



**CONFEDERATION OF EUROPEAN
SHIPMASTERS' ASSOCIATIONS**

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Editors:

Capt. Fredrik J. van Wijnen

Capt. Wolf von Presentin, Capt. A.A. de Lijster, Capt. N. Dunat

CESMA NEWSLETTER

THE EUROPEAN UNION SHIPMASTER INFORMATION CHRONICLE

CONFEDERATION OF EUROPEAN SHIPMASTERS' ASSOCIATIONS

SECRETARIAT: WASSENAARSEWEG 2
2596 CH THE HAGUE
THE NETHERLANDS

TEL: 0031 70 383 6176
FAX: 0031 70 383 5911
E-MAIL: cesma-eu@introweb.nl

Website: cesma-eu.org

PRESIDENT: CAPT. W-V. VON PRESENTIN TEL : 0049 3 82 20 / 8 03 74
NORDERSTRASSE 2 FAX : 0049 3 82 20 / 6 68 43
18347 OSTSEEBAD WUSTROW
GERMANY E-MAIL: wolfvpresentin@web.de

DEP. PRESIDENT: CAPT. T. ROSSIGNOL TEL: 0033 4 93 357279
10, IMPASSE DES CABROLLES
06500 MENTON E-MAIL: thierry.rossignol@neuf.fr
FRANCE

GEN.SECRETARY: CAPT. F.J. VAN WIJNEN TEL: 0031 182 613231
JUNOLAAN 10 FAX:0031 182 613231
2741 TJ WADDINXVEEN
THE NETHERLANDS E-MAIL: cesma.vanwijnen@planet.nl

HON.TREASURER: CAPT. A.A. DE LIJSTER TEL: 0031 172 491821
EMMALAAN 23
2405 GA ALPHEN A/D RIJN
THE NETHERLANDS E-MAIL: lijster@tip.nl

HON. VICE PRESIDENT : CAPT. R. SERRA
HON. MEMBERS: CAPT. H.B. BOER
CAPT. J. CHENNEVIERE
CAPT. J-D. TROYAT
CAPT. G. KIEHNE

ADVISORS:
PROF. J. SPAANS
CAPT.J-D TROYAT
CAPT. W. MUELLER

CESMA HAS A NEW PRESIDENT

Captain Wolf von Pressentin has been elected President of the Confederation of European Shipmasters' Associations, which assembled on 25 and 26 May for its Annual Council Meeting and General Assembly in Genoa, Italy. Captain von Pressentin from the German association VDKS, succeeded Captain Thierry Rossignol (AFCAN, France), who was at the wheel the last three years and will continue in the Board as Deputy President. Captain Von Pressentin recently retired as master of container vessels.



Captains Rossignol and Von Pressentin

The CESMA Annual General Assembly was opened by Dr. Claudio Burlando, Governor of the Italian Province of Liguria of which Genoa is a part. Shipmasters from eleven European nations and a number of prominent representatives from the Italian maritime field attended the meeting which was held in the prestigious Palazzo San Giorgio on the waterfront of Genoa. The director and students of the National Maritime Academy in Genoa were among the audience.

During the Assembly various issues were discussed and adopted as resolutions. Piracy was condemned and any means to prevent these criminal acts were approved with the exception of arms or armed guards on board in order to prevent violence. Criminalisation of seafarers was another issue of discussion as well as fatigue and safe manning on board of seagoing vessels which can lead to maritime accidents and incidents.

RESOLUTIONS FROM THE CESMA GENERAL ASSEMBLY ON 26 MAY 2009 AT THE PALAZZO SAN GIORGIO, GENOA, ITALY

Resolution nr. 1: Piracy and armed robbery

The 14th CESMA Annual General Assembly in Genoa, Italy, discussed the problem of piracy and armed robbery against ships in various parts of the world, the Gulf of Aden in particular

All means to prevent these criminal acts should be activated to protect the lives of seafarers. Yet CESMA denounces the use of fire arms and armed guards on board ships as it could escalate violence and threaten the safety of the ship and the lives of seafarers. Protection by navy units and personnel is approved but the use of military personnel on board is still to be discussed as it could also cause violence during a confrontation with pirates. The important issue remains the responsibility of any decision and the consequences.

Resolution nr. 2: Criminalisation of seafarers.

The Assembly noticed that the problem of criminalisation of seafarers continues to be a matter of great concern. A number of new cases showed that co-operation between all parties concerned is the best solution to tackle this phenomenon. CESMA will participate and co-operate whenever necessary or appropriate.

Resolution nr. 3: Fatigue and safe manning

The Assembly noticed with concern that the IMO still has not really considered this issue as urgent notwithstanding the initiatives of several stakeholders and administrations. CESMA supports the recent proposal by IFSMA and ITF, requiring three certified watchkeepers on each seagoing vessel of 500 GT and more. As remark should be noted that this new legislation should be implemented after not less than 5 years to give parties concerned the possibility to adapt to these new measures. CESMA also stresses the longtime consequences of fatigue with regard to the health of seafarers concerned.

Resolution nr. 4: Shortage of seafarers in EU nations

The Assembly shares the concern of the European Parliament and Commission that the number of EU seafarers is declining rapidly. As a consequence the shortage will increase and apart from the problem in manning vessels under a European flag, there is a risk that maritime knowledge and experience will disappear within the EU, also for shorebased positions. CESMA will co-operate, if appropriate, with any organisation in the EU to make a seafaring career more attractive, including supporting EU maritime educating and training institutions.

Resolution nr. 5: Master/pilot relationship

The Assembly is still not convinced that the relationship between master and pilot on board a vessel is properly stipulated. Although technical developments assist more and more during navigation in port areas, responsibility remains with the master, who therefore is entitled to possess all relevant information. Understanding and consultation among parties concerned is therefore seen as crucial.

Resolution nr. 6: Jamming of GPS

The Assembly is informed about the danger of jamming satellite navigation equipment with simple means. With the slow disappearance of knowledge of celestial navigation, those present at the Assembly express their concern on future means to navigate in the event of an emergency or a breakdown of satellite navigation.

Resolution nr. 7: Search and Rescue in the Northern Black Sea and the Sea of Azov

Latest incidents show that the situation in the above waters have not improved with regard to Search and Rescue. New victims have been reported after shipping accidents without proper action taken, mainly due to insufficient equipment and communication. The Bulgarian Shipmasters' Association proposes an IMO conference to be organised in 2010 with the co-operation of the IMO, the Bulgarian Administration, IFSMA and CESMA. This initiative is supported by the CESMA Assembly.

EXTREME WEATHER DECISIONS

CESMA was invited to present its view on entering ports in extreme weather conditions during a seminar of the European Harbourmasters' Committee on 4 June 2009 in Gdansk, Poland. The matter was also discussed during the CESMA Annual General Assembly in Genoa. President Captain Wolf von Pressentin and General Secretary Captain Fredrik van Wijnen attended the seminar and gave their views.



CESMA at work in Gdansk

”CHANGING THE CULTURE OF RESPONSIBILITY”

In the opening words to the description of the aims of the seminar we read the following: **”Are crews of today on board sufficiently trained and experienced to react adequately and quickly to support from ashore and from nautical service providers?”**

It is a wellknown fact that the level of competency of seafarers today is declining. There are a number of reasons for this development:

- shortage of quality crews worldwide
- the introduction of IMO's STCW95 convention which contains minimum levels of competency to enable third world nations to deliver seafarers for the global maritime industry.
- As a consequence of this introduction, the level of traditional seafaring nations was lowered accordingly, mainly under the influence of national administrations which estimated the existing level too high after the introduction of satellite navigation and the development of containerisation.
- A middle level of training and education for seafaring has become the trend in recent years. The result is a downgrading of the level of the profession and an increase in accidents and incidents not only at sea, but also in ports and approaches.

The answer to the question above is therefore directly connected with the decisionmakers at IMO who at this moment are working hard to review and revise the STCW95 convention. In our (CESMA) opinion we advocate an upgrading of the level of competency, in particular for seafarers from our European nations. In this view we are not alone. Also the European Commission advocates for a higher level of education and training, not only

for the staff on board, but also for the benefit of those who choose for a maritime position ashore after concluding their seafaring career. The auditing of nautical schools by EMSA (the European Maritime Safety Agency) is a clear signal in this respect.

Communication skills as well as a sufficient knowledge of the English language should be on the top of list of skills that a properly educated ship-officer should possess. It goes without saying that a preceding proper education is also crucial and should be mandatory. Proper communication skills however is not the only aspect of safe procedures while entering a port. Those in charge should have knowledge and understanding of all procedures which belong to this most critical part of a sea voyage. Procedures covering this part of seafaring should be more highlighted in study curricula of nautical colleges, as they will become more and more important. These skills should be matched with the skills of the VTS operators or nautical service providers. Only then a truly professional co-operation between ship and shore can be effectuated.

In heavy weather, when normal procedures cannot be carried out, much depends on this co-operation. This should be based on professional parameters and mutual understanding and respect. Other incentives such as commercial or political aspects should become second. It is the safety of the vessel and its crew and cargo are still paramount.

In the present legislation, it is still the master of the vessel who has the ultimate responsibility. There is a little outlook that this situation will change within years to come, as the shipmaster is the person on the spot and has the ultimate knowledge of the vessel. He or she is the one to blame if things go wrong and is the one who can be criminalized, especially when pollution is involved. Quality shipmasters are aware of their responsibility regarding their owners and commercial interests. Normally they will give all kind of co-operation to enter a port under extreme weather conditions. But there are conditions in which he has to hold his back upright even if VTS operators and navigational service providers have a different opinion. There are many parameters which should be taken into consideration, such as the availability and ability of tugboats, the manoeuvring space once inside the harbour, the state of the technical installation of the vessel and the direction and state of wind, waves and current. All these should be carefully considered before a decision is taken. The advice of the VTS operator should be based on professional judgement with understanding for what is happening on board the vessel.

Saying this we come to the level of education and training of VTS operators. Many opinions have been given in this respect. I recall an article in RACON, the magazine of VTS operators in The Netherlands. In this article, attention was drawn to the condition that VTS operators should be able to understand what is happening on the bridge of a vessel. That means that they should have sufficient maritime experience either as a seafarer

or a marine pilot. So called navigational assistants, how high the level of their education and training may be, should never be in charge of a VTS operation, especially not during extreme weather conditions, when important professional decisions have to be taken.

Before taking important decisions, those responsible have to be informed about all necessary parameters. This knowledge should be shared by everyone involved, meaning ship's staff and VTS operators. The port information of the ship still relies mainly on nautical charts and pilots and in some cases information compiled by the owner or management. The ECDIS system is supplying more and more updated information but all ships are not provided with the ECDIS system. The EU projects EMBARC and MarNIS have drawn much attention to the more elaborate and more actual port information, especially in the field of weather conditions and water depths to be experienced during port approaches or entrance. This together with the application of POADSS system, the former and improved Portable Pilot Unit (PPU), will supply a wider spectrum of information, enabling participants to take properly founded decisions. A condition however is that all participants have the same information, a topic which was also highlighted during the discussion on the PPU or POADSS appliances. All the players should possess the same information before an important decision on entering a port (yes or no) is taken. There should be a good understanding between shore and ship and there should be no pressure from any side on this decision.

We thank the European Harbour Masters' Committee for this invitation and for giving us the opportunity to give our opinion on this important issue. We have asked several active sailing shipmasters for their opinion before we compiled this paper, which we hope, is attributing to the discussion. (Gdansk, 4 June 2009)



EU NATIONS HAVE REFUGE PLANS FOR SHIPS IN DISTRESS

EMSA executive director Willem de Ruyter has confirmed that all European member states have plans in place to designate places of refuge for ships in distress. This good news was the result of a series of audit checks performed by the Lisbon-based European Maritime Safety Agency. EMSA officials are satisfied that official plans at least are now in place. Whether they will show to be effective in the event of an emergency however remains unclear. All EU coastal states have anyway provided evidence that they are better prepared and that they will resist the underbelly tendency to say "go away" to a ship in distress when they should adopt a different attitude. Of course all this has to be tested in practice.

The audits also examined the extent to which coastal states have established port waste reception facilities. While these audit checks were described as ongoing, Mr. de Ruyter admitted that there still existed inconsistencies that needed attention, proving that not everything is perfect yet. The culture of regular audits and checks within Europe should now be replicated on an international level via the International Maritime Organisation.

Referring to the EU efforts to audit and check, Mr. de Ruyter mentioned that it is the IMO culture to assume that everyone is good. This refers to all flag states and all maritime training institutes. It goes against this culture to suggest otherwise. That is not the EU approach. EMSA starts more from the presumption that nobody is good.

Mr. de Ruyter kept arguing that audits were a necessary principle to assure quality in the maritime industry. He welcomed the IMO's development of the flag state audit scheme as a positive step forward towards encouraging compliance.

From: Lloyd's List:

Mr. de Ruyter, speaking at the International Shipmanagement Conference in Oslo, Norway

Any audit or inspection that may contribute to maritime safety is welcomed by European shipmasters on the condition that audits and inspections are not duplicated by overzealous officials and that they are conducted in a reasonable and professional manner.

CAPTAIN LAPTALO STILL CRIMINALIZED

We have reported extensively in our previous Newsletters on the ordeal of Captain Laptalo in Greece after drugs were found in a cargo of bananas, discharged from his ship, the “Coral Sea”.



Captain Laptalo handcuffed during the trials in Patras, Greece .

Great was the joy and satisfaction when he was released from prison and could return home after a long time in captivity under barbaric circumstances in a Greek prison. We would have expected our Croatian colleague to take up his former profession by now and again master a vessel. At an age of 60 this is still considered a realistic option..

Not so. We knew that Captain Laptalo was still in his hometown Dubrovnik, recovering from his ordeal in Greece. Therefore we invited him to come and speak during our CESMA Annual General Assembly in Genoa on 26 May. He had to turn down the invitation because he was not allowed to leave his homeland Croatia because

he was deported from Greece, having been a convicted criminal in the first stage of the trial. That he was later acquitted of all charges, had not changed this procedure, which was introduced with the European "Schengen" agreement. It appears to be impossible to change this verdict which is both inhuman and illogical. The proof came when the then boatswain of the "Coral Sea" arrived from The Philippines in Brussels to join his vessel in Antwerp. He was immediately deported back to Manila for the same reason.

Apart from loosing his job as a shipmaster because of travel restrictions, Captain Laptalo also runs the risk of loosing his license as he is not allowed to leave his home country Croatia before December 2011. He also cannot automatically enter the USA unless he can prove in a US court that he is not a terrorist.

This injustice done to Captain Laptalo and the other two crewmembers has initiated in Croatia an international round table on criminalization of seafarers. This conference was organized by the Croatian Ministry of Sea, Transport and Infrastructure.. It was held in Zadar on 17th April and was attended by our councilmember of the Union of Croatian Shipmasters' Associations (UOCSA), Captain Nino Dunat. The many discussions ended all with the same question: "What has to be done to terminate this practice?"

After the Round Table in Zadar, Captain Laptalo wrote a letter to the Union of Croatia Shipmasters' Associations of which he is a member. He asks himself "what now", pointing at his permission to sail as a master and the coverage of the insurance in this particular matter. Today the contractual obligations of an employer are not covering this particular issue. Everything which has to do with criminalisation of seafarers is not included in contractual agreements. As a consequence nobody is responsible. If a victimised seafarer gets a certain amount of money from his employer, it could be called "help". Asking for it might cost your job. Not to mention the expenses suffered by the family who did not have any contract with the employer. The present allowance which Captain Laptalo receives until today, depends completely on the benevolence of his employer and is not in any way stipulated. This practice is not far from a continuation of injustice.. . .

Victims of criminalisation cannot hold institutions, governments or employers responsible for their situation of terror and injustice endured. Could this still be considered as "maritime venture" which is very close to the legal form of the profession of shipmaster?. Therefore the only solution for this matter is the introduction of an insurance policy against criminalisation of seafarers. Without such a policy owners could not obtain permission to employ seafarers on international voyages. If an employer does not want such an

insurance, he would be obliged to pay compensation without the necessity to go for a court trial. The number of cases of criminalisation, although there is an increase, is still low. Therefore insurance premiums should not be too high, because it will only apply to innocent seafarers.

Without an adequate solution, victimised seafarers and their families have nothing but hope that the employers will be indulgent. It is a shame that any compensation from employers must be considered as goodwill, even after 20 years of command service. This should change in the name of justice and fair treatment of seafarers.

The discussions during the Round Table produced some workable solutions or ideas:

- Implementation of international and national laws which would stipulate that seafarers may only be prosecuted on the basis of his or her personal responsibility or personal gross negligence **as any other person**. This should not be based on command or any other general responsibility.
- Securing that in the contract between seafarer and employer, a compensation is stipulated for suffering caused by criminalisation or other events that cannot be connected with the normal risk of the seafaring profession such as piracy or kidnapping.

FM: paper read by Captain Nino Dunat at the CESMA AGA in Genoa on 26 May 2009



GPS JAMMING A CONCERN FOR SHIPPING SAFETY

Last year a testprogramme has been run to research the consequences of GPS jamming for shipping. The tests were performed by the GLAs (General Lighthouse Authorities of the UK and Ireland and DSTL (Defense Science and Technical Laboratory). Only recently the external report on the results of the tests has been released.

In this article we briefly summarize the results of the tests. The vessel used for the tests was the NLV “Pole Star”, making test-runs of 10 nautical miles through the jamming test area off Flamborough Head. The vessel was equipped with three (D)GPS receivers and an eLoran (enhanced Loran) receiver, of which the output (position and speed vector) could be shown each separately on the ECDIS and transmitted to other systems. The measured data were recorded for further research. The DGPS receivers A and B were standard receivers normally used by the merchant navy vessels. Receiver C was a so-called high end receiver which is used a.o for land surveys. Also used were a few handheld receivers. The vessel was equipped with AIS and VHF-DSC as a part of the GMDSS system.

As a result of the jamming the speed indication of the vessel varied up to 100 knots. The DGPS-C receiver switched itself off in the main function. The eLoran receiver remained operational during all tests. The positions were shown on the ECDIS with an accuracy

of 8.1 mile (95%) and transmitted to other systems.

Among some other results and conclusions we can mention that:

- The sudden outfall of GPS caused a series of alarms on the bridge which brought about confusion. It took a few minutes before all alarms could be switched off by the bridge personnel who in fact were aware of the jamming beforehand. In the event of a critical manoeuvre, such a defect could have disastrous consequences.
- The nearby DGPS transmitter did not receive any GPS signals as well and switched off automatically. After conclusion of the tests the transmitter had to be restarted manually.
- The handheld GPS receivers showed positions which were mistaken by tens of nautical miles. Part of these showed positions on land.
- The effect of jamming on AIS was clearly visible. The Coastguard observed many false tracks of ships. Some even crossed land.
- Near Flamborough Head synchronized lights are using GPS time controls. If the system is started during jamming, synchronizing will be interrupted.

- Communication via VHF went without problems. However the GPS position used for DSC as part of the GMDSS system was incorrect.
- Vessel which use a track pilot (waypoint to waypoint) could end up in dangerous circumstances due to incorrect readings of position and speed by jamming of GPS.
- The eLoran readings on the ECDIS were very suitable for the continuation of navigation and communication.

During a workshop of the Netherlands Institute for Navigation one of the participants showed a GPS jammer which he had purchased for about 30 USD via internet, The product was mentioned as “wireless router” to mislead customs.

GPS and more generally GNSS is a very efficient and effective aid to navigation. However we observe more and more automatic reliance on the system on automatic systems which are fed by GPS. Watchkeepers on the bridge of vessels tend to be less and less accustomed with traditional navigation methods.

In the event of a breakdown of GPS (by jamming) eLoran, if available, can act as a redundant system and navigation and communication can be continued in the same way with all connected systems. The only difference is the accuracy which is a few meters less than that of DGPS. In many worldwide

sea areas eLoran is still operational, including the USA where eLoran is a part of the Department of Homeland Security. In Europe several countries which have eLoran stations on their territory, have been waiting for years for a European Radio Navigation Plan (ERNP) similar to the USA where a Federal Radionavigation Plan (FRP).

It is understandable that much attention of the European Commission is directed at the development of the Galileo satellite system. It is however very important that the Commission issues a Radio Navigation Plan of which eLoran should have a part. This is important as back-up for navigation and timing appliances. For mobile telephone-, power- and banking networks eLoran is an important part of the infrastructure in view of the easily available GPS jammers and the disastrous consequences of jamming.

Recent efforts by the European Commission to promote e-navigation and even e-maritime could be influenced by these jamming tests. A terrorist or even a madman could be able to disturb not only navigation of ships but also the operation of a complete port where much of the modern technology is based on satellite acquired data. This information is not only of today. For a number of years, experts who have nothing to gain from these results, have warned for an over-reliance on GNSS.

Prof. Jac . Spaans (CESMA advisor)



MOORING BECOMES INCREASINGLY MORE DANGEROUS

According to the UK P&I Club serious accidents in mooring operations, involving death or serious injury, appear to be increasing over the long term. Mooring injuries has been the seventh most frequent cause of personal injuries but the third most expensive per claim, indicating that these injuries have become more severe. Some 14 percent of all accidents involved deaths, 23 percent were leg injuries, 14 percent back, 11 percent multiple and seven percent arm and head. The rest of the injuries were to knees, shoulders, hands, chests, faces, pelvis, eye, foot, thigh, ankle and wrist.

Most accidents occurred during the handling of ropes or wires, whether parting (53%) or not (42%). Just five percent emanated from equipment failure. Tug operations were involved in 13 percent of claims where wires and ropes where weather, equipment problems, other vessel's wash and ship to ship activity contributed to nearly 30 percent. Where ropes or wires slipped or jumped of equipment, seafarers were sometimes caught up or struck by them.

Mooring operations are ever more dangerous to crews on board as a consequence of the increasing size and weights of ships. The mooring lines are carrying great loads and there is a fair possibility of their breaking under tension. As hazards are inseparable from operations, a risk assessment should be made of all mooring areas on board. Hazard areas include bulkhead frames, mooring bitts, pedestal fairleads, cleats and structures such as the windlass and hawse pipe cover platforms. All relevant deck areas

should be kept clean, clear, painted and marked, especially the "snap back" zones where broken ropes and wires can recoil with a devastating effect.

Highlighting hazards, therefore, should help new crew, cadets, trainees, visitors and even experienced crew who can become complacent, tired or too busy to see a hazardous situation developing. Operations should always be undertaken with enough crew to do the job safely. That means at least two people for each mooring station. Even with automatic mooring systems. A second person should be ready for things going wrong. All operatives should have a clear view of relevant equipment and active operations.

Only personnel involved in mooring operations should be present at stations during operations. Inexperienced people, such as cadets, should be supervised by experienced seafarers. Deck officers, supervising, should watch out for hazards and take action to avoid possible incidents but the crew must take responsibility for their own actions. A significant number of personal injury incidents still result from standing within a bight or coil of rope. Even experienced seafarers do not always take enough heed to the snapback zone when a mooring line is under tension. Personal protective equipment (hard hats, safety footwear and boiler suits or other protective full length clothing) should be worn during mooring operations. So should gloves but one should be aware that loose gloves might become trapped under a line on a windlass drum, hauling a crewmember over it.

Crew should not operate a windlass or capstan and handle ropes at the same time. If only two crewmembers carry out mooring operations, they should work on the lines on one end of the vessel and then move to the other. The one at the windlass drum must keep his hands clear of the turns and avoid becoming fouled in coils of rope.



Mooring arrangements should be inspected regularly to ensure they are fully and safely functioning.

Ropes should be properly stored away from wet decks, precipitation and direct sunlight. Poor mooring arrangements can be responsible for claims or damage to cargo handling equipment, docks or other structures. A vessel may surge or break her lines because of strong currents or the effect of a passing vessel's wash. If mooring arrangements ashore are not sufficient due to, for example, a ship overhanging the berth, the master should consider using the anchor or use mooring lines from other areas of the ship. Tidal and weather patterns can predict how the vessel will be affected. Cargo operations should be stopped if conditions do not appear safe. If there are insufficient mooring arrangements ashore, the master should protest to the port authority. He is always responsible and should react pro-active. And remember: the master is the one they are after when things go wrong.

This is from a summary compiled by the UK P&I Club which feels that its claim figures and recommendations point to similar experiences across the shipping industry.



SHIP-SHORE INTERFACE

The maritime industry is facing an increasing amount of issues simply because parties in the maritime logistic chain do not understand which impact their actions could bring about. One of the reasons is that the turn-around time of vessels has decreased from weeks to hours, making it impossible to communicate properly and exchange experience and knowledge. Another reason is that the number of people with

a nautical background working in ports, is decreasing rapidly. Moreover vessels' crews are less and less familiar with the procedures at the ports and terminals due a huge turnover of the crew, a lack of experience in general and an increased spot market, resulting in calling at many different ports. Another issue is the rapid changing of the maritime industry which interferes with old procedures and techniques.

This issues results in an increasing number of unnecessary incidents, causing a sharp increase of P&I premiums. It also is the reason for an increasing turn-around time, not only due to improper port planning due to incorrect information given but also due to unknown mooring configurations. It also results in unnecessary consumption of fuel due to the fact that ships are not updated on the availability of berth locations, causing an environmental impact. Another consequence could be loosing of cargo volumes due to incorrect / not up to date port and terminal information.

The European Harbour Masters' Committee (EHMC) has taken the initiative to create material (a.o. a video) showing and interviewing

people from the workforce, including captains, pilots, linesmen etc, to provide an insight in each other's activities to improve mutual understanding. This should result in improved efficiency and safety in ports. It could also benefit the environment by reduced emissions of ships. Various stakeholders will participate. Among them are the Port of Rotterdam and various customers such as shipping companies and agencies. Also invited are various parties from the "wet" side such as the European Maritime Pilots Association (EMPA), the European Tugboat Association and CESMA. Main issues on the video will be information exchange, pilotladder rigging, tugline handling and mooringline handling.
(Source EHMC)



INAUGURATION OF NEW EMSA HEAD OFFICE IN LISBON

On 16 June the new EMSA Head Office on the banks of the river Tagus in Lisbon was officially inaugurated. The main event was a simple but moving ceremony when the auditorium of the building was dedicated to the late Mrs. Loyala de Palacio, the European Commissioner who did so much to promote maritime safety in the European Union. Mrs de Palacio will be remembered for her work on the far-reaching regulatory changes that came about after the Erika disaster in 1999, which ultimately led to the creation of EMSA itself. She died unexpectedly in 2006.

Among those paying tribute were EMSA executive director Mr. Willem de Ruiter, Mr. Antonio Tajani, vice president of the European Commission, Mr. Georg Jarzembowski, Member of European Parliament and Mrs. De Palacio sister Ana, who spoke of Mrs de Loyola's lifelong attachment to the sea.

The event was followed by a short conference on EU maritime surveillance including the introduction of LRIT. Many representatives from shipping trade associations, including CESMA and classification societies were in the audience.

RESPONSIBILITY FOR ECOLOGICAL DISASTERS AT SEA

Ecological disasters at sea are a big potential danger and threat and when they occur their effects cannot be measured in money. Destroyed lives, destroyed flora and fauna, permanently destroyed environment cannot be compensated. Direct damages and damages on other economic activities are as a rule higher than compensation in money. Considering that ecological disasters do not influence only the country on which territory they occur and that they may occur in international waters, the international community should be deeply involved in all necessary actions for prevention and proper recovery of environment and compensation of damages.

Ecological disasters at sea can happen because of perils of the sea, low ship's safety standards, poorly qualified and trained crew. Some are the consequences of criminal activities, such as dumping of dangerous waste in the sea. In order to minimize the risk of ecological disasters at sea, it is undoubtedly necessary to increase the safety standards of the ship and equipment, employ the best qualified and trained crew and improve the control of ships' safety conditions and ships' activities. Unfortunately the international community encounters problems in carrying out these efforts, when ships under so-called Flags of Convenience (FOC) are concerned. Many countries in the world try to obtain currency, for a certain price, and register foreign ships under their flag. On the other hand, shipowners register their ships under the FOC for a number of reasons, including tax advantages, cheap non-union crew, lower ship safety standards than those in their own country, low or none control of ship's safety conditions and ship's activities, political reasons or for illegal activities. For some of these reasons, or for all of them, today more than half of the world's merchant ships (measured by tonnage) are registered under a Flag of Convenience.

Large scale ships carrying hundreds of thousands tons of crude oil, different oil products, chemicals, liquid gasses, poisons, are potential time bombs travelling all over the globe and at the end coming in everybody's backyard. According to the law of probability, disasters are almost impossible to avoid, knowing all perils which are present at sea and in manipulations of these dangerous goods. If we add to that the low safety standard of the ship and poorly qualified and trained crew, it is a miracle that there are not more accidents.

The international community and many countries on their own are doing a lot to minimize all objective dangers, but they can do little regarding the business which, in unsatisfied hunger for profit, registers ships under an FOC, in order to spend minimum for crew and safety of the ship. Most of the countries that provide FOC make this possible by avoiding to ratify and implement international laws, conventions and regulations regarding the safety of ships, protection of the environment and crew. United Nations' organizations and other international organizations have little success with appeals and pressure on these flagstates to ratify and implement international instruments. Control and tracking of these ships is more difficult due to the fact that they often change flag, name and the owner.

Regarding the recovery of the environment and the compensation for damages, legislation today is encountering difficulties to ensure that damages are justly compensated. Shipowners, cargo-owners, insurance companies and other parties involved, have, according to the law, the possibility of limiting their responsibility, abandon the ship and the cargo and declare bankruptcy, and so avoid paying the compensation for damages. The accident can happen in international waters which makes legal proceedings more difficult for compensation of damages. There is also a problem of removal of sunken ships with unused fuel, including nuclear fuel, and all kind of dangerous cargo which sunk with them. Also the country which is territorially entitled for the prosecution cannot be left without international supervision and help in legal proceedings, because the consequences of the ecological disasters usually do not affect only that country but a much wider area. As according to the existing legislation it is not possible to force flag countries to implement high standards regarding safety on sea and that it is difficult to ensure that damages are justly compensated, it would be necessary to introduce international laws which would better regulate this matter.

To ensure the proper recovery of the damaged environment and the compensation of damages, it would be necessary to establish an international judicial body for prosecution or for participation in legal proceedings of a local country, and to introduce an international law which would, for recovery of environment and for compensation of damages from ecological disasters, caused by a ship, hold the country responsible where ship is registered, without limitation of responsibility. This law would have grounds in the fact that in certain circumstances the ship is considered to be the part of the country which flag she is flying.

With these laws the following would be achieved:

1. It would be known who will be held responsible for recovery of the environmental damages and that the damages are justly compensated.
2. Flagstates which do not apply high safety standards on their ships and have little or no control of ship's activities, would hardly stand the pressure of being held responsible for compensation of damages. This will bring more ships under the flags of those countries which can guarantee better safety standards and better control.
3. It will provide better protection of seamen's working rights and better valuation of years spent for education and training.

Everybody who is responsible regarding preservation of the environment, who applies high safety standards of ship and equipment, who employs qualified and trained crew and respects working rights of seamen and who does not participate in illegal activities, will approve implementation of these laws. Opponents who, because of their dishonorable interests, favour incompetent legislation, will say that this is interference into the sovereignty of their judicial system of a country. Other opponents might say that the international community does not have the power to enforce the verdicts of this "international tribunal for protection of environment".

Today we have the International Tribunal for war crimes, which every country respects, fearing of sanctions and restrictions of the international community. This could also be applied to this tribunal. Deliberate pollution connected with illegal activities and avoidance to repair and compensate the damages has also the characteristics of crime against humanity. It will not pass long time until everyone will raise the voice against this behaviour of irresponsible individuals who in order to make profit, degrade the environment and avoid to repair the damages. Some forces in the industry will fight against these laws by their influence in all kind of institutions, because this will increase the costs for ship's safety and for the wages for better qualified and trained crew and decrease the profit.

Today we are, with the global financial crisis, witness that the philosophy of the profit at any cost has failed. More and more people are aware that the preservation of environment, safety of the people, flora and fauna, cannot be sacrificed for profit. Besides, the "savings" achieved with reduction of costs in sea transport are so symbolic in final cost of some product that they only serve the already rich people for competition in getting richer. Let's take for example one medium size tanker which spends one month for transport of 40.000 tons of diesel or gasoline. If the monthly costs for better safety conditions and crew wages would increase for 400.000 dollars that will increase the cost of one liter of diesel or gasoline for one cent of a dollar. Finally if that one extra cent should have to pay by the final consumer, who would not pay that extra one cent knowing that this will improve safety on sea and decrease the risk of ecological disasters?

Zadar, 2nd April 2009.

Captain Nino Dunat



CESMA LOGBOOK

(2009 – 2)

We were represented at the following occasions

08 Apr	Rotterdam	Maritime Career Event
17 Apr	Terschelling	Symposium 'Ocean Technology'
28 Apr	Brussels	Maritime Security EU/US
11 May	Brussels	SAGMAS
25 May	Genoa	CESMA Councilmeeting
26 May	Genoa	CESMA Annual General Assembly
04 June	Gdansk	EHMC Extreme Weather Decisions
12 June	Rotterdam	Farewell Capt. R van Gooswilligen
16 June	Lisbon	Inauguration new EMSA Building

FROM THE EDITOR

- The Council of the International Maritime Organisation, meeting in London from 29 June to 3 July 2009, agreed that next years' theme for World Maritime Day will be **"2010, Year of the Seafarer"**, endorsing a proposal by IMO Secretary General Efthimos E. Mitropoulos.
- The crew of the hijacked Belgian dredger "Pompei" was frequently threatened with death after their captors consumed the drug khat which indicates the latest evidence of widespread drug abuse among Somali pirates. The Dutch master and two Belgian officers, part of a multinational crew, said they were not harmed physically during their 71 days of captivity but were "intimidated daily", often with death threats and particularly when pirates were high on the east-african drug. This comment adds another aspect to the dangers of piracy in the Gulf of Aden and beyond.
- Captain Rein van Gooswilligen, President of the Dutch Pilot Cooperation and CESMA Individual Member, had his farewell reception on 12th June in Rotterdam. Many attended the occasion, also showing his involvement in many other organisations apart from the Dutch pilots who he represented for many years, also internationally.
- EU maritime pilots and tug owners, associated in EMPA and ETA, have raised concerns about the safety aspect of 10.000-plus TEU mega-containervessels. They have urged the industry to address issues including the difficulties in attaching towlines and quality of bollards and structural strength of hulls. Another concern is the relatively high minimum speed under which these vessels retain their manoeuvrability. This is seen as dangerous while piloting such vessels through narrow traffic-busy waterways.
- CESMA has been invited to present a paper during the SURMAR 2009 conference in Nantes, France, on 22 October. The conference will deal with maritime security, including piracy.
- Mr. Mark Dickinson has taken over from Mr. Brian Orrell as General Secretary of Nautilus International which represents union interests of ship officers in the UK and The Netherlands. Although Mr. Dickinson had a relatively short seafaring career, his longtime experience in Nautilus UK is undoubtedly of great value for this newly initiated co-operation..
- CESMA has been invited to take part in the Interested Party Group in the EU project "Horizon" which deals with the effects of fatigue for seafarers.
- European Commissioner Mr. Joe Borg recently addressed the European Cruise Council 2009 Industry Conference in Rome during the European Maritime Day 2009. According to Mr. Borg, the European cruise industry has embraced the guiding principles of the EU's Integrated Maritime Policy. He mentioned that cold ironing was among the policies being pushed by the EU. This could also affect the EU cruise industry.



AIMS OF THE ORGANISATION

(ABRIDGED)

- **TO IMPROVE MARITIME SAFETY**
- **TO PROTECT THE MARINE ENVIRONMENT**
- **TO WORK IN THE INTEREST OF EU SHIPMASTERS IN ORDER TO PROMOTE HIGH PROFESSIONAL MARITIME STANDARDS**
- **TO INFORM THE PUBLIC IN THE EU ABOUT PROBLEMS IN THE EUROPEAN MARITIME INDUSTRY**
- **TO CO-OPERATE WITH OTHER INTERNATIONAL MARITIME ORGANISATIONS**
- **TO RETAIN AND DEVELOP THE HIGHEST MARITIME KNOWLEDGE AND EXPERIENCE IN EUROPE**
- **TO BE INVOLVED IN RESEARCH CONCERNING MARITIME MATTERS IF APPLICABLE IN CO-OPERATION WITH OTHER EUROPEAN INSTITUTIONS AND/OR ORGANISATIONS**

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**EURO 50,- FOR INDIVIDUAL MEMBERS
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**EURO 25,- FOR ASSOC. IND. MEMBERS
(including receipt of the CESMA Newsletter)**



**CONFEDERATION OF EUROPEAN
SHIPMASTERS' ASSOCIATIONS**

WASSENAARSEWEG 2
2596 CH THE HAGUE
THE NETHERLANDS

TEL + FAX: +31 70 3836176 / 3835911
E-mail: cesma-eu@introweb.nl

APPLICATION FOR (ASSOCIATED) CESMA MEMBERSHIP

Association full name:

Full address:.....

Phone/fax/E-mail:.....

Name president:

Name vice president:.....

Name secretary:.....

Name Treasurer:.....

Number of: seagoing masters :.....
 shorebased masters :.....
 retired masters :

THE PRESIDENT OF THE ASSOCIATION OF SHIPMASTERS, MENTIONED ABOVE, DECLARES THE PARTICULARS TO BE CORRECT TO THE BEST OF KNOWLEDGE AND HEREWITH APPLIES FOR ASSOCIATED MEMBERSHIP OF THE CONFEDERATION OF EUROPEAN SHIPMASTERS' ASSOCIATIONS (CESMA) AND AGREES TO COMPLY WITH THE STATUTES AND BY-LAWS OF WHICH HE RECEIVED A COPY.

NAME AND SIGNATURE:

DATE:

LIST OF CESMA MEMBERS AND REPRESENTATIVES

MEMBER REPR. VDKS GERMANY	CAPT. W.V. VON PRESSENTIN PALMAILLE 29 22767 HAMBURG	TEL: 0049 40 384981 FAX:0049 40 3892114 E-MAIL: vdks.office@t-online.de
MEMBER REPR AFCAN FRANCE	CAPT. J-D. TROYAT RUE DE BASSAM 29200 BREST	TEL: 0033 2 98463760 FAX: 0033 2 98468361 E-MAIL: courrier@afcan.org
MEMBER REPR NVKK NETHERLANDS	CAPT. F.J.VAN WIJNEN WASSENAARSEWEG 2 2596 CH THE HAGUE	TEL: 0031 70 383 6176 FAX: 0031 70 383 5911 E-MAIL: nvkk@introweb.nl
MEMBER REPR CTPC ITALY	CAPT. L. TOMASINI VIA MAZZINI 30 34121 TRIESTE	TEL: 0039 040 362364 FAX: 0039 040 362364 E-MAIL: collegio69@collegioditrieste.191.it
MEMBER REPR CNPC ITALY	CAPT. O. BOZZO VICO DELL' AGNELLO 2/28 16124 GENOA	TEL: 0039 010 2472746 FAX: 0039 010 2472630 E-MAIL: info@collegionazionalecapitani.it
MEMBER REPR AVCCMM SPAIN	CAPT. J. PAGOAGA C/ BAILEN 5 48003 BILBAO	TEL: 0034 94 4166506 FAX: 0034 94 4166506 E-MAIL: avccmm@euskalnet.net
MEMBER REPR ACCCMM SPAIN	CAPT. JORDI. JUAN-TORRES POST OFFICE BOX : 20006 08080 BARCELONA	TEL: 0034 93 4284157 FAX: 0034 93 4284157 E-MAIL: jordijtl@telefonica.es
MEMBER REPR KBZ BELGIUM	CAPT. J. CUYT ITALIELEI 72 B – 2000 ANTWERP	TEL: 0032 3 6459097 E-MAIL: kbz.crmb@pandora.be
MEMBER REPR IIMM IRELAND	CAPT. M. MCCARTHY CUSTOM HOUSE STREET CORK	TEL: 00353 214814833 E-MAIL:mmcc@indigo.ie
MEMBER REPR ZPU SLOVENIA	CAPT. G. RIBARIC OBALA 55 S1 – 6320 PORTOROZ	TEL(GSM): +386 31 375 823 E-MAIL: zpu.slo@siol.net
MEMBER REPR BSMA BULGARIA	CAPT. D. DIMITROV 17 PANAGYURISHTE STREET VARNA	TEL : +359 52 683394 E-MAIL : chairman@bsma-bg.org mitko652001@yahoo.com
MEMBER REPR UPKSJ CROATIA	CAPT. D. ZOROVIC STUDENSKA ULICA 2 51000 RIJEKA	E-MAIL: zorovic@pfri.hr
MEMBER REPR LKKA LATVIA	CAPT. J. SPRIDZANS TRIJDIBAS STREET 5 RIGA, LV-10 48	TEL: +371 67099400 FAX: + 371 67323100 E-MAIL: jazeps.spridzans@lja.lv .
MEMBER REPR UOCSA CROATIA	CAPT. N. DUNAT TRG PAPE ALEKSANDRA III,3 23000 ZADAR	E-MAIL: udrugakapetana@zd.t.com.hr