects on the quality of training.

'The ENSM's very credibility as a major educator of future merchant navy officers is at stake and the union's request for a meeting with the minister has remained a dead letter,' Mr Chateil said.

Demands on the academy have increased because of the STCW revalidation requirements. Companies employing seafarers on French-flagged ships in the Caribbean have expressed alarm because local training facilities are not internationally-recognised and operators have had to send officers to the French national academy and a centre in Concarneau at significant extra cost.

The union is hopeful that the French government will reconsider changes to laws governing the carriage of the country's oil cargoes. Mr Chateil said that new legislation had dropped the concept of a strategic



Acquired from Maersk in 2014, the 323,527dwt VLCC Sandra — owned by the Belgian-based operator Euronav — is among the ships that the French union FOMM CGT wants to see protected as part of a 'strategic' energy-carrying national fleet. Picture: Eric Hour

French-flagged energy fleet, which had been backed by the unions as well as the operators.

'The updated legislation has already resulted in losses to the already much-diminished oil transport fleet instead of enhancing it, due to oil industry lobbying,' he added.

'If the situation in the industry remains as it is, skills, know-how and officers' and seafaring jobs will be lost forever and it will not be long

before France will no longer be able to provide the necessary specialised officers and crews for oil and chemical tankers.'

France recently lost yet another shipping fleet with the sale of EDF Trading to Singapore-based Jera Trading. EDF Trading — 85% owned by the French state — operates the coal-carrying bulk carriers Cape Agnes and Cape Amanda with the Japanese firms Mitsubishi and K Line.

Master in pollution case kills himself

➔ The master of a ship accused of causing the longest pollution slick ever spotted off the coast of France committed suicide a few days after the vessel was detained by authorities in the port of Brest.

Now a maritime court is demanding a fine of 'not less than €1m' to be paid by the Greek operator of the 75,039dwt bulk carrier Thisseas — and for a €200,000 penalty to be imposed on the master.

The Liberian-flagged vessel was ordered into port after being spotted by a French Navy Falcon 50 surveillance aircraft in February 2016 trailing a 35km-long slick in the Bay of Biscay while en route from Russia to China.

The ship was allowed to resume its voyage a few days later after the Greek owners, Laskaridis Shipping, paid a €500,000 bond. Shortly after the ship sailed, the Ukrainian master committed suicide by jumping overboard.

The ecological association Mor Glaz welcomed the Brest maritime court's decision to seek the highest fine from the company, but it questioned whether it was right to impose a penalty on the ship's master.

Defence lawyers called for the withdrawal of criminal proceedings against the Greek firm, claiming that France did not have the jurisdiction to try the case.

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shortreports



World's first VLEC is delivered by South Korean yard

Pictured above is the Marshall Islands-flagged Ethane Crystal — the world's first very large ethane carrier (VLEC), which was delivered by the South Korean builder Samsung Heavy Industries (SHI) last month.

Ethane Crystal is the first of six VLECs to be delivered with ABS class over the next year and ABS chairman Christopher Wiernicki described the vessel as 'a landmark achievement'. With an 87,000 cu m cargo-carrying capacity, the ship is

owned by Singapore-based MOL Tankship Management and is the first of its kind to be constructed with a specially-designed GTT Mark III membrane cargo containment system. ABS says demand for VLECs is

being driven by the surplus of ethane produced as a byproduct of shale oil and gas in North America. Ethane Crystal is intended for trade routes between the US and India, carrying ethane that will be used as feedstock for petrochemical production.

Italian unions in STCW crisis call

Emergency talks as government proposes extension of certificate deadline

by Jeff Apter

→ Italian seafaring unions have had emergency talks with the government in a bid to speed up the delivery of STCW certification ahead of the 1 January deadline for 'Manila amendment' refresher training.

They warned ministers that thousands of jobs could be at risk and Italy could face sanctions if it failed to meet the revalidation requirements in time. In response, the transport minister has proposed a three-month extension to bring Italian certificates into line by the end of March.

Giovanni Olivieri, maritime coordinator with the Fit-Cisl union, warned: 'At the end of 2016 we will find ourselves with a large number of seafarers who are

unable to work due to an excess of bureaucracy following the Manila amendments to the STCW Convention.'

He said Italy was four years behind in its programme to comply with the Manila amendments and described the certification system in the country as 'chaos'.

Mr Olivieri said Italy had imposed training requirements over and above those required by the STCW convention, with new proposals for masters and chief engineers to undertake between 300 and 570 hours of additional courses.

The unions have urged the Italian government to end the country's 'anachronistic application' of the STCW rules and bring them in line with those of other major EU maritime nations,

including the UK, Greece, Croatia and France.

Meanwhile, one of Italy's biggest shipping firms has warned that as many as 500 ships could flag out if the government presses ahead with proposals to tighten crew nationality rules on the Italian second register.

Emmanuele Grimaldi, chair of the owners' organisation Confitarma, claimed the measure — which will limit eligibility to the international registry's fiscal benefits to ships using 100% Italian or EU crew members on shortsea and cabotage services — threatens competitiveness and could lead to the loss of 1,500 Italian seafaring jobs.

He said his company is considering flagging-out all its ferries and ro-ro ships. 'We will be forced

to move our ships to another EU flag if nothing changes with the new rules due to enter into force for shortsea shipping services. I have already had some discussions with ministers of transport from Malta, Sweden, Finland and UK and they will be all very glad to welcome our ships,' he added.

At the start of this year the Italian fleet — which is the second largest in Europe — comprised 1,476 vessels of 16.6m gt - down 3% from 2015.

The unions strongly back changes to the international register to combat growing unemployment — as does the ferry operators' association Federlinea, which is concerned about increasing competition in the sector involving the use of low-cost foreign crews.

PILOTAGE WELCOME: European unions have welcomed the European Parliament's final draft rules on pilotage, port towage, mooring, and bunkering services. The compromise text rejects the Commission's 'one size fits all' proposal for free market access for the supply of port services. MEPs said ports must retain the ability to determine the organisation of their services to ensure security and safety with nationally flagged vessels.

JOBS CLAIM: French seafarers who served with the cross-Channel operator MyFerryLink have lodged a claim in a Calais court complaining that DFDS France failed to respect an agreement to take on 202 crew following the liquidation of the company in 2015. Their lawyer alleges that only 69 ex-MyFerryLink employees were given jobs when two of its ships were transferred to the DFDS fleet.

CREW REPATRIATED: 16 Ghanaian seafarers who were abandoned without pay in the French port of La Rochelle in August 2015 have finally been repatriated after their ship, the Cook Islands-flagged bulk carrier Sider Pink, was sold. The International Transport Workers' Federation managed to recover wages owed to crew members who had not been paid since June 2015.

CAPACITY CUTS: a meeting of shipbuilders from Japan, Europe, China, South Korea and the US has called for cuts in global yard capacity, blaming over-supply for continued market problems. The meeting noted that this year's newbuilding output of around 103m dwt is at least 30% above underlying demand for new ships and yards need to produce fewer but higher quality vessels.

JAPANESE MERGER: Japan's three largest shipping operators — Nippon Yusen KK, Mitsui OSK Lines and Kawasaki Kisen Kaisha — have agreed to merge their container operations into one company. The joint operation is expected to be set up by July 2017, and it will become the world's sixth largest container shipping firm, with a 7% market share.

STOWAWAY WARNING: the Swedish P&I Club has warned of a marked rise in stowaway cases onboard ships visiting ports in South Africa. It says owners will be liable for the full costs of repatriating any stowaways and has urged companies to tighten security around ships while in South Africa.

DIEPPE DECLINE: the French port of Dieppe has reported a 3.7% fall in cross-Channel ferry passenger traffic in the first three quarters of 2016 following an 'exceptional 2015' that showed a 40% rise. Freight traffic totalled 1.6m tonnes in the same period, a fall of 5.3%.

ORDERS DOWN: worldwide orders for new tonnage have fallen to the lowest level in 35 years, according to a new report from the UK-based shipping industry analysts Clarksons. Just 296 orders of 12.3m dwt were reported for the first eight months of this year.

AFRICAN AGREEMENT: European shipowners have welcomed a new agreement between west African states on plans to improve maritime security in the Gulf of Guinea.

US judge 'sends message' to shipping companies with \$1.5m pollution fine

Two Greek shipping companies have been fined US\$1.5m after a court heard that a bulk carrier had illegally discharged oily waste into the sea and its crew had falsified records.

Passing sentence on Gallia Graeca and Angelakos, district judge John Coughenour said he wanted to send a message 'that will resonate with other parties in this industry and cause them to pause when they think about creating a corporate culture that

encourages deception'.

The court heard that the case was brought after deficiencies were discovered when the Cyprus-flagged Gallia Graeca was inspected by the US Coast Guard in the port of Seattle in October last year. Investigations revealed that 5,000 gallons of oily waste water had been dumped at sea from the ship.

USCG inspectors found the oily water separator filters were clogged

with oil, and oil residue was discovered in overboard discharge piping. The investigation discovered evidence that oily water had been discharged into the sea three times on the ship's voyage from China.

George Chalos, representing the companies, recommended a total fine of \$100,000, arguing that the offences were committed by crew without the knowledge or approval of management.

But the US Attorney's Office sought a \$3m fine, noting that company executives had been in touch with the ship's engineers about how they should present the oil record book to the Coast Guard.

The chief and second engineers — both Greek nationals — were earlier convicted of charges related to pollution, falsification of records and fraud, and were sentenced to 10 days in jail before being repatriated.



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MARITIME WELFARE

The mixed blessings of the internet

The shipping industry is facing increasing pressure to improve crew connectivity. But will better onboard online access help or hinder the mental wellbeing of seafarers? Dr OLIVIA SWIFT and Dr RIKKE JENSEN of Royal Holloway, University of London, assess the evidence...

Seafarers live and work for months at a time in small, multi-cultural crews with little contact with their home lives on land. The maritime industry has been alert for a long time to the detrimental effects this can have on individuals' wellbeing and on the recruitment and retention of quality crew.

However, there seems to have been confusion about what precisely is meant by 'social isolation' and how it does (or doesn't) relate to loneliness and mental ill-health.

Nevertheless, concern about the mental health of seafarers seems to have been gaining prominence recently. In June this year, the Seafarers' Hospital Society started funding the development of the Big White Wall: an online, mental health and wellbeing service for all UK-based serving merchant seafarers. And in October, the ITF Seafarers' Trust ran a two-day workshop with an 'all-angled' approach to mental health at sea, designed to culminate in a clearer set of priorities for action and research.

Such activities are welcome. While comprehensive data is lacking about the extent to which mental health problems and suicide are a problem at sea and whether rates are rising or falling, there is agreement that on pragmatic, compassionate and moral grounds combined, more can and should be done to alleviate suffering and suicide; even one death is one too many.

What precisely can be done across the sector, beyond the valuable but fragmented initiatives above, is more difficult to navigate, and some interventions and improvements are more feasible than others.

“We need to establish what level of contact with home is good for us”

In this article, the focus is on mental health in 'the digital age' and more specifically, on how connectivity and social media help and/or hinder seafarers' mental health and social cohesion onboard, based on existing research. This is partly to explore the evidence in relation to a familiar binary: does onboard connectivity support or threaten seafarers' mental health and crew cohesion?

The effect of connectivity on crew cohesion has not been the topic of extensive research, because in few land-based settings is there a comparable issue. There is an oft-heard concern in the industry that seafarers able to access the internet on their own devices in their cabins will no longer socialise together, to the detriment of the ship's overall operations.

The counter-argument's logic is that in today's world, connectivity can't and/or shouldn't be avoided, and that the issue is how to manage the challenges it brings. Some would add that connectivity actually aids cohesion. Internet-based gaming between crew members, for example, is an example of how social bonds are reinforced in a digital context onboard. And there is an entire field within gaming that's 'cooperative' and appears to increase cooperation in analogue reality, which has the potential to be used onboard as a planned intervention.

Research into the effects of digital technology on mental health is more plentiful, although very little takes seafarers as its focus. Among the most widely cited is Futureonautics' Crew Connectivity survey, which in 2015 reported that 40% (down 6% from 2014) of seafarers (typically the older and less technically literate) felt connectivity reduced social interaction onboard.

The survey found 16% (down from 22% in 2014) felt crew communications do impact on safety. Of these, 23% (down from 54% in the previous year) felt this influence to be a positive one — based on beliefs that digital communications made for happier, less stressed (and hence less accident-prone) seafarers, and that this also enabled better access to information affecting work processes and events (such as medical information or piracy reports).

In contrast, 77% of that 16% of seafarers believed improved communications have reduced ship safety because of increased levels of fatigue and distraction, personal devices being unsafe and because of concerns about cybersecurity.

Similar data has been collected from the British armed forces. Among service personnel, communication (digital and other forms) has been found to reduce boredom and isolation and help maintain marriages and relationships with children. Personnel communicating with home also supports mental health, morale and occupational effectiveness, while a lack of contact increases the risk of developing mental health conditions.

Echoing Futureonautics' findings, contact with home was found to also have negative effects on some occasions, especially when problems arise at either end, or if levels of communication are less than expected. The research also found that too much contact with home could be problematic for operational effectiveness. In both the military and merchant marine contexts, further research is needed to ascertain optimal levels of communication between deployed personnel and loved ones back home.

Nonetheless, the research shows that overall, being able to communicate with home is advantageous. A study of UK peacekeepers found that when it came to seeking support during stressful experiences at work, only 23% made use of formal support mechanisms, while 80% turned to their families. Although the equivalent data does not exist for merchant



Smartphones are now the number one choice of seafarers for communicating while at sea. Dr O

seafarers, we can assume there to be clear mental health benefits to enabling and improving communication between seafarers and their loved ones back home.

Other research sheds light on the relative benefits of different forms of communication in the military context. A study of the influence communicating with wives has on levels of post-traumatic stress disorder (PTSD) among married, recently deployed servicemen, found that marital satisfaction and the form of communication were crucial in determining levels of PTSD symptoms.

Among happily married couples, greater communication tallied with fewer symptoms, although interestingly, this was only true for delayed forms of communication — letters, emails and care-packages — possibly because they provide tangible, effortful objects or documents to which servicemen can return for repeated support, and/or because care is taken to provide positive content in the crafting of these. If similar findings were established among merchant seafarers, they would suggest that there is value in companies facilitating a broad range of communication with home and that for seafarers with more problematic marriages especially, other sources of support are

“There internet acting to encourage

particularly import of working life.

Beyond the military, the digital revolution is accruing. 'mThera' or apps for mental health technology, a vast majority of the effective.

Strong demand from crew is driving onboard communication

Standards of connectivity onboard merchant ships are lower than in any region of the world other than Africa, a Merchant Navy Training Board meeting heard last month. Drew Brandy, Inmarsat's senior vice-president of market strategy, told the seminar that rapid advances in communications technology will have a profound effect on crew morale and welfare, and will transform the traditions of life at sea for ever.

Expectations for ship-to-shore connectivity amongst crew are changing fast, he added, and a lack of communication with the outside world is no longer acceptable for modern seafarers.

Shipping is part of the 'big data' drive, Mr Brandy said, with modern vessels generating 2TB of data every 100 days and a Maersk Triple E vessel having 2,800 sensors hardwired into its main control system, together with 7,000 channels monitored for situational awareness and alarms.

Global mobile data traffic will increase nearly eightfold between 2015 and will reach 30.6 Exabyte per month by 2020.

One key reason behind this growth is because smartphones will generate more data by the end of the decade, Mr Brandy noted. Studies show that seafarers use three devices to sea and that 77% of them carry a smartphone, which is the preferred method of communication — overtaking laptops.

Research also shows that seafarers are increasingly weighing up communication when they decide where to work, he pointed out.

About 40% of the world's seafarers now have access to the internet while at sea, and of them have the access for free, Mr Brandy added. 'On average 46% of seafarers has access to the internet,' he noted. 'If we looked at this by region, only



Livia Swift and Dr Rikke Jensen call for 'joined-up thinking and policy development around social media usage at sea' Picture: Danny Cornelissen

are signs that the is increasingly to deter rather than ge suicide”

ant when dealing with the stresses and strains

ary context, research into the impact of on mental health and mental health care ‘py’ — therapeutic mobile interventions health — is now a burgeoning area of although there is little evidence that the publicly-available mental health apps are

ations revolution

5 and 2020, he added, erate five times more arers generally bring ow their preferred nectivity standards hile at sea, and half he world’s population Africa would rank lower

than the shipping industry.’

With 60% of seafarers still lacking internet access, Mr Brandy told the meeting that there is a big opportunity for satellite communication providers and shipowners to retain experienced and well-trained crew.

» Nautilus is starting to compile the results of a major new research project to investigate seafarers’ views on at-sea connectivity. The Union is due to publish a report in the new year analysing the feedback from almost 2,000 members who provided information on issues including the quality of connections onboard or in ports, the importance of good communications with family and friends, the impact on social interaction between crew, and what they would like to see in the future.

That said, early research indicates that ‘tracking’ apps — which allow users to track in real time their various symptoms, mood, sleep and energy levels — do improve symptoms as a result of the increased awareness these apps enable. Similarly, mobile narratives used for relaxation, for example, do seem to help decrease anxiety. In contrast, there is not yet sufficient evidence about the benefits of apps, phone calls and games based on CBT (cognitive behavioural therapy) to warrant their promotion.

In addition to these uses of mobile technology, much mental health support is delivered through the internet, with different levels of therapist involvement (non-guided, guided or in real-time with full therapist involvement). Compared to mTherapy, internet-based psychotherapy has been far more widely researched. Notably, both guided and non-guided CBT therapy delivered in this manner has been shown to be effective for the treatment of a wide range of conditions.

Research paints a mixed picture when it comes to the relationship between social media use and depression. While much of this research has looked at Facebook (by far the most popular social media platform among seafarers) use

specifically, more recent research based on a large-scale survey of young US adults’ use of a range of social media platforms shows a clear link between these habits and depression — although what is less clear is whether this is because depressed people tend to use more social media or because those who use increased amounts of social media go on to develop increased depression.

Whether the study’s reported correlation between social media use and depression would carry across to a mixed age and nationality population of seafarers living very different lives, whose access to social media is limited and interrupted, is impossible to say. Certainly, research into how seafarers and their families use social media and the challenges and opportunities it brings would be welcome.

And the opportunities are extensive, for as well as being part of communicating with home and the largely positive effects that brings, social media can also help identify individuals at risk of mental ill-health and decrease stigma surrounding it. There is scope, for example, for doing more along these lines with online forums frequented by seafarers — data already available from Futureonautics.

The British Armed Forces were ahead of the maritime industry in this regard when they part-funded research into the current and future use of social media by military personnel and their families and the effects this has on them and on operational and managerial processes.

Social media was shown to be something service personnel expected to be available to them while on deployment — with implications for recruitment and retention. A significant generation gap was found to exist — with younger military personnel having more social media expertise

— which could be usefully harnessed were the military less constrained by hierarchy.

In essence, social media was found to be central to military life and a critical component of future policy development and welfare planning. The research found the military to be lagging behind other organisations in its understanding and use of social media. Perhaps the military would find comfort in the knowledge that commercial shipping lags further still.

Indeed, there is scope for much research and action in the area of digital technology and its effect on seafarers. This tour of relevant research in other fields has shown that there is no unanimous verdict about whether improved connectivity and use of digital technologies is ‘good’ or ‘bad’ for seafarers’ mental health and social interactions onboard ship.

However, in general, the signs are that communication with home is beneficial, that there is potential in a range of mobile and internet-based models of mental health support, that the internet increasingly acts to deter rather than encourage suicide and that while the link between social media use and depression is unclear in the seafaring context, there is a case to be made for joined-up thinking and policy development around social media usage at sea.

In other words, we should not fail to invest in seafarers’ access to digital technology on the basis that doing so is detrimental to their wellbeing or that of the crew.

» This is an edited version of a report produced for the International Seafarers Welfare and Assistance Network — www.seafarerswelfare.org

MARITIME LAW

The master criminals

Ship captains and crew are increasingly seen as 'the soft underbelly' to use for putting pressure on owners, operators and insurers following maritime accidents, leading shipping industry lawyers heard last month.

Speaking at the annual Cadwallader Debate, organised by the London Shipping Law Centre (LSLC) Maritime Business Forum, West of England P&I Club director Michael Kelleher said that masters have become increasingly exposed to criminal charges in many parts of the world.

Seafarers are often paying the penalty because of extreme pressures from the media and the public after accidents, he pointed out. 'Pollution cases seem to attract the most outrage and publicity and have the most severe personal consequences for masters and seafarers.'

Mr Kelleher said the treatment of the master of the tanker *Prestige* was an example of the long and protracted legal processes which can follow such an incident. Eleven years after the 2002 oil spill a Spanish court had cleared three men — including the master and chief engineer — of criminal responsibility for the disaster. But even now, the case is subject to further appeals and looks set to run 'for years to come', he added.

This year's Cadwallader debate was held to consider the way in which the shipmaster's traditional roles and responsibilities are being affected by technological change — with instant communications and increased intervention by charterers undermining their authority at a time when they face unprecedented levels of accountability and scrutiny of their actions.

Opening the debate, LSLC president and Supreme Court justice Lord Clarke said: 'It would be difficult to think of a more important topic than the chang-

Is it time to reconsider the legal liabilities faced by shipmasters in the light of changes in the industry that undermine their roles and responsibilities? **ANDREW LININGTON** listened in as leading maritime lawyers considered the issues last month...



Cadwallader debate speakers, clockwise from top left: Faz Peermohamed, of Ince & Co; US lawyer Michael Chalos; and InterManager secretary-general Kuba Szymanski; Michael Kelleher, from the West of England P&I Club; Jeff Lantz, from the US Coast Guard; LSLC chairman Lord Clarke

ing and challenging — or perhaps challenged — position of the ship master, whose role is clearly being affected by instant communication, a raft of legislation and regulation and the requirements of charterers and other commercial interests.'

Former shipmaster Kuba Szymanski, now secretary-general of the ship managers' association

InterManager, said there is always a sharp contrast between the way that airline pilots are treated after an accident and the way in which seafarers usually get singled out for blame.

US-based lawyer Michael Chalos said that everything had changed following the Exxon Valdez tanker accident in 1989, after which the captain was pros-

ecuted on charges including negligence and operating a vessel while intoxicated.

'There was nothing about the Exxon Valdez that was intentional,' Mr Chalos said. 'The captain was not drunk, but he was blamed because he was in charge of the ship, and he faced some very serious charges. We defended him and we were able to get an acquittal on all the charges except one minor one.'

Despite this, the case proved to be a legal watershed, and masters can now be prosecuted even if there is no evidence of intention to commit a crime, he argued. 'Every master who comes to the US now faces the possibility of going to jail — you are a captain, you had an accident, you are liable — and it is a similar situation in other parts of the world.'

Mr Chalos said the master's authority has been eroded by shipping industry policies, new technology and 'whistle-blowing'

regulations which offer big rewards to crew members reporting violations.

But, he contended, the master should never be prosecuted after an accident where there is no intent or gross negligence. 'I see no social value in charging someone who is doing his job and in the middle of it something goes wrong.'

Flag states should do more to protect seafarers on their ships, Mr Chalos added, and they should step in when crew members are detained for many months while incidents are investigated.

However, he noted, the US authorities have stated that the reason so many prosecutions are brought — especially for MARPOL Convention violations — is because flag states don't do enough to enforce the regulations.

Mr Chalos said P&I clubs ought to do more to support and defend masters and crew after an

accident because a successful defence will help to limit liability.

Faz Peermohamed, another former master who is now global head of shipping with the legal firm Ince & Co, said criminalisation of seafarers is on the increase in many parts of the world at a time when masters are facing intense commercial pressures, huge administrative burdens, and often suffer from 'micro-management' of their actions from ashore.

Onboard documentation has tripled, he said, and masters are inundated with checklists and non-essential requirements. Against this background, the industry should reconsider the way in which captains are treated.

'When a casualty occurs, every step a master takes is challenged, irrespective of right or wrong considerations,' Mr Peermohamed pointed out. 'His or her actions are often misinterpreted by the authorities, and the sentence can be based on the damage caused rather than on the level of negligence.'

However, Jeff Lantz, director of commercial regulations and standards with the US Coast Guard, told the debate that the situation is not as bad as claimed, and while the master's 'significant burden of responsibility' is clearly defined by the STCW Convention, regulations also extend criminal liability to other people, such as shore-based management and the designated person ashore, he argued.

Mr Lantz said the US has been at the forefront of applying the law to owners and operators. The authorities examine who benefits from misbehaviour and non-compliance with the regulations, seeking to ensure that 'the people who are truly responsible are held to account'.

Of 92 environmental crimes reported in the US between 2000 and 2015, only two had resulted in a shipmaster being convicted, he pointed out.

Mr Lantz said the traditional view of the master being in charge remains valid today — and, he suggested, there are many options available to prevent a captain from becoming over-burdened.

Summing up the debate, Lord Clarke described masters as 'the backbone of the maritime world' who should not be exposed to unwarranted criminalisation. 'Owners, managers and P&I clubs should be supporting them,' he concluded, 'and they should not be prosecuted unless they have genuinely committed a crime.'

Merry Christmas
and best wishes for 2017

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US lawyer Michael Chalos said the decision to prosecute the master of the tanker Exxon Valdez in 1989 was the turning point in the criminalisation of ship captains