

## Loss Prevention Working Party formed

The Association is always conscious of the need to consider possible improvements to the services that it offers to Members. As part of that process it was recognised that there was no specific means by which the Membership could contribute to the loss prevention work or by which the Association could formally consult members on loss prevention issues. To overcome this, a Loss Prevention Working Party drawn from the Membership has been formed to liaise with, and advise, the risk management department with respect to the Association's general loss prevention activities and programme.

The inaugural meeting took place in Newcastle, UK, in March and produced some interesting debate and exchange of views on a wide range of topics including recent claims trends, bridge team management and Tanker Management Self Assessment (TMSA). The issue of crew competence was of particular concern and widely discussed. A number of ideas were proposed that the loss prevention department will progress including, for example, the development of electronic versions of loss prevention publications. It is currently intended that meetings should be held twice yearly.

## New safety poster series

North of England's first loss-prevention poster series – Safe Working Accident Prevention Posters (SWAPP) – was published over a decade ago. The series depicted the good and bad working practices associated with common shipboard activities. Production of the SWAPP poster series has now been discontinued, but over future editions of Signals it will be replaced by a new series – known simply as Safe Work – that will use the same humour to deliver the safe working practice message to seafarers.

*A copy of the first poster in the new series – 'Safe Work, Lifting Operations' – is enclosed with this issue of 'Signals' for all Members and entered ships.*

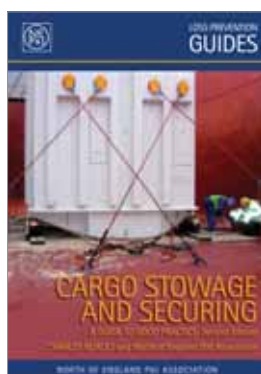


## Cargo stowage guide updated

The Association has published a new edition of its comprehensive guide to cargo stowage and securing, which is co-authored by Charles Bliault of Brookes Bell Jarrett Kirman. The proper, adequate and satisfactory stowage and securing of cargo items is of the utmost importance for the safety of the crew, the ship and the cargo itself. A shifting cargo can become damaged, cause damage to other cargoes and the ship, and injure crew members.

The guide takes the reader through the basic rules to be remembered when loading and securing cargo; describes where regulations, recommendations and general guidance can be found; describes recommended methods to be used for particular items and types of cargo and gives guidance on the points to be remembered during passage-planning and the voyage itself. The second edition has been substantially updated and includes additional information, including the stowage of containers.

*Copies of the guide – Cargo Stowage and Securing, Second Edition – are enclosed with this issue of 'Signals' for all Members and relevant entered ships. Members wishing to purchase additional copies should contact the risk management department at the Association.*



## Stowing container cargoes

North of England continues to deal with, and hear about, incidents involving the carriage of containers where the stowage may not have been properly planned. The article in this issue considers some of the factors arising from these incidents, and the key role of the ship's Cargo Securing Manual.

*See page 3 for full story.*

## New EU ship-source pollution rules

The EU Directive on ship-source pollution that came into force on 1 April 2007 has raised many questions about the way criminal penalties may be imposed for pollution incidents in Europe. Some of the issues raised, and how European legislation differs from MARPOL, are discussed in this issue.

*See page 4 for full story*

## Oily-water separator problems

Prosecutions for offences involving oily water separators continue to occur, sometimes resulting in extremely large penalties on ship operators. The steps that can be taken by a ship operator to protect themselves are discussed in this issue of Signals.

*See page 5 for full story*



# Say what you want, exactly

Communication failures are potentially catastrophic on ships yet they happen all the time – not least due to the odd or imprecise way we often speak.

For example, a Chinese author now resident in the UK recently recounted how she learnt the English language and was then shocked to hear someone say, 'I would love a cup of tea'. Love was not something that she had previously associated with tea.

The apparently simple request, 'make me an egg sandwich' is confusing even to a native English speaker. While it is probably safe to assume the person does not actually wish to be a sandwich, he or she has not said whether they want brown bread, white bread, rye bread or crispbread, whether they want margarine or butter, or whether they want brown eggs, white eggs, scrambled eggs or fried eggs. Indeed, he or she will very likely not get exactly what they wanted.

Cadets studying for their Standards of Training, Certification & Watchkeeping (STCW) Convention certificates may have been told that, 'communication is a vital leadership skill'. They may also have been given a definition similar to, 'intercultural communication can be described as the interperson interaction between members of different groups, which differ from each other in respect of the knowledge shared by their members and in respect of their linguistic forms of symbolic behaviour.'

However, it is questionable whether such language really helps people to understand how to develop good communication skills or to recognise instructions that will not produce exactly what was wanted. We can laugh about 'loving a cup of tea' or 'make me an egg sandwich', but what happens when there is a failure to communicate in the bridge team?

Communication is a teamwork skill that takes on added importance within a bridge team – the consequences of not making a communication clearly understood can be catastrophic. Misunderstandings in a multi-cultural team or when a pilot joins the team as a temporary but absolutely vital member, and at a time when the potential risks are at their highest, further increase the potential of a disaster.

The following three case studies, which are based on real incidents, serve to illustrate the importance of good communication on ships and what can go wrong when it is less than precise.

## Fire!

A fire breaks out in the engine room of a ferry. The motorman knocks on the window of the control room and signals 'fire' to the duty engineer. The duty engineer phones the bridge and says to the second mate, 'fire in the engine room – stop the engine'. The second mate puts the engine telegraph to 'stop'.

**Consequences.** As far as the second mate was concerned, putting the telegraph to stop was stopping the engine. But this particular ferry had a variable pitch propeller so 'stop engine' was zero pitch which meant that the engine was still turning and pumping oil onto the fire.

**Analysis.** Good communication is a two-way process so it would have been better if the duty engineer said, 'stop the engine turning' and perhaps the second mate should have asked for clarification rather than assuming that stop on the telegraph was the request being made. Also, why did the motorman knock on the control room window? – was he not allowed in? Why did the second mate not think to question why he was being requested to 'stop engine', and why was the fire alarm not sounded?

## Steer 355°!

A container ship is under pilotage heading in a northerly direction across an enclosed bay from sea to harbour. The current course is 010°T. The pilot gives an order to 'Steer 355°' to the helmsman.

**Consequences.** As far as the helmsman was concerned, to get from 010°T to 355°T meant going hard to starboard around the compass. Luckily the officer of the watch spotted the helm going to starboard and was able to correct the mistake quickly.

**Analysis.** A better instruction from the pilot would have been, 'port ten' or, 'port to 355°T'. Many pilots will also point to port or starboard to reduce the potential for their helm orders being misunderstood. All members of the bridge team should carefully monitor the instructions being given by the pilot and if necessary check them with the pilot and then enhance them – such as pointing and adding port or starboard helm to a course change.

## Call stations!

The chief mate asked the newly joined first-trip bridge watchkeeper, 'Can you call all hands for stations at 0230'?

**Consequences.** About 10 minutes later the watchkeeper came up to the chief mate and asked, 'What cabin is All Hands in?'

**Analysis.** The chief mate assumed that everyone was familiar with the term 'all hands' but the watchkeeper had never heard this phrase. A better instruction might have been, 'Call all the crew for stations', but in any case the chief mate should have given more thought about his communication with a newly joined first-trip crew member.

# How good are your guards?

Members are reminded about the importance of checking the credentials of security firms they appoint to guard their vessels, which they may sometimes have to do to meet port state requirements under the International Ship and Port Facility Security (ISPS) Code.

Recently the Club was asked to assist where a Member had appointed a security guard firm in a US port. In accordance with the Ship Security Plan approved by the Department for Homeland Security, three guards from a private security company were required to be employed on a 24-hour basis when in port to ensure crewmembers stayed on board.

However, while the vessel was alongside, an inspection by the US Coast Guard found only one guard had turned up, none of the guards were armed and none were sufficiently trained for protecting against crew desertion. The inspection was during a local holiday period and it proved impractical to find a replacement security firm.

## Unrecoverable costs

As a result the vessel was sent to an anchorage and the owner incurred unrecoverable costs of US\$60,000. Subsequent investigation found the security firm's licence had expired and its insurance company therefore refused to accept liability. In

addition, a Coast Guard penalty was imposed and Club security was required to allow the vessel to discharge.

In accordance with ISPS procedures, a ship security assessment should be carried out on agreements in place with private security firms, and these should be regularly reviewed to ensure circumstances have not changed. It is also worthwhile requesting evidence of the firms' insurance arrangements and the dates for such cover.

Another option is to set up an arrangement with the port facility to supply security guards in conjunction with the port's own security provision, which should have already been approved and verified by the authorities.



## Avoiding uncooperative hospitals



The Association has advised Members previously of the dangers of leaving the choice of hospital for sick or injured crew members in the hands of port agents, but unfortunately this continues to be a major problem – particularly in southern USA.

Frequently when a crew member is injured prior to berthing or while in port, the ship asks its local agent to arrange for medical attention. However, in the USA, the Association recommends that agents are instructed to get local P&I correspondents to assist with the hospitalisation process – even when the matter is urgent and time is of the essence. Agents tend to have a great many other pressures on them and will often instruct a hospital broker, or whichever hospital has been marketing itself most effectively.

Some hospitals frequently run up costs that are much higher than average and may refuse to allow correspondents access to audit the charges – or even to check treatment has been given. There have also been instances when invoices have been submitted to the Association without sight of any medical reports, even though the patient has provided authorisation.

### Reluctance to discharge

Furthermore, such hospitals are often reluctant to allow the patient to be discharged once they can be safely repatriated. The Association would never wish to see crew members sent home before they are physically able but, once this level of recovery has been reached, it is recommended they are repatriated even if further hospitalisation is required. In their home country patients will benefit from familiar language and culture as well as closer contact with family and friends. In making this judgement the Association relies on the professionalism of the attending doctors and is disappointed when it seems that some hospitals see foreign patients simply as a means of making money.

Members should provide all their agents in the USA with standing instructions that the local correspondent should be responsible for arranging hospitalisation of crew members. The Association appreciates this can be difficult where charterer's agents are being used. However, when the vessel is due to call at US ports, charterers or their agents should be provided with such instructions – and it should be made clear that failure to comply with them will result in Members holding charterers responsible for any resultant excess medical expenses.

# Boxing by the book

The Association has previously reminded Members about proper stowage of containers, but claims for collapse of stows in heavy weather continue to arise.

Container stowage is often carried out in accordance with the ship's approved Cargo Securing Manual, as required by the Safety of Life at Sea (SOLAS) Convention. Examples include the following:

- Ship planners fail to comply with the tier-weight requirements of the Cargo Securing Manual even though they have complied with the stack-weight requirements. If any of the containers in a bay exceed the relevant tier weight, the stack may experience forces beyond those allowed for and is therefore at risk of collapse in heavy weather.
- The container stow has a mixture of container types – high-cube 9' 6" (2.9 m) tall as well as standard 8' 6" (2.6 m) containers – which is not envisaged in the Cargo Securing Manual. The crew cannot therefore easily check whether stowage planning is in accordance with the Manual.
- The vessel's metacentric height (GM) is in excess of the maximum allowed in the Cargo Securing Manual. The standard stowage plans contained in the manual cannot therefore be used to plan stowage and securing of the containers without additional calculations being made.

### Breach of obligations

If an incident occurs, the fact that containers were not stowed in accordance with the cargo securing manual means a vessel could be considered, 'unseaworthy before and at the beginning of the voyage'. The carrier would thus be in breach of its obligations to the cargo owner under the Hague or Hague Visby Rules as set out in the bills of lading (whether charterer's or shipowner's bills). This could also mean that, regardless of other defences that the carrier may have had, it will find it very difficult to mount a full defence against cargo claims.

It is a SOLAS requirement that every ship carrying containers is supplied with a Cargo Securing Manual approved by the ship's Flag State and that the cargo must be stowed and secured in accordance with the manual. If masters sail a ship in a condition in which the manual has not been complied with, they are in breach of Flag State requirements, which in turn may prejudice insurance cover.

If masters find that the stowage plan provided by the planners does not comply with the Cargo Securing Manual, they are fully entitled to refuse to sail in such a condition. Masters are entitled to insist that the ship is re-planned and the stowage amended before it sails.

*A new Signals Experience case study – Collapsed Containers - which deals with the topic of proper stowage and securing of containers, accompanies this issue of Signals for all Members and relevant entered ships.*





# Controversial EU pollution law comes into force



Much of the international and domestic legislation dealing with civil and criminal liability for oil pollution at sea has been prompted or influenced by high-profile incidents, for example *Torrey Canyon*, *Amoco Cadiz* and *Exxon Valdez*. In response to these and other casualties have come the Civil Liability Convention, the Fund Convention of 1992 and the Supplementary Fund Convention of 2003 to deal with civil liability.

In addition to various national laws, criminal liability has been governed principally by the International Convention for the Prevention of Pollution from Ships (MARPOL) 1973/78. One of the more controversial recent casualties in Europe, the *Prestige*, has led to new EU legislation dealing with criminal liability in the form of Directive 2005/35/EC of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements. This came into force on 1 April 2007 and looks set to be as controversial as the incident that prompted it.

As in the case of existing legislation and conventions, including MARPOL, the new Directive imposes criminal liabilities for ship-source pollution. The basic concept of the Directive is thus not particularly controversial: polluters should be punished and would-be polluters discouraged by the prospect of criminal penalties.

## New test of liability

What does make this Directive controversial is the way it goes further than MARPOL, in particular the introduction of a new test of liability. The key differences are as follows:

- Unlike MARPOL, the Directive makes no distinction between operational and accidental discharges.
- The Directive goes further than MARPOL in potentially exposing not only ships' crews, owners and operators to liability but also any other party connected to the ship, including salvors and classification societies.
- The Directive incorporates defences available under MARPOL for discharges on the high seas, but those same defences are not available for discharges in the territorial waters of member states of the European Union.
- Under MARPOL, accidental discharges are not penalised unless the owner or master acted with intent or recklessly with knowledge that pollution was likely to occur. The Directive

introduces a new test of liability of 'serious negligence', the precise meaning of which is uncertain but clearly less than recklessness.

In common with MARPOL, the Directive applies to all ships, regardless of flag, that call at EU ports or pass through EU waters.

However, details of the new Directive and legal arguments about its differences from MARPOL may be of little practical concern to officers and crews who find themselves in a pollution incident. Of much more importance to them will be what to do if they become involved in an investigation and possibly face criminal charges.

Advice is given on page 5 of this issue of *Signals* as to how ship's staff should conduct themselves during inspections and investigations relating to oily-water separators. This applies equally in the context of any actions that may be taken in accordance with the new Directive.

## Right to silence

The new Directive specifically imposes criminal liabilities for pollution incidents. Future pollution incidents are therefore likely to be handled by local police and relevant prosecuting authorities (the Maritime and Coastguard Agency in the UK for example) in a similar way to any other criminal infringement. The person charged with an infringement under the Directive may therefore have a right to silence, legitimately refusing to answer potentially incriminating questions. However, this needs to be approached with caution and with the benefit of legal advice before it is invoked.

Until very recently in the UK, there was a clear right to remain silent in the face of criminal charges, though the right was restricted to some extent by the Criminal Justice and Public Order Act 2004. Under this Act, the right to silence remains but adverse inferences may be drawn from any failure to answer questions where an answer or explanation is given later, for example at a subsequent trial. There are more wide-ranging rights to remain silent under German and French law. Other EU states also recognise a right to silence.

It is thus strongly recommended that legal advice be obtained first before there is any refusal to answer questions that may be asked by relevant authorities. The Association can assist in appointing local correspondents and lawyers who may be able to advise.

It is also important to bear in mind that there is a distinction between the carrying out of an inspection, and an investigation that may lead to the bringing of charges. During an inspection the Association recommends that full and frank cooperation should be given, questions should be answered and any right to silence should not be exercised.

Failure to cooperate during an inspection may make it more likely that a formal investigation will be launched and that charges will be brought. On the other hand, good cooperation in an inspection may actually benefit anyone who is later charged and may help to mitigate any penalties. There are indications under the Directive that owners and crew who take reasonable steps on discovery of a pollution incident will be viewed more favourably than those who do not. It is therefore more likely to be in their interests to be open and cooperative from the outset.

However, once an inspection becomes an investigation that may lead to the bringing of legal action, it may become appropriate to exercise any available right to silence, subject of course to advice from local lawyers.

## Legal challenge

Although not of immediate concern to owners and ship's crews, it is nonetheless interesting to note that a legal challenge has been launched against the Directive in its current form. A coalition of industry bodies – including Intertanko, Intercargo, the Greek Shipping Corporation Committee, Lloyds Register and the International Salvage Union – launched proceedings in the High Court in London at the end of 2005, applying for judicial review of the Directive.

The High Court has accepted that some well-founded arguments have been put forward, and has therefore referred a number of points to the European Court of Justice for further ruling. In particular the European Court is being asked to look at the conflict between the Directive and international law, for example the exclusion of MARPOL defences for discharges within territorial waters. The meaning of 'serious negligence' is also questioned, and whether this test of liability is in itself in breach of international law in so far as it interferes with the right of innocent passage.

It is unlikely that the European Court of Justice will issue its judgement on the questions that have been put to it before the end of 2007 as a hearing date has not yet been arranged.



# Oily-water trouble – and how to avoid it



Port State Control inspections have concentrated on the operation of oily-water separators and overboard discharge monitoring systems for a number of years now, resulting in many ship operators being prosecuted and fined – sometimes heavily.

The most high-profile cases have been in the USA, with a number of extremely high penalties – US\$37 million in one case – being imposed. More recently a French ferry was prosecuted in the UK for bypassing an oily-water separator, though the fine of £15,000 seems modest compared to the sums being paid across the Atlantic.

But why are such incidents still occurring? The US Coast Guard and Department of Justice may not yet have technology such as the oil-slick spotting satellites used in Europe, but what they lack in technology they make up for in vigour, tenacity and application of the law.

For example, a ship that pumps out oily slops in the middle of the ocean may still be prosecuted in the USA because the ship's records will show a shortage in the quantity of oil slops that have been properly disposed of, implying that false records have been submitted to the US Coast Guard. Indeed, many of the high-profile and costly cases settled in the USA to date have been for submitting false records or similar, and not for violations of the International Convention for the Prevention of Pollution from Ships (MARPOL). Most of these cases have been settled out of court by the shipowner admitting liability and entering a plea-bargaining process.

## Whistle-blowers

The other legal process used in the USA is the 'whistle-blowing' facility under the Act to Prevent Pollution from Ships, where the courts can award up to half the penalty levied to the person or persons doing the whistle-blowing. In one case a whistle-blower was awarded US\$2.1 million and, in

the most recent case, 12 individual whistle-blowers were each awarded US\$437,500.

Whether the whistle-blowing process is considered a good thing or not, the problem for a ship operator is how to defend against malicious allegations, or the more difficult situation where crew members unilaterally by-pass monitoring equipment in the mistaken belief they are, 'assisting the company'.

If a ship operator is found liable, or admits liability, the US Department of Justice may audit the ship operator's operating office, wherever in the world that may be, before the level of the penalty is decided. The Department will be trying to establish the level of culpability of the shipowner with what allegedly has been happening on board.

For example, there should be a procedure for engineering superintendents to examine and initial the oil-record book when attending on board. If they have not queried the records when there is a very obvious lack of sludge disposal, the Department's investigators may interpret this as 'turning a blind eye'. This could mean a substantial increase in the level of the penalty.

## Preventative action

There are a number of steps Members and crew members can take to protect themselves against getting caught up in oily-water problems.

**Equipment.** Firstly, the oily-water separator and associated monitoring equipment and pipework needs to be confirmed as fully operational and in a visual condition that does not create suspicion. It might be advisable to replace old with new or alternatively have the equipment overhauled under third-party survey. Visually simple issues, such as different colours or shades of paint and disturbed paintwork on nuts and bolts, should be addressed.

**Procedures.** The next stage is to review all the operational and management procedures associated with the oily-water separator. Do they reflect the new or re-furbished equipment changes? Are the instructions available in the language of the crew? Are the instructions suitable for training purposes? Are engineering superintendents simply signing oil-record books or are they examining and questioning the records? Do they need to be instructed to confirm records exist for what would be considered reasonable quantities of sludge and slops handled during the voyage?

**People.** Once the equipment and procedures are in place, the crewmembers can be trained. Any misguided perception that, 'if I by-pass a procedure

I can do the job quicker and cheaper and therefore do the shipowner a favour', must be addressed in training. Training should also be provided in how to manage inspections – the crew need to be in control of the Port State Control inspection situation – and in the concept of the 'right to silence'. It is very important the crew do not invoke a right to silence during a routine Port State Control inspection as this could be interpreted as having something to hide. The crew need to be able to sense when a routine inspection has become a criminal investigation; when they have positively confirmed that a criminal investigation is underway, then is the time to consider a right to silence.

**Tamperproof.** The final step is to make equipment tamperproof – to provide a physical barrier so that it is very difficult or impossible for a whistle-blowing allegation to have any credibility. Many ship operators are drilling and sealing the equipment and associated pipework. The seals cannot be broken without written permission from the ship operator and, even then, only when witnessed by a third party. With a system like this in place, it is difficult to see how any whistle-blowing allegation can have any credibility. Recently, two whistle-blowing cases in the US have been challenged by the ship operators involved and – with the support of their lawyers – they have elected to go to trial by jury.

*The latest news about oily-water separators is available from the Industry News pages of the Association's website: [www.nepia.com](http://www.nepia.com)*

*The Association's document 'Guidance on the Management of Port State Control Inspections' is available on the Association's website: [www.nepia.com/risk/publications/checklist\\_pdf/Port\\_State\\_Control.pdf](http://www.nepia.com/risk/publications/checklist_pdf/Port_State_Control.pdf)*

*A new Signals Experience case study - Illegal Discharges - which deals with the topic of oily-water separators, accompanies this issue of Signals for all Members and entered ships.*





## ELECTRONIC INFORMATION SERVICES FOR MEMBERS

As part of its strategy to provide Members with good quality information, North of England's risk-management information services include the following.

### Industry News

*Industry News* is a proactive loss-prevention service for Members that is available on the Association's website.

Members can access *Industry News* from the direct link on the Association's website at [www.nepia.com](http://www.nepia.com)



### E News

*E News* is distributed to Members by email and provides a monthly digest of *Industry News* items, club circulars and press releases.

Members' shore or sea staff who wish to be added to the *E News* circulation list should send their contact details, including their name, position, company and email address, to the Association using the dedicated *E News* email address: [add.eneews@nepia.com](mailto:add.eneews@nepia.com)

## RSS

### RSS Feed

The Association provides RSS (really simple syndication) feeds for *Industry News*, Club circulars and press releases, which enable Members with an internet connection to receive new information as soon as it is published and without having to check the website for updates.

A guide to using the RSS feeds is available on the Association's website: [www.nepia.com/rss](http://www.nepia.com/rss).

## Dangerous goods code revised

The International Maritime Dangerous Goods (IMDG) Code has undergone many changes since its adoption in chapter VII of the International Convention for the Safety of Life at Sea (SOLAS) in the 1960s, both to accommodate new dangerous goods and to keep pace with the ever-changing needs of industry.

Amendments to the Code come from two principal sources, either directly from the member states of the International Maritime Organization (IMO) Maritime Safety Committee (MSC) or from the UN Committee of Experts on the Transport of Dangerous Goods. The latter's role includes co-ordination of regulations that affect all modes of transport, thus ensuring a smooth interface during intermodal transport operations. Amendments are made on a two-yearly basis, entering into force approximately two years after their adoption by the Maritime Safety Committee.

Amendments to SOLAS chapter VII adopted in May 2002 changed the status of the IMDG Code, making it mandatory from 1 January 2004. However, provisions within the Code of an advisory nature still exist and can be identified, for example, by use of the word 'should' instead of 'shall' in the text.

### New version coming into force

The latest mandatory amendments to the Code were introduced by the Maritime Safety Committee in May 2006 with amendment 33-06 entering into force on 1 January 2008. A new version of the Code including the amendments has already been published and ship operators are encouraged to comply on a voluntary basis during the twelve months preceding the enforcement date. During this period both versions of the Code may be used.

The parts of the Code affected by amendment 33-06 include the dangerous goods list, special provisions, packing instructions, construction of packages and transport provisions. Some of the changes include:

- a new section for fireworks (chapter 2.1.3.5) that describes how they are allocated to the divisions and compatibility groups of class 1

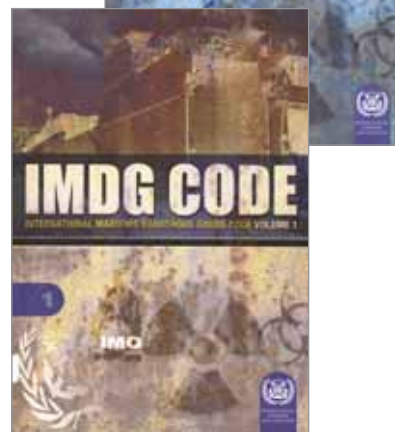
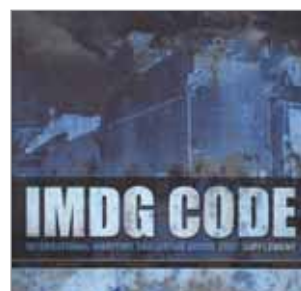
- additional guidance for classification of infectious substances (chapter 2.6.3)
- details on the dangerous goods transport document that must now be given with the UN number first (chapter 5.4.1.4) – the alternative format with the name first is no longer allowed
- a new yellow and red label for class 5.2, organic peroxides (chapter 5.2.2.2.2) – the present all-yellow label may be used until 1 January 2011
- fumigated units (UN 3359) can no longer have their labels removed after they have been ventilated – instead, the date of ventilation is written on the label, which must stay on until the unit has been unloaded.

### New emergency response supplement

The Maritime Safety Committee also approved amendments to the Revised Emergency Response Procedures for Ships Carrying Dangerous Goods (EmS Guide), which are contained in the supplement to the IMDG Code. Details of these amendments are contained in MSC/Circ.1025/Add.1. The latest edition of the Supplement, which has been bound in the same style as volumes one and two of the IMDG Code, will also enter into force on 1 January 2008.

Within the Supplement, UN numbers no longer appear at the front of each schedule but can now be found in an index at the back of the fire and spillage schedules section of the book. Those schedules that are underlined indicate that additional advice for dealing with that particular product is contained within the emergency response procedure under 'special cases'.

Further information about the latest version of the IMDG Code is available from the IMO website: [www.imo.org](http://www.imo.org)



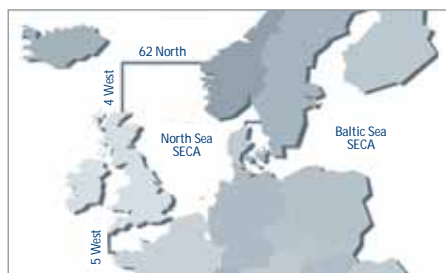
## North Sea SECA comes into force

On 11 August 2007 the North Sea Sulphur Emissions Control Area (SECA) will be brought into force by EU Sulphur Directive 1999/32 (amended by 2005/33).

The Baltic SECA has been operating since 19 May 2006 and the latest SECA extends the 1.5% m/m sulphur limit in bunker fuel out to latitude 62°N and longitude 4°W in the North Sea between Scotland and Norway, and out to longitude 5°W in the English Channel.

The EU Directive, in accordance with Annex VI, Regulation 14(3), of the International Convention for the Prevention of Pollution from Ships (MARPOL), requires that while within a SECA, a ship must have at least one of the following measures in place:

- sulphur content of fuel oil used must not exceed 1.5% m/m
- an approved exhaust-gas cleaning system
- any other technology method that is verifiable and enforceable.



## Options for controlling NO<sub>x</sub> and SO<sub>x</sub> emissions

At its recent session the International Maritime Organization (IMO) Sub-Committee on Bulk Liquids and Gases (BLG) agreed the following proposed options for further controls to nitrogen oxide (NO<sub>x</sub>) and sulphur oxide (SO<sub>x</sub>) emissions from ships.

### NO<sub>x</sub>

The current restrictions are referred to as tier I. The following options are being proposed for new engines: Reduction of 2–3.5 g of NO<sub>x</sub> per kWh by 1 January 2011, referred to as tier II.

Three options for further controls to be implemented by 2015 / 2016, referred to as tier III, were also proposed:

- Option X – an 80% reduction from tier I using selective catalytic reduction (SCR) after treatment or humid air motor (HAM) technology applicable to all marine diesel engines within 50 miles (80 km) from land
- Option Y – an 83–85% reduction from tier I using SCR or HAM on larger ships only, in specific near-shore areas
- Option Z – a 40–50% reduction from tier I using engine modification or exhaust gas recirculation (EGR) for all marine diesels on a global basis.

### SO<sub>x</sub>

The current restrictions are referred to as option A. The following options for further controls are being proposed:

- Option B – a Sulphur Emissions Control Area (SECA) sulphur limit reduced gradually to 1% by 2010, then to 0.15% by 2015
- Option B1 – a defined limit from shore with either a lower SO<sub>x</sub> limit or the use of low-sulphur distillate fuel or exhaust gas cleaning (EGC)
- Option B2 – a global sulphur limit to be lowered gradually to a maximum 3% in 2012 and a maximum of 1.5% in 2016, or use of technology like EGC to achieve similar reductions. Additionally, to use low-sulphur distillate fuels in SECAs, ports and estuaries with a gradual reduction in limit to a maximum of 1% in 2011 and a maximum of 0.5% in 2015, or use of technology like EGC to achieve similar reductions
- Option C – a global change to low-sulphur distillate fuels with a global limit of 1% by 2012 reducing to 0.5% by 2015
- Option C2 – to use distillate fuel with residual fuel, with limits as in option C but allowing the use of residual fuel in combination with technology like EGC to obtain equivalent reductions.

The options are all likely to generate considerable debate in IMO and the industry over the coming months.

The latest news about emissions from ships is available from the Industry News pages of the Association's website: [www.nepia.com](http://www.nepia.com)

# Residential course: another success

The Association's annual residential training course in P&I insurance and loss prevention took place on 8–15 June 2007 near Newcastle upon Tyne, UK. The course – which was again fully subscribed – included a guided visit to ships at Teesport, UK, sessions on the bridge simulator at South Tyneside College and other field trips, as well as presentations and workshops at Lumley Castle. Bookings for next year's course are already being taken.

### Members seminars

Risk-management staff have again been visiting Members' offices to provide seminars and workshops on a variety of current topics, including bridge-team management and oily-water separators. Staff from Members' offices have also been visiting the Association's office in Newcastle for bespoke training courses.



*Pictures:*

1. Simone Schnitzer from Northumbria University and Tina Treppke from Wappen Reederei visiting the Association's office in Newcastle, UK.
2. P&I residential course 2007, ship visit
3. P&I residential course 2007, group photo
4. P&I residential course 2007, workshop role-play.





## North of England opens Singapore Office

The Association has recently opened a representative office in Singapore. Staffed initially by manager Iain Beange (right) and office administrator Elizabeth Er, the Singapore office is intended to lend claims handling support to the Association's Hong Kong office, which is to remain the principal claims handling centre in the Far East. The Singapore office will however also attend to the specific needs of the Association's Membership in South East Asia and liaise with Members in that region.



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An official opening reception is to be held in September and it is intended that the office will be fully staffed by that time with one other locally employed claims handler and one of the Association's FD&D lawyers transferred from the Association's UK office.

## What do you think?

Signals is the principal loss-prevention publication from North of England and is intended to keep Members' sea and shore staff advised of current information related to P&I insurance, and sometimes other topics of more general interest.

The Club is always interested to receive feedback about the newsletter, or North of England's other loss prevention publications and services. Members are thus welcome to contact the Club if there are any topics that they or their seafarers would like to be covered in future issues, any ways in which the loss prevention service can be improved, or any information that has been particularly useful.

Comments should be sent to the risk management department by fax, email or post using the contact details at the bottom of the page.

## Signals Search 12

### Questions

- 1 Where did delegates recently go on a ship visit?
- 2 What establishments should be chosen carefully in the United States?
- 3 Which amended publication comes into force in January 2008?
- 4 What type of container may cause a stowage problem?
- 5 Who may report an oily water separator by-pass?
- 6 What skill is vital in a bridge team?
- 7 Where has North of England recently opened an office?
- 8 Which SECA comes into force in August 2007?
- 9 What subject does North of England's latest poster series cover?
- 10 What sort of pollution does EU Directive 2005/35/EC cover?



- Signals Search is open to all readers of Signals.
- Send a photocopy of your completed search, along with your name and, if appropriate, name of ship, position on board, company and address to Denise Huddleston at the Association.
- All correct entries received by the closing date will be entered in a prize draw.
- Closing date Friday 7th September 2007.

The first correct entry drawn will receive a prize along with a statuette of "Bosun Bo". The next 5 correct entries drawn will each receive a statuette.

Details of the winner and runners-up will appear in the next edition of *Signals*.

### Your copy of Signals

Copies of this *Signals* should contain the following enclosures:

- Safe Work poster – Lifting Operations (Members and entered ships only)
- Signals Experience Cargo 01 – Collapsed Containers (Members and relevant entered ships only)
- Signals Experience Ships 01 – Illegal Discharges (Members and entered ships only)
- Loss Prevention Guide – Cargo Stowage and Securing – Second Edition (Members and relevant entered ships only)

### Signals Search No.11 Winners

**Winner:**  
Captain David Cooper of Foreland Shipping

**Runners-up:**  
Hans Pabbruwee of Post & Co, Rotterdam  
Sim Seng Guan of Newstate Stenhouse Pte Ltd, Singapore

### Answers to Signals Search 11

- |                  |                    |
|------------------|--------------------|
| 1 Bremen         | 6 Pre employment   |
| 2 USCG           | 7 Anti suit        |
| 3 Bottom fouling | 8 Condition survey |
| 4 Industry news  | 9 Heavy weather    |
| 5 Sewage         | 10 Moisture        |

• In this publication all references to the masculine gender are for convenience only and are also intended as a reference to the female gender. Unless the contrary is indicated, all articles are written with reference to English Law. However it should be noted that the content of this publication does not constitute legal advice and should not be construed as such. Members with appropriate cover should contact the Association's FD&D dept. for legal advice on particular matters.

• The purpose of the Association's risk management facility is to provide a source of information which is additional to that available to the maritime industry from regulatory, advisory, and consultative organisations. Whilst care is taken to ensure the accuracy of any information made available (whether orally or in writing and whether in the nature of guidance, advice, or direction) no warranty of accuracy is given and users of that information are expected to satisfy themselves that the information is relevant and suitable for the purposes to which it is applied. In no circumstances whatsoever shall the Association be liable to any person whatsoever for any loss or damage whensoever or howsoever arising out of or in connection with the supply (including negligent supply) or use of information (as described above).

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