

CESMA NEWS L E T T E R

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ZADAR, A MARITIME GEM IN THE ADRIATIC SEA



Zadar, town square

The city of Zadar with its 90.000 inhabitants is the fifth biggest city in Croatia. It is the municipal, economic and cultural centre of Northern Dalmatia and is an important port on the shores of the Adriatic Sea offering interisland and international ferry services to Ancona in Italy and visits of an increasing number of cruise line vessels.

The city accommodates a lot of history which is still recognizable from the typically Roman form in which it is built with a rectangular pattern of streets, an aqueduct and a forum. It has a great maritime history and seafarers from Zadar were considered superior in the area. It is in this interesting and ancient maritime city that CESMA was invited to organise its 16th Annual General Assembly at the invitation of the Union of Croatian Shipmasters' Associations which has its Head Office in Zadar on the 7th May. Guest speaker will be Captain Kristo Laptalo who was held captive in a Greek prison for more than a year after drugs had been found in a cargo of bananas, discharged from his vessel. On 6th May, preceding the Assembly, the Council Meeting will take place in the Bastion Hotel, just outside the historic city centre.



Captain Kristo Laptalo

On 7th May, preceding the General Assembly, a seminar will be organised at the invitation of the Croatian Ministry of Sea Transport and Infrastructure and the Union of Croatian Shipmasters' Associations at the premises of IMPACT, the European Centre for Cross-Sectoral Partnership. The seminar will concentrate on the important issue of Places of Refuge, including safety of navigation in the Adriatic Sea. Speakers will include representatives of the Croatian Ministry of Sea Transport and Infrastructure, the Croatian Hydrographic Institute, the Italian Coastguard (tbc) and a European shipmaster.



IMPACT building

Representatives from Shipmasters' Associations of Germany, France, Italy, the Netherlands, Belgium, Slovenia, Bulgaria and Montenegro have already confirmed their presence at the CESMA Annual General Assembly

GUNS OR NO GUNS, THE ONGOING DEBATE

With the rise of Somali piracy, it has appeared that answers have been pretty thin on the ground. The one effective and pragmatic solution is said to be the deployment of armed guards on ships.

It's not ideal and it sure isn't pretty but it does seem to keep the Somali bogeymen at bay. Anyway the fact that this rather awkward solution seems to be working, means that there is much to talk about – the debate hinged on the simple question: **“Should Vessels Have Armed Guards on Board?”**

The requests for armed guards has seen maritime security companies rush to supply the demand, while shipowners wrestle with the challenges of managing the operational, legal and liability issues associated with weapons onboard commercial ships. Everywhere you look there are conflicting, confused or non-committal views. Peter Hinchcliffe secretary general of the International Chamber of Shipping, the International Shipowners Organisation, spoke of the Chambers' change of heart on guns. Of how they had resisted for so long, but were forced by the reality of the situation and ferocity of the attacks to concede that where the risk assessment states a case for armed guards, then so be it. Many in the maritime industry have slowly, begrudgingly changed their view. Nothing else has worked – all the bright ideas and good intentions have failed against this Somali onslaught. Fighting fire with fire, as depressing and Neanderthal as it seems, is the only proven effective response at the moment. At the time of writing there have not been any recent successful piracy attacks against vessels employing armed guards – this will change, but at the moment the guns do work. However, the one thing we do know about the pirates is that they are adaptable. They will change tactics to overcome the obstacles facing them. They will have thought about the new dynamic in the security struggle, and they will be plotting ways around it. Indeed pirates have seemingly been developing new tactics (or refinements on existing approaches):

Stealth – Pirates have been using motherships to launch highly visible decoy skiffs. These approach the ship with the aim of drawing fire and attention. At the same time pirates have moved towards the vessel in camouflaged skiffs, trying to gain access on an unprotected side of the vessel.

Swarming – The capture of the “MV Sinar Kudus” last month, gave a concerning view of both new tactics, but also a new capability. Using a mothership as a base, pirates were able to “swarm” the vessel with as many as 50 attackers. A small detachment of just four armed guards would inevitably struggle to maintain security in the face of such overwhelming odds.

Smiling – The pirates know the security teams can only “return fire”, so they can suss out the enemy if they whizz around the vessel smiling and waving. What security do they see? None and the hunt is back on. Armed ~~guards~~ guards, and they often head elsewhere.

The Somalis will do whatever it takes to capture vessels. Armed guards may be winning the battle today, but the war will swing back to the pirates if we don't find proper long term answers. (From a report in Shiptalk on a recent WISTA Conference)

<p>“People sleep peaceably in their beds at night only because rough men stand ready to do violence on their behalf” (George Orwell).</p>
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WHAT NEXT?

On the previous page we reproduced an article based on proceedings during a recent WISTA Conference. WISTA stands for the Women's International Shipping & Trading Association and is an international organization for women in management positions in the

maritime transportation business and related trades worldwide. With increasing membership, the voice of this organisation becomes stronger and stronger. With the opinion of International Chamber of Shipping's Peter Hinchcliffe, once fiercely opposed to armed guards on board, as a parameter, the maritime world is slowly but surely coming in the direction of just that solution to confront piracy in Somalian Waters.

A survey among CESMA member associations, not so long ago, however shows that there is still a lot of resistance among European shipmasters in allowing armed guards on board their vessels. The survey was organised on the occasion of a SAGMAS meeting in Brussels in February during which a CESMA opinion on this issue was relevant. The main objection was the danger of increasing violence during eventual armed encounters between pirates and ship's crews, guided and defended by armed security personnel. International legislation in this respect is not available and the question of responsibility and who is in charge during a pirate attack has yet to be clarified. So far the master of the vessel is the only accountable person and as far as we see it, he or she will stay in that position for a long time to come.

However there are other influential bodies which have a more critical view on the matter. Intertanko, a worldwide association of tanker owners, has sent, in a recent advisory to its members, listed the following concerns that could arise from hiring armed security personnel to protect crews and cargo against pirates. While this serves as a warning for considered thought before taking such a step, Intertanko stood back from its prior unequivocal stance against the use of hired armed security.

- There could be conflicts and complexities between the ship's security plan and the port security plan.
- Those private companies, offering private arms services, are currently unregulated and owners might find difficulty in assessing their suitability to bear arms or undertake tasks to be performed.
- There may be issues relating to adequate insurance, including P&I cover.
- There could be legal consequences and complexities in the event of an armed guard using lethal force on a pirate, or worse on a civilian or crew member in error or even the armed guard suffering injuries or death as a result of his or her actions.
- There could be issues to resolve regarding the legal position and liability in the event that an armed guard causes damage to the ship or its cargo or brings about an environmental incident as a result of his or her actions.
- It will be necessary to ensure that the general safety aspects on the vessel, emergency response capability and items such as the adequacy of life saving appliances, are not compromised when carrying additional people on board.
- There will be dangers to consider where there is hazardous cargo or atmospheres on board in conjunction with non-intrinsically safety equipment i.e. firearms.
- It may be necessary to conduct an assessment to ensure that adequate medical supplies and hygiene facilities are on board and available for any additional people carried on board. **(LL 25-3-2011)**
- Who is going to take care of a seriously wounded armed guard or crewmember as a result of a shooting encounter with pirates **(CESMA)**

SAVING LIVES IN THE MEDITERRANEAN



The Netherlands' flagged cargoship 'Momentum Scan' under command of Captain Martin Remeeuws received a message from the Rescue Coordination Center in Piraeus, Greece that a vessel at a distance of 17 nm had sent a MAYDAY. As saving lives at sea is considered a

duty in the international shipping code, the 'Momentum Scan' set course to the given position. Arriving she found a small wooden vessel of no more than 20 meters length crowded with refugees which was already sinking. On board were 261 refugees from Afghanistan who had taken the opportunity to go and find a better life in the West, enticed by smugglers who make a fortune out of this business.

Being prepared for the salvage action, the vessel had put nets and ropeladders overboard but was however not prepared for this amount of people to be rescued. The result was an utter chaos in which everyone tried to survive. Huge waves caused the wooden vessel to get filled with seawater and eventually break up. The 'Momentum Scan' managed to make a proper stable lee side, assisted by its construction and its cargo of steel. Eventually 241 survivors, among them 46 women and children, managed to board the vessel while some 20 people drowned, partly because they were crushed between the ship and the wooden vessel. 11 people were wounded mostly because of fractured arms an/or legs.



After ten hours sailing, the 'Momentum Scan' reached the Greece island of Corfu where two of the refugees were arrested under suspicion of human smuggling. All others were taken off the vessel and taken care of by the Greek authorities. Four hours later the 'Momentum Scan' continued her voyage to the Ukraine, an experience richer. For many of the crew of twelve, the tragic occurrences of that night of 18th January 2011 will stay with them for a long time to come. **(FVW)**
Captain Martin Remeeuws (Member of NVKK)



THE BLUE BELT PILOT PROJECT

The Blue Belt project starts in May 2011. It was introduced during the Belgium EU Presidency and endorsed by the EU Council of Transport Ministers on 2 December 2010. The aim of the project is to explore new ways to promote and facilitate Short Sea Shipping in the European Union by reducing the administrative burden for intra-Community trade. Around 250 ships, termed blue ships, have been selected to participate in the Blue Belt pilot project. Shipowners, supported by the European Community Shipowner's Association (ECSA) and the World Shipping Council, have participated on a voluntary basis by identifying ships belonging to their fleet and which are engaged in intra-EU trade. The movements of blue ships will be monitored via the SafeSeaNet system operated by EMSA. Through this pilot project, custom authorities of EU Member States will receive a timely notification report before the arrival of a blue ship in an EU port. **(From EMSA website)** (to be continued)

DID YOU SAY: "EDUCATION?"

During a study on the reform of maritime education and training in France initiated by the now ex-Merchant Navy National School, AFCAN asked several times to be part of the reflection of this reform group. Still no response. No news, good news? Not really in this case. This would rather tend to prove that the opinion of the captain does not matter. It is true that we are the only ones benefitting from the output of any school knowledge accumulated by the students and young officers. At all times, and we have largely benefitted also, theoretical education in schools had to be complemented by practical training on board given by our predecessors. Relay that we had our turn. But we are and will always be considered by our owners and States as responsible when a mistake, navigation or other matter, occurs due to the ignorance of a young officer.

Yes responsible, because we will not yet have completed his or her education/training. But can we talk about further practical training when a student or young officer has only a limited knowledge of COLREGs, such as a wrong view how he or she tries to apply them? When he or she needs a dictionary to understand what "hammer" does mean in English? When he or she is clearly hearing a new word when the Captain is speaking about circummeridian?

Of course, it should be taken into account that the evolution of society includes maritime issues in the development of programs. To deliver new training management and human factors, for those who will be called to a command or responsibility function on the bridge or in the engineroom is, I think, the best idea that has been practice for a long time in maritime education. But should it be put into competition with the multipurpose officer education? No more systematically speaking the same language as his chief engineer, the Captain is, thanks to multipurpose education, better prepared to understand what happens in the engine of her ship but also more aware of the written and oral reports exchanged between the vessel and technical management.

Yes, school programs must certainly evolve. I (we mostly) did not study GPS nor ARDP at school, for the good reason that they did not yet exist, and therefore were not in the program. I regretted this, of course, when these devices were put in my hands. But should astronomy be removed from program? I remember that during the outbreak of the first Gulf war, I was, as Chief Officer, on watch 4 - 8, and we missed the GPS signal for several hours. That did not panic us too much, except the fact that we did not understand why GPS was inoperative, accustomed as we were to use the sextant. Try now to switch off the GPS for a few hours in the middle of nowhere - not too close of shore, it is too dangerous! - then see the reaction of the officers of the watch. Hence the future young officers will also get an engineering diploma. Which engineering diploma? It is not yet really known. But they will get it. Better to find jobs ashore? Not sure. The engineering schools are ranked and most probably the ENSM will not be recognized as one of the best schools. And these young graduates, now having the opportunity to make their training courses ashore, will no more possess the unique shipping experience to refer to. And do you know how many engineering schools are recruiting on secondary certificate (baccalaureate) + 0, an entrance examination based on four written examinations only, spread over two half days? (**Captain Hubert Ardillon, AFCAN President**)

ENMM: Ecole Nationale de la Marine Marchande (Merchant Navy National School)

ENSM: Ecole Nationale Supérieure Maritime (Maritime National Higher School)

MARITIME PIRACY AND SECURITY OF MARITIME TRANSPORT THEIR RELATION TO THE BULGARIAN NATIONAL SECURITY



An international conference „Maritime piracy and security of the maritime transport and their relation to Bulgarian national security” took place in Grand Hotel Sofia in Bulgaria on 11th and 12th of November 2010. The conference was jointly organized by the Ministry of Transport of the Republic of Bulgaria, Executive Agency Maritime Administration, the Bulgarian Shipmasters’ Association, the Bulgarian Association for Freight Forwarding, Transport and Logistics,

the Bulgarian Association of Shipbrokers and Agents, the Bulgarian Shipowners’ Association and Risk Solution Ltd with the support of BULSTRAD Insurance and the Bulgarian Port Infrastructure Company.

This important conference was opened by the Deputy Minister of transport Mr. Kamen Kichev. The speakers were from Bulgaria, UK, USA, Somalia, the Netherlands, Israël and Norway. The importance of the piracy problem has increased with the growing acts of piracy off the coast of Somalia in the last few years.

This topic was discussed during the quarterly meeting of the Bulgarian Association of Shipmasters of November 7, 2010, held in the Seaman's House, Varna. The discussion started with an interesting narrative of the master of m/t "Panega". Captain Rumyan Popov remained hostage of Somali pirates for more than four months. The description of the events on board were of immense interest to all colleagues. The pirates had attacked the ship with wooden boats with an outboard motor. The boats had been discovered by the ship's crew when at a distance of 4-5 cables under favourable weather conditions (winds 2-3 Beaufort). The pirates had quickly come closer to the ship and although the Master sailed in convoy and immediately advised the warship guarding the convoy, the pirates had got over the safety nets and other security measures as per industry's "Best Management Practices" in fighting against piracy and captured the ship, before the warship had come on scene. During the attack the pirates had shot with automatic weapons in the air but accidentally a seaman had been shot unintentionally in the leg. Fortunately the bone of the leg had not been touched and the crewmember had been able to recover and the wound to heal during the four months period of hostage. The entire crew had been gathered on the bridge and had to remain there for the entire four months. After they ran out of food, the crew had been provided with rice and fish. Among other details, the Master informed us that, to the best of his knowledge, the pirates are desperate men who are quite scared but who have nothing to loose. The need had forced them to perform the pirate acts.

The conference in Sofia took place in four panels - political, legal, economic and applied. In the political panel, opened by the Deputy Minister Kichev, the political situation in Somalia was analysed and discussed on the basis of the reports of Dr Mohammed Hussein Mohammed, a member of Somali Parliament, and Dr. Solomon Passi, Chairman of the Atlantic Club of Bulgaria. Dr Mohammed explained to the participants about the subdivision of Somalia into several areas of influence – the northern part in which the transitional government dominates and where pirates are prosecuted and the southern part which is controlled by the extreme islamites.

He urged the international community for help to improve the economic situation in the country and to reduce poverty which is the main reason for the Somali people to take part in acts of piracy. Dr Passi made an analysis of the origin of piracy in the ancient times, its development in the Middle Ages and the recent acts of piracy.

The subject was continued by the American Admiral (rtd) David Shimp – vice president of Maybank Industry and honorary chairman of the American Navy League for the Black Sea and Captain Marin Petrov, Executive Secretary of Bulgarian Shipowners' Association. Admiral Shimp pointed out the necessity of risk analysis and measures to prevent the possibility for acts of piracy. Captain Marin Petrov summarized the view of the financial victims of piracy – the shipowners. The data was quoted for the piracy in 2009.

44% from 289's pirate attacks worldwide took place near the coast of Somalia, 217 attacks, 47 hijacked ships and 867 seamen kidnapped. 95% of the trade of the European Union in volume and 20% of world trade pass through the Gulf of Aden. The escalation of piracy attacks is associated with enhancing the capacities of pirates to attack up to 1000 nautical miles from shore due to availability of motherships. Shipowners consider that the roots of piracy ly in the attractiveness for quick profits, the ability to send armed men to capture merchant vessels and to kidnap them in secluded ports.



Capt. Marin Petrov

To eliminate piracy, the realisation of one or all of these factors should be prevented. Captain Petrov indicated the measures against piracy which the industry is taking - best practices for prevention of piracy and training ships' crews .

The political panel logically proceeded into legal panel. The doyen of the Bulgarian Maritime Law, Professor Alexander Yankov, outlined the international legal framework to combat piracy on the basis of the International Convention on the Law of the Sea (ITLOS) of 1982, stressing that it applies to the open sea. The coastal areas should be legally regulated by national law frames in which the problem of piracy has not been solved in all countries and one of these countries is Bulgaria. The topic was further developed by the paper of Professor Ivan Lazarov, head of the Institute of Maritime Law and Logistics of the Varna Free University, and his assistant Elisaveta Kalinova. It was emphasized that there is prosecution of piracy in aviation, but not in the maritime legislation of Bulgaria. A proposal was made for developing a new law for the Bulgarian flag in which the acts of piracy could be criminalized and so the responsibility of the captain sailing on board Bulgarian flag ships could be updated in accordance with the modern world maritime practices.



Prof. A. Yankov

Mr. John Higgins, project manager of „Oceans beyond Piracy“ in the “One Earth Future“ US Foundation presented the project of the foundation as a logical bridge between legal and economic parameters. The problem of piracy is of an international character and in 97% of cases when pirates had been captured, they had been released. So Mr Higgins outlined the possibilities of the International Court of Justice in The Hague and the International Tribunal of the United Nations Convention of the Laws of the Sea in Hamburg. He also mentioned the need for establishment of national and international working groups to analyze existing problems and to develop a common approach to national and international entities.

Mr. Higgins acquainted the conference participants with the economic parameters of the problem of piracy and the fact that only a small part of the funds currently given by the industry for operational costs - an extra insurance when passing piracy areas and funds to combat piracy, are needed to build national structures in piracy areas to solve the problem locally.

During the second day of the conference practice-oriented papers were presented. The Secretary General of the Confederation of European Shipmasters' Associations (CESMA) Captain Fredrik van Wijnen, gave the conference participants the still prevailing opinion of shipmasters that the ship's crews should not be provided with weapons when sailing through piracy infected areas and expressed doubt about the rationality of the use of so-called "citadels" where the tension during acts of piracy could escalate. The captains and crew of merchant ships are usually not trained to use weapons. He gave however a summary of non lethal weapons that could be used to deter pirates but warned against using violence as it only causes more violent reactions from the side of the pirates who are better armed and more inclined to take risks in order to reach their goal. If overpowered, ship's crews should practice their utmost restraint.

After the conference a declaration was presented:

The participants in the International Conference on Maritime Piracy and Security of the Maritime Transport and their Relation to the Bulgarian National Security, held in Sofia, Bulgaria, noted with great concern the enormous and increasing threat to

seafarers and the global shipping industry from piracy, especially off the coast of Somalia.

The participants in the Conference, having listened to comprehensive reports and discussions thereafter, reached consensus on the need for the criminalization of maritime piracy in national legislation, taking into account the experience of certain countries.

The participants in the Conference called on Bulgarian competent authorities to include provisions related to piracy in the national legislation, aimed at providing adequate enforcement of the international legal framework set by the United Nations Convention on the Law of the Sea, 1982.

The majority of the participants shared the understanding that the idea of having lethal arms on board merchant ships is completely unacceptable.

The participants in the Conference agreed that the piracy issue could only be resolved with the establishment of legal order ashore in Somalia. Therefore they strongly appreciate the efforts of the international community to improve the political situation in Somalia and to prevent the pirates from establishing and using bases ashore and keeping seafarers and ships as hostages.

Keeping in mind the experience of ships' crews being hijacked by the pirates and the effect of this act on their physical and mental state, the Conference called upon governments and respective shipowners to provide adequate medical and mental treatment, aiming at recovering the victims and helping them to return to normal life.

(From a report provided by Captain Dimitar Dimtsov)

⚓ PILOTAGE EXEMPTION CERTIFICATES IN THE EU

Use of a pilot is compulsory in many territorial waters. A pilot is familiar with the local waters and special conditions and can therefore guide ships through congested or dangerous areas. The pilot acts as an advisor, as the master remains in legal, overriding command of the vessel.

In most Member States legislation provides the possibility of some form of exemption from pilotage, either in the form of exemptions in the regulations for compulsory pilotage or in the form of issue of Pilotage Exemption Certificates (PEC). A Pilotage Exemption Certificate may be granted to the vessel's master, or mate, when they fulfill certain criteria showing a capacity to safely manage his vessel in the waters in question. Normally the pilotage exemption is valid only for the specified vessel and route.



The Commission Communication and action plan with a view to establishing a European maritime transport space without barriers invited Member States to create a regulatory framework which would permit easier pilotage exemptions. This communication specified that the conditions required for obtaining a PEC should be reasonable and should not contain elements of protectionism. This could induce lower costs for Short Sea Shipping operators and faster turnaround times of vessels in ports. The action required to put this recommendation into effect will need to be taken at national level and coordinated among national authorities.

Furthermore, during the adoption of the **Directive on reporting formalities for ships arriving and departing from ports of the Member states** (2010/65/EU), the European

Parliament, the Council and the Commission agreed on a joint statement to examine a clear framework on granting Pilotage Exemption Certificates. It was agreed that the Commission will shortly examine this issue in co-operation with the interested parties and in consideration of the importance of safety at sea and the protection of the marine environment.

On 4th March the Commission held a consultation meeting to discuss which elements should be included in the external study on the Pilotage Exemption Certificates. The study is expected to start during summer 2011 while the report is expected to be ready in spring 2012. For CESMA Captain Francois Demeulder (Individual Member) attended the meeting and reported on the following issues which should be included in the research:

- The current status of the PEC facility in EU nations which is widely diverse and sometimes illogical especially with regard to North and South European nations.
- The legislative and economical frameworks in the various nations.
- Pilotage statistics in the various ports.
- The practise of upholding the English language as the maritime language
- Statistics on the impact of the system of pilot exemption
- Which rules should be implemented as European rules
- Use of new technical means such as pilotage from a distance.
- Collect the experience from users through interviews
- Assess the findings of member states.

CESMA has reacted to the European Commission with the following observations:

1. CESMA welcomes a European legislation in the field of Pilotage Exemption Certificates. It leads to more elucidation, also for shipowners and shipmasters.
2. Providing PEC's should be preceded by a proper risk assessment and could be different for various ports in the EU.
3. Providing PEC's should not result in an element of competition amongst ports. The safety aspect should be maintained at all times.
4. The holder of a PEC must be able to decide to ask for pilot assistance at all times if circumstances or safety of navigation require so.
5. When tugboats are used, a proper contact between ship and tugboat must be guaranteed at all times.
6. The holder of a PEC must have a good knowledge of the English language and the language which is used locally.
7. Exams required to obtain a PEC certificate should be judged by an independent body.
8. The study should not be limited to the legal and economic features of the PEC facility.
9. The views of shipowners, pilots and terminal operators should not prevail.
10. The position of the shipmaster should not be ignored and be taken into account.
11. Due attention should be paid to the extra workload the PEC facility puts on the shipmaster and his crew before, during and after the port-stay of the vessel.
12. If a consultancy is chosen to work out a framework for the PEC facility, it should have sufficient maritime expertise at its disposal.
13. Shipmasters (CESMA) should be consulted as an important EU stakeholder when working out a comprehensive framework for the PEC facility. After all they are the end-users carrying the ultimate practical and legal responsibility.

These observations will be discussed during the upcoming CESMA Annual General Assembly in Zadar. (FVW)

Related documents

- **Legislation**

[Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC](#)

[Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Communication and action plan with a view to establishing a European maritime transport space without barriers](#)

[Joint statement by the European Parliament, the Council and the Commission on the granting of Pilotage Exemption Certificates](#)

- **Study**

[Presentation for a study on Pilotage Exemption Certificates](#)  [196 KB] (4 March 2011)



HORIZON, THE PROJECT CONTINUES

Working on the pioneering European Union-funded Project Horizon research into seafarer fatigue has been really interesting, says Alan Witcher, a senior lecturer at Warsash Maritime Academy. 'You have heard all these things about fatigue anecdotally, but it is amazing to see it happening before you, when people look like they are moving through treacle,' he adds. Alan is part of a team at Warsash who have just completed a milestone in the 30-month project – the final set of week-long simulator trials in which volunteers are monitored and assessed, as they undergo real-time six-on/six-off watchkeeping patterns. A total of 40 deck and engineer officers have taken part in the runs at Warsash, with a further 50 volunteers having participated in similar tests at Chalmers University in Sweden, where experts have studied the effects of working four-on/eight-off and 'disturbed' six-on/six-off patterns.

Now the results of the detailed tests are being analysed and assessed, with a report on the findings due to be published later this year. The €3.8m project, part funded by the EU, will also result in a 'toolkit' to help seafarers and employers recognise and mitigate the effects of tiredness. Nautilus is one of the key partners in Project Horizon, which was launched in response to growing concern about the number of fatigue-related shipping accidents. The project is based on very rigorous scientific principles and has involved cutting-edge use of deck, engine and cargo handling simulators to create the realistic seven-day simulated voyage for the volunteer officers.

At Warsash, the simulators have been linked up, so that the participants sail a 17,071dwt product tanker from Fawley to Rotterdam and back again, twice, with a varied workload

including cargo loading and discharge, and picking up and disembarking pilots. The simulations included some 'distinctly boring' sections as well as a number of realistic 'incidents' – such as close-quarters situations, a 'man overboard' from another ship, a gyro-compass error and machinery alarms. The standard test conditions and replicated situations enable the researchers to make valid comparisons, under statistically robust conditions. They monitor the way in which the volunteer officers react and how their judgement and performance is affected at different times during the week.

Instructors have overseen the 'voyages', not only monitoring performance but also acting as 'masters' and 'chiefs' during handovers and in cases where intervention has been required to prevent an accident. Volunteers' performance has been checked by a wide range of indicators – with lecturers monitoring such things as their behaviour, body language and ability to pass on 10 standard items of information at each watch handover. The participants have also completed 'awake', 'work' and 'sleep' diaries to provide details about the stress and fatigue they have experienced, the levels of sleepiness and the quality of their rest. They have also been measured on a standard 'sleepiness scale', as well as undergoing psychomotor vigilance tests at the beginning and end of each watch, and wearing an actigraph to measure their movements throughout the week. At two stages of the 'voyage', the participants wear 10 electrodes that measure their brain activity, over two watch periods and two sleep periods. Data obtained allows experts to analyse cognitive performance at key stages and can also show instances of 'microsleep'.

All these findings are now being analysed by academics in the UK and Sweden, and the project team will be putting together recommendations for the shipping industry based on the results. A principal aim of the project is to come up with a toolkit to "manage" fatigue through a software model that will predict the levels of sleepiness and enable crew, managers and owners to reduce the risk in different ways.

'What we hope to do is to create something that will have a positive impact on seafarers and the shipping industry, changing the culture so that people can predict levels of fatigue on a vessel and therefore plan to avoid its occurrence and mitigate its effects.' (Prof. M. Barnett).

(From a Horizon Newsletter)



IN MEMORY OF CAPTAIN PHILIPPE DERUY

Following the tragic death of Captain Philippe Deruy, we offer our deepest condolences to his family and his closest friends. This dramatic occurrence illustrates the very difficult, sometimes terrible, conditions in which shipmasters have to execute their profession. To relieve a captain, who loves his profession, from his command after a maritime accident in which his vessel was involved and post him in an office job, is a really heavy sanction. Until the moment of the accident, our colleague had the total confidence of his owner. This confidence was based on many years of studies, training and acquirement of experience at sea, disappeared in a few unfortunate moments.

In spite of the present discussions on good management practices, the consideration of the human element and many other elements, the pressure on the shipmaster has never been so extreme. The shipmaster is responsible of everything which involves his vessel. He has to satisfy the public opinion, the insurance companies, the shareholders or even the customers before the results of the investigations are known.

We do not have the intention to relieve the shipmaster of his responsibilities but it is necessary to give him the possibility to exercise them and permit him to defend himself like any other employee. The speciality of this function does not deprive the shipmaster of his elementary rights by lack of consideration and respect, virtues which become more and more exceptional nowadays.

We consider that this human drama should at least open the eyes of the managers of shipping companies and should oblige us all to find possibilities for improvement if we want to prevent other tragedies. We also think that we could maintain some attractiveness for this exacting profession.

We are resolute, as shipmasters' association and we will act in memory of our mourned colleague.

For the President, Captain Hubert Ardillon (at sea)
The vice-president, Captain Francois-Xavier Pizon

Translated from a Press Report by AFCAN

16th COURSE OF LECTURES AT WARNEMUENDE (2)



During the two days 17th/18th of November 2010 various speakers reported about different themes under the main topic: **“Harbours, Coasts and Shipping in the change of innovation and education”**. One part of this Course of Lectures dealt with the new Maritime Labour Convention. I will show and explain some important points of the above mentioned convention. It is clear that this can be a very short extract only. If there is an interest, anybody will find the articles of this Convention complete on the Internet.

Capt. Wolf von Presentin

It will show us that on board of ships the master has to store two more certificates and what is far more important, he has to make sure that the articles of this convention will be carried through. This convention was unanimously adopted on the 23rd of February 2006 in Geneva, Switzerland. After the preamble, 16 articles show us the entrance in the Convention.

Following I will quote the topic of some articles only. The English and French versions of the text of this Convention are equally authoritative.

EXPLANATORY NOTE TO THE REGULATIONS AND CODE OF THE MARITIME LABOUR CONVENTION – MLC

1. This explanatory note, which does not form part of the MLC, is intended as a general guide to the Convention.
2. The Convention comprises three different but related parts:
The Articles, the Regulations and the Code

The Regulations and the Code are organized into general areas under five titles:



Title 1: Minimum requirements for seafarers to work on a ship
Title 2: Conditions of employment
Title 3: Accommodation, recreational facilities, food and catering
Title 4: Health protection, medical care, welfare and social security protection
Title 5: Compliance and enforcement

ILO meeting in Geneva

To follow, I will quote some topic of titles 1 to 4 only, and then I will come to title 5.

Title 1:

Regulation 1.1: Minimum age
Regulation 1.2: Medical certificate
Regulation 1.3: Training and qualifications
Regulation 1.4: Recruitment and placement

Title 2:

Regulation 2.1: Seafarers employment agreements
Regulation 2.2: Wages
Regulation 2.3: Hours of work and hours of rest
Regulation 2.4: Entitlement to leave
Regulation 2.5: repatriation
Regulation 2.6: Seafarer compensation for the ship's loss or foundering
Regulation 2.7: Manning levels
Regulation 2.8: Career and skill development and opportunities for seafarers' employment

Title 3:

Regulation 3.1: Accommodation and recreational facilities
Regulation 3.2: Food and catering

Title 4:

Regulation 4.1: Medical care on board ship and ashore
Regulation 4.2: Shipowners' liability
Regulation 4.3: Health and safety protection and accident prevention
Regulation 4.4: Access to shore-based welfare facilities
Regulation 4.5: Social security

The above-mentioned topics shows us that many of the necessary points are the normal standard on board ships and there is no discussion that these minimum standards are necessary. If these standards on board ships would be normal, it would also benefit the master because he will have a happy crew. For the master it will be the devil in the detail and that will be under title 5 with the topic: Compliance and enforcement.

Regulation 5.1: Flag state responsibilities

Regulation 5.1.1: General principles

1. Each member shall establish clear objectives and standards covering the administration of its inspection and certification systems, as well as adequate overall procedures for its assessment of the extent to which those objectives and standards are being attained.
2. Each member shall require all ships that fly its flag, to have a copy of this Convention available on board.

Regulation 5.1.3: Maritime labour certificate and declaration of maritime labour compliance

Under this topic you will find the new certificates to carry on board and as you know for every certificate you need an inspection and normally each inspection takes time in the port.

According to an expert from a German classification society, it needs about 5 to 6 hours for an inspection.

1. This regulation applies to following ships:

- (A) 500 gross tonnage or over, engaged in international voyages; and
- (B) 500 gross tonnage or over, flying the flag of a member and operating from a port, or between ports, in another country.

For the purpose of this Regulation, “international voyage” means a voyage from a country to a port outside such a country.

1. The maritime labour certificate and the declaration of maritime labour compliance shall conform to the model prescribed by the Code.

Standard A5.1.3:

1. The maritime labour certificate shall be issued to a ship by the competent authority, or by a recognized organization duly authorized for this purpose, for a period which shall not exceed five years.....
2. The validity of the maritime labour certificate shall be subject to an intermediate inspection by the competent authority, or by a recognized organization duly authorized for this purpose, to ensure continuing compliance with the national requirements implementing this Convention. If only one intermediate inspection is carried out and the period of validity of the certificate is five years, it shall take place between the second and third anniversary dates of the certificate.
5. A maritime labour certificate may be issued on an interim basis:
 - (a) to new ships on delivery;
 - (b) when a ship changes flag; or
 - (c) when a shipowner assumes responsibility for the operation of a ship which is new to that shipowner.
6. An interim maritime labour certificate may be issued for a period not exceeding six month.....
7. An interim maritime labour certificate may only be issued following verification that:
 - (a) the ship has been inspected, as far as reasonable and practicable.....
 - (b) the shipowner has demonstrated to the competent authority or recognized
 - (c) organization that the ship has adequate procedures to comply with this Convention;
 - (d) the master is familiar with the requirements of this Convention and the responsibilities for implementation, and
 - (e) relevant information has been submitted to the competent authority or recognized organization to produce a declaration of maritime labour compliance.
10. The declaration of maritime labour compliance shall be attached to the maritime labour certificate. It shall have two parts:
 - (a) Part I shall be drawn up by the competent authority which shall:
 - (i) identify the list of matters to be inspected in accordance with § 1 of this Standard
 - (ii) identify the national requirements.....
 - (iii) refer to ship-type specific requirements under national legislation
 - (iv) record any substantially equivalent provisions adopted pursuant §3 of Article VI; and
 - (v) clearly indicate any exemption granted by the competent authority as provided in title 3; and
 - (b) Part II shall be drawn up by the shipowner and shall identify the measures adopted to ensure ongoing compliance with the national requirements between inspections and the measures proposed to ensure that there is continues improvement.
11. The results of all subsequent inspections or other verifications carried out

with respect to the ship concerned and any significant deficiencies found during any such verification, shall be recorded, together with the date when the deficiencies were found to have been remedied.

This record, accompanied by an English-language translation, where it is not in English, shall, in accordance with national laws or regulations, be inscribed upon or appended to the declaration of maritime labour compliance or made available in some other way to seafarers, flag State inspectors, authorized officers in port States and shipowners' and seafarers' representatives.

12. A current valid maritime labour certificate and declaration of maritime labour compliance, accompanied by an English-language translation where it is not in English, shall be carried on the ship and a copy shall be posted in a conspicuous place on board where it is available to the seafarers. A copy shall be made available in accordance with national law and regulations, upon request, to seafarers, Flag State inspectors, authorized officers in Port States, and shipowners' and seafarers' representatives.

As written in article VIII point 3, this Convention needs at least 30 members with a total share in the world gross tonnage of ships of 33 per cent.

Until November 2010 10 members have ratified this Convention:

Liberia	07:06.2006
Marshall Islands	25:09.2007
Bahamas	11:02.2008
Panama	06:02.2009
Norway	10:02.2009
Bosnia and Herzegovina	18:01.2010
Spain	04:02.2010
Croatia	12:02.2010
Bulgaria	12:04.2010
Canada	15:06.2010



Germany and most other EU-countries have planned to ratify this Convention before the end of 2010, but there are some problems. So it seems that the ratification will not happen before the middle of 2011. That means that this Convention will not come into force before the middle of 2012 or maybe later. But the competent authorities and classification societies will start with inspections already before this Convention comes into force for help and advice. The inspectors should use this time for every possible advice to the masters and/or crew of ships.

Wolf von Pressentin



DG MOVE RE-ORGANISES



The European Commission intends to thoroughly reorganise the Directorate Mobility and Transport (DG MOVE). Maritime and land transport will be concentrated in one department. Rail transport is excluded from this new "move". Apart from sea and land transport, logistics will also be integrated in this new department.

Mr. Fotis Karamitsos, the actual Director of department Maritime Transport,

is foreseen to become the new head of the new Logistics, Maritime and Land transport division. The actual Director of the division Land Transport, Mr. Enrico Grillo Pasquarelli will retire shortly.

Remarkable with this restructuring is that railways, ports and inland watertraffic have not been included in this new department. These are to be included in Trans European Transport Networks. A new division will be Innovation and Durable Mobility.

From: Nieuwsblad Transport

CHANGE OF SEAT IN CROATIA



During its Annual General Assembly in Rijeka (Croatia), on 25th February, the Union of Croatian Shipmasters' Associations (ZHUPK), a new President was elected. The Statutes regulate that each year another of the Union Members is elected for the Presidency. This year a candidate from Rijeka is elected and the new President is Captain Edo Deskovic. We congratulate Captain Deskovic with his new position and we hope for a fruitful and constructive cooperation.

Captain Deskovic was born in Moscenicka, Croatia, on 26-06-1946. He finished his maritime studies in 1969 in Rijeka, Croatia. Consequently he sailed as a shipofficer with national company "Jugolinija" and worked in a shipyard in the sales department till 1974. He was promoted to Master in 1975 and he sailed on passenger ferries owned by Deval Marine from the UK. After that he was Master with "Elegant Cruise Line" and finally with Irish company "Adria Ferries" until retirement.



Captain Deskovic speaks fluently English, Italian, German and Spanish and has some interesting hobbies such as diving, ship modeling and (do't you believe it?) sailing.

His home e-mail address is edo.deskovic@ri.t-com.hr

The seat of the ZHUPK will remain in Zadar with the same General Secretary, S. Vrdoljak, and the same e-mail address: udruga.kapetana@zd.t-com.hr.
The home e-mail address of Captain Vrdoljak is vrda@zadar-airport.hr

Captain



CESMA LOGBOOK (2011 – 1)

We were represented at the following occasions

08 Feb	Brussels	SAGMAS
28 Feb	Barendrecht	Workshop Shore Support
03 Mar	Amsterdam	CESMA Boardmeeting
04 Mar	Brussels	EC meeting on Pilot Exemption
11 Mar	Amsterdam	AGM NL Institute for Navigation
17 Mar	Soesterberg	Final Report Project Shore Support



FROM THE EDITOR

- According to Maersk Ship Management Netherlands Manning Office in Rotterdam, Maersk Line has resumed hiring of West European (EU) ship officers. This must be a direct consequence of improving results in the container trade. This is extreme good news for the new generation of European seafarers and the entire maritime industry in Europe. Let's hope this measure is not a temporary decision.
- CESMA has been invited to contribute to the European Maritime Day in the Polish city of Gdansk on 19 and 20 May. In a workshop we will give our views on the E-maritime concept which is widely advocated by the European Commission.
- The International Maritime Organization (IMO) is spearheading an unprecedented attempt to co-ordinate all international anti-piracy operations under a single United Nations command. It will also increase the number of warships being in use off Somalia and in the Indian Ocean and considers the possibility of a UN central command. While 23 countries currently have active anti-piracy operations in the area, co-ordination and co-operation between navies has produced mixed results and failed to reduce the rate of hijackings.
- Shipmasters entering UK coastal waters and ports are advised to give attention to the decision of the Maritime & Coastguard Agency (MCA) to stage a crackdown on compliance with the rules governing seafarers' hours of work and rest. Breaches of the regulations will be reported to the enforcement unit of the Agency and may result in prosecution. Especially vessels operating on busy schedules with small crews such as container feederships will be targeted for the checks. The stance of the MCA regarding fatigue is behind this decision.
- The European Commission has organised a consultation meeting to carry out a study on a European approach to Pilotage Exemption Certificates in European seaports. This study was agreed during the adoption of the Directive on reporting formalities for ships arriving in and/or departing from Member States in the EU. CESMA was invited to participate in the discussions during a meeting in Brussels on 4th March.
- Warnings have been given that professional, sophisticated gangs are increasingly using cruiseships to traffic illegal drugs in large quantities. Although cruiselines are playing down the problem, it has started to represent a significant added risk to the cruise business and its image.
- The Shipmasters' association of Montenegro has applied for associated membership of CESMA. A delegation of the association will attend the CESMA Annual General Assembly in Zadar, Croatia, on 7th May 2011.
- Electronic specialist Kelvin Hughes has come out with a revolution in radar technology. Its Sharp-eye radar system is supposed to be exceptionally effective in detecting small targets, especially in high levels of rain and seaclutter. It could prove a valuable tool in the early detection of pirates in small white skiffs which are hardly visible on the usual radar screens and difficult to detect in sight when there are white crests on the waves during strong winds.
- Our colleagues of the Society of Master Mariners in South Africa warns that masters of ships entering South African ports with weapons to protect against pirates, are being arrested if they do not have the appropriate permit in terms of the Fire Arms Control Act. The association expressed extreme concern over recent arrests of visiting shipmasters in ports. Four masters have been arrested in the last six weeks.

- A recent Television programme in the Netherlands have shown that a number of Dutch shipmasters are privately collecting fire-arms to be able to defend themselves if their ships have to pass through piracy infected areas. A dangerous development.



**CONFEDERATION OF EUROPEAN
SHIPMASTERS' ASSOCIATIONS**



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**CESMA ANNUAL GENERAL ASSEMBLY 2011
IN ZADAR, CROATIA**

**AT THE EUROPEAN CENTER FOR CROSS-SECTORAL
PARTNERSHIP (IMPACT)**

(COUNCIL MEETING AT HOTEL BASTION, ZADAR)

06 May 2011

10.00 - 12.30 Council meeting
12.30 - 13.30 Lunch
13.30 - 17.00 Council meeting (continuation)

07 May 2011

10.00 - 13.00 Seminar at the EU Center for Cross-Sectoral Partnership (IMPACT)
With cooperation of the Croatian Ministry of Sea, Transport and
Infrastructure and the Croatian Hydrographic Institute.

Presentations by:

Mr. Luksa Cicovacki (Safety of Maritime Traffic in the Adriatic Sea)
Mr. Zeljko Bradaric (Places of Refuge for ships in need of assistance)
Italian Coastguard (to be confirmed)
A European Shipmaster

13.00 – 14.00 Lunch
14.00 – 18.00 CESMA Annual General Assembly (in IMPACT Building)
20.00 – 23.00 CESMA dinner for Council members and invited guests.
(in restaurant ROKO)

**CONFEDERATION OF EUROPEAN
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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 FULL OR ASSOCIATED MEMBERSHIP OF THE CONFEDERATION OF EUROPEAN SHIPMASTERS' ASSOCIATIONS (CESMA).

NAME AND SIGNATURE:

DATE:

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