

# CESMA NEWS

## DECEMBER 2013

THE EUROPEAN UNION SHIPMASTER INFORMATION CHRONICLE

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# CESMA GOES TO PANAMA



mv Maas Trader

We have reported on the case of Captain Sobadzhiev who was arrested in Panama in March 2011 because the Panamese authorities found a considerable amount of cocaine on board mv "Maas Trader" under the flag of the Netherlands. He has been kept in the La Joya prison ever since without any verdict or even hearing by Panamese judges. We received information that the court case would take place on 19<sup>th</sup> December and were invited by the Bulgarian Shipmasters Association and friends of Capt. Sobadzhiev to attend in order to assist the defence team.

The first day of our visit consisted of orientation of the local circumstances and preparations for the court case on the 19<sup>th</sup> December and a visit to La Joya prison on 20<sup>th</sup> December. To assist us, we had the pleasure of meeting the lawyer of Captain Sobadzhiev, Mr. Cesar Salazar and the Honorary Consul of Bulgaria in Panama Mrs. Klaudia Lissitchkova de Mitchev. It was evident that Mr. Salazar was not aware of the technical details of a ship. We had ample opportunity to brief him, so he could give the right answers during the court case. We also gave him some valuable hints he could use during his defence.

The second day was dedicated to the court case of Captain Sobadzhiev in Colon, approximately three hours drive from Panama City. We managed to dress Captain Sobadzhiev in his captain's uniform to make a good impression on the judge. The meeting again with her father with his daughter Lora was quite emotional. Present during the court case/hearing were his lawyer Mr. Salazar, his daughter, Mrs Klaudia as interpreter for Captain Sobadzhiev, the Consul for Bulgaria in Mexico, Mr. Tzonev and myself. The accusations of the public prosecutor were quite severe. Apart from ill-treatment of his crew, Captain Sobadzhiev was accused of being personally involved in drug-trafficking. The defence plea, strongly presented by Mr. Salazar, took approximately two hours. He pleaded not guilty because all the testimonies by the four crewmembers, on which the arrest was based, were very controversial and contained many contradictions. Moreover these testimonies were not made under oath and the respective crewmembers could not be heard. Moreover influential colleagues, such as the Chief Engineer, were not consulted. The judge, Mr. Mata, concluded the session by mentioning that the material necessary for a conviction was far from complete. A verdict cannot be expected before weeks, the official term being thirty (30) days.



On the third day we, (Mr. Salazar, Lora, Mr. Tzonev and myself), visited Captain Sobadzhiev in the La Joya prison, a former US military camp, approximately two hours driving from Panama City. In the meantime the photographs taken give a clear impression of the circumstances he has to live in during his now almost three years in prison. Captain Sobadzhiev was happy to see us and in good spirits because he finally has the conviction that something is happening to end his ordeal in Panama. (FVW)



# CONTAINER WEIGHTS PROFIT OR SAFETY?

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The Commission Dangerous Goods, Solid Cargoes and Containers (DSC) of the International Maritime Organisation (IMO) has approved, during its regular meetings on 20 September, a regulation which stipulates that shippers have to offer containers provided with a weight certificate indicating the correct weight before loading them on board a ship. The weight has also to appear on the accompanying cargo documents. Containers which do not comply with this regulation will be left behind on the terminal.

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The aim of the duty to weigh containers, is to improve maritime safety. At the moment 20% of containers offered for shipment weighs more than declared and endorsed in the stowage plan. The IMO hopes to end these practices after the new rules come into force in 2016.

Shippers' organisations however very much doubt whether these new regulations will contribute to the required improvement of safety and maintain that they will prove to be very costly up to billions of euros. During a seminar organised by the Netherlands Shipmasters' Association NVKK on 3<sup>rd</sup> October, the new IMO regulation was fiercely criticized by a representative of the shippers organisation EVO. Yearly 360 million containers are shipped worldwide. The expenses for weighing a container are estimated to be 10 to 20 euro per container.



One of the arguments for the new regulation is that thousands of containers are lost overboard during bad weather conditions. According to EVO this number is exaggerated and amounts to 350 only. According to EVO the loss of containers overboard is mainly due to insufficient lashing procedures. Although many companies have their own container lashing manual, an internationally approved and binding system is still not available. Also the argument that collapsing of container stacks due to heavier weights than declared, is not valid and has to be brought back to

wrong stowage planning and poor lashing. The main reason for incorrect container weights is the "last minute" delivery of goods which has still to be stuffed in the container. What is sometimes missing is proper software and good communication between the shipper and the terminal. Adapting a container stowage plan on a last minute basis is a difficult task to perform and an average of 10% of all containers loaded ends up in the wrong position.

According to many EU shipmasters' associations, which we asked for an opinion, mandatory weighing of containers is very much welcomed.

"The correct container weight is of utmost importance for the safety of the ship. The way in which this correct weight is achieved is irrelevant to the management on board, It is beyond the control of the ship's management. They are primarily concerned and insist that the container bears the correct actual weight when it is loaded on board".

There are many examples whereby wrong container weights caused or contributed to incidents and accidents. It is the ship's staff and crew which has to endure the consequences. The IMO has a broad database of accidents caused by declaring wrong container weights.

Main concern is the consequent mistakes in calculating the stability and the various forces to the vessel which can only be effectively measured after completion of the loading activities. Moreover many containers are still loaded on normal cargo ships with decks and own cargo gear. Wrong container weights can lead to overloading the decks and abnormal forces on deck cranes or derricks, causing damage to the vessel and (fatal) injuries to stevedore's and ship's personnel.

Also ship owners' organisations, such as the European Community Ship owners' Association (ECSA) welcome the new regulations. It is very important to have the correct container weights available in order to stipulate the right stability figures and preventing ungovernable forces to have impact on the vessels construction, especially in adverse weather, according to their statement.

The representative of EVO maintained his disapproval of the new regulation. There are already regulations of IMO's SOLAS VI in force which could force shippers to have their containers weighed. When they do not comply, sanctions can be inflicted.

The new regulation will definitely become into force in November 2014. Shippers need to submit certified container weights before a container is considered in order for loading from July 2016. Containers loaded on trailers to be shipped on a RoRo vessel on a short international voyage, are exempted.



## SHIPMASTERS UNDER PRESSURE

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Departure from a port when bad weather and heavy seas are predicted is considered one of the deadlocks a shipmaster may be confronted with. Recent examples of bulkcarriers leaving ports in South Africa which broke in heavy seas as soon as they were outside the breakwaters, brings this dilemma into reality. Certainly, these weather and sea conditions must have been forecasted by the South African weather bureau. Yet the master decided to depart, bringing his crew, cargo and ship into danger. Was this a lack of seamanship showing to be unable to handle a ship in adverse weather conditions or were these masters pressed to depart by agents, charterers or owners? It is common knowledge that every day extra in port is expensive and should be avoided at all costs. Everyone knows this also capable and professional shipmasters who owe their owners an economical management of the vessel under his or her command. Is this risk-taking in the maritime industry now taken for granted? This question was asked by the famous maritime journalist and longtime editor of Lloyd's List, Mr. Michael Grey in an article in the paper of 2<sup>nd</sup> September.

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What in fact is being asked of shipmasters is to include more risk management in their decision taking. Terminals are sometimes pleading or threatening shipmasters to berth their ship alongside the terminal even when a very dangerous and risky manoeuvre is expected because of the small manoeuvring space and the wind taking hold of the ship as soon as the anchor is away.

The question remains whether they follow their intuition and experience to play it safe or cross their fingers and trust that everything works well when it is most needs to? The trouble is that there are few rules for these difficult questions that only the shipmaster on the spot can really answer.

There are many examples such as the pilot which assures you before leaving the berth in thick fog that the weather is soon clearing outside. Or do you ignore the demands of the charterer which wants you in the next port first thing the next morning. Or do you listen to the terminal manager who



Mr. Michael Grey

just wants you off the berth so it is clear for the next customer who is impatiently waiting outside. So many imponderables have to be faced such as leaving the port with a great big ship to head into heavy seas outside the sheltering breakwaters. You are going to have to be able to let the tugs go in time to clear the forecastle and have the anchors secured. This is important to get the forward crew into safety before green seas start crashing over the bow. There were fatal accidents in recent years where seamen were caught on the forecastle by oncoming waves. It is common practice to get the pilot off the ship in sheltered waters as he or she doesn't want to spend the next ten days on an ocean passage. But then, with no tugs fast and no pilot, it will be up to the master to get the ship safely clear of the coast in heavy weather.

There is a saying that "There are old masters and there are bold masters, but few old bold masters". It was used chiefly as an invocation for prudence, a word you don't hear so often anymore in a maritime world whose priorities seemed to have changed in one where risk-taking is taken for granted. Those directing ships from ashore seem to regard ships as rather large lorries. You might suggest that none of this is new.

In this maritime world there no allies anymore. In the past if anyone dared to come heavy on any master, asking him to do something he considered dangerous, there would be a heavy complaint to the superintendent of the company, who would inform the directors and the noises of their wrath would be echoing around the world. Today the "money men" tend to be in charge and shipmasters are expected to tremble and obey.

The master who routinely errs on the side of safety will see the costs of the delays occasioned by his prudence, thrown back at him. I will always be somebody else's ship that ended up broken in half on a reef, with vast insurance bills for salvage or wreck removal.

That is not a risk that "bean counters" consider. (Based on Mr. Michael Grey: Lloyd's List 02/09/2013)



## SO WHAT IS AN IMO NUMBER ANYWAY?

The IMO says:

As a result of the attack on the USS Cole, the events of Sept. 11, 2001 and the suicide bombing of the oil tanker Limburg, the IMO held a Diplomatic Conference on Maritime Security in December 2002. At the conference, it adopted a number of measures aimed at enhancing the security of ships and port facilities. In addition to the creation of the well-known ISPS Code, the conference also included a modification to SOLAS Regulation XI-1/3 to require ships' identification numbers to be permanently marked in a visible place either on the ship's hull or superstructure. The IMO Ship Identification Number is a unique seven-digit number assigned to propelled, seagoing vessels of 100 gross tons and above. The number is assigned by Lloyd's Register – Fairplay Ltd. on behalf of the IMO. It consists of the three letters IMO followed by seven numbers. It is important to note that this number is separate and different from your official number. The official number is an internal control number issued by your yacht's flag administration and cannot be used to replace the IMO number. A vessel's "IMO Number" is the single best way to track and locate history on a ship since each number is unique and is the only identification that remains with a vessel from shipyard to scrapyards. For hobbyists, ships spotters and ships photo collectors the only grip to find out the history of ships (Source: gCaptain)

# DENIAL PLACES OF REFUGE

## A current maritime safety problem?

### BACKGROUND

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After the "FLAMINIA" accident (2012), the problem "denial access to the Place of Refuge" (denial POR) was in focus of public, media, politics and even shipping industry. The general responses were: there is a serious problem of Maritime Safety that needs to be solved urgently. After the "PRESTIGE" accident in 2002, the same item was in the center of discussion in the Shipping Industry and also in Shipmasters' Associations. Subsequently the shipping Industry enforced appropriate solutions.

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### DENIAL PLACES OF REFUGE 2000-2004

In 2000-2004 there was a significant increase and amassment of denials of Places of Refuge. Remarkable and well known cases were e.g. ERIKA, TREASURE, and PRESTIGE. These cases have certain similarities, applicable individually or together. There are especially:

- Accident occurred at the high sea. The causes were failure of hull construction during bad weather. There was the danger of oil pollution.
- The immediate action is, in such cases, to reduce hull stress in order to prevent further expansion of damages. The preferred measures for that, is looking for sheltered waters. That means, vessels need a Place of Refuge urgently. Necessary follow-up measures (repairs, oil transfer) are possible at these places.
- At the time of a request for a Place of Refuge, no structural damages existed in cargo tanks or fuel tanks.
- Coastal States forced vessels to change course, away from the coast into bad weather. Consequently, vessels suffered serious structural damage that led to foundering.
- Large pollution on the coastal line was the result. Crew was rescued in all cases unharmed.



MSC FLAMINIA

Basically Coastal States have the right to deny ships access to a POR, in order to protect their territory. In the relevant cases for denial POR by Coastal States the reasons were primarily:

- Lack of or inadequate contingency plans of the Coastal States. POR were not available.
- Decisions by Coastal States were politically or economically motivated primarily under pressure from the public and media.
- Inadequate liability in cases of oil pollution.

The shipping industry and Coastal States have drawn consequences from that situation. They have initiated a new development in order to solve the problem. The IMO issued the Res.A.949 (23): Guidelines on Places of Refuge for ships in need for assistance. (POR) 2004 and the Res.A.950 (23):

Maritime Assistance Services (MAS) 2004. These oblige Coastal States for the development and application of contingency plans on the basis of the resolutions. Similarly, the EU has issued an EU Directive 2009/17/EC (amended version of 2002/17/EC). This obliges the EU Coastal States, besides of others, the IMO A.950 and Res.A.949 mandatory implementation.

Conclusion: The denial of Places of Refuge during 2000 to 2004 was a serious safety and environmental problem of the shipping industry (total losses of ships and large environmental damages). Solutions were needed urgently. Shipping Industry responded with profound measures to solve the problem. It is the implementation of contingency plans by Coastal States on a uniform basis.

#### USE OF POR –CURRENT SITUATION (2005-2013)

For the assessment of the current situation in the use of POR, the influence of the IMO and EU requirements are an important aspect. The study of current marine accidents, with references to POR, shows following interesting tendencies, in the period 2005-2013:

- In cases of emergencies the use of POR has developed to a workable routine positively. Reasons for this are the speedy implementation of contingency plans by Coastal States, including the establishment of places of refuge. In addition, the access method for entering into POR is simplified. That became more manageable, especially for the shipmaster.
- Denials POR due to risk of oil pollution are declined. The reasons for that are: The contingency plans of Coastal States to combat oil pollution have been improved. In addition, also the liability for oil pollution. Another very important fact is the improvement of maritime safety, in order to avoid the mentioned marine accidents. (Examples: Tanker; Double hull, reduction cargo tank length, higher hull strength, reduction of vessels age.)
- Increasing denial for POR in cases of dangerous good accidents (fires, explosions, corrosion), especially on container vessels. That is in accordance with the general development of this kind of marine accidents.

The last mentioned development characterizes a number of spectacular and current maritime accidents, such as e.g. HANJIN PENNSYLVANNIA, FLAMINIA and HANSA BRANDENBURG. Significant similarities are:

- The kinds of accidents were fire at dangerous goods, stowed in containers. They occurred on high seas in most of the cases.
- The causes of the accidents were deficiencies in application of international requirements (e.g. IMDG Code, ADR) within the transport chain. Such as e.g. incorrect declaration of dangerous goods, insufficient stowage of dangerous goods inside containers.
- The crews could only seldom get that kind of fire under control with the on-board facilities. (limited fire fighting facilities). External assistance (salvage) was in most cases absolutely necessary. These essential immediate actions must be carried out independent of a specific place. This means at the accident position. However, for the later follow-up measures (repairing, discharge cargo, discharge contaminated water, scrapping) a suitable place is a necessity. (Place of Refuge)
- Consequences of the accident are: deaths and serious injuries of crew members and total losses or serious damage to ships and cargo. Furthermore there is high risk of unpredictable pollution of the marine environment, especially in coastal waters.

The main reasons for the denial of a Place of Refuge were:

- Contingency plans or resources of Coastal States for firefighting dangerous goods in containers were inadequate.
- The result of the risk assessment indicated an excessively high unacceptable risk.
- The preparation of a risk assessment was not possible or uncertain, because the necessary information about ships and cargoes (in compliance to IMO Res.) were not available.

Conclusion: From the viewpoint of seafarers, in contrast to the situation 2000-2004, denial of a Place of Refuge is not the current main problem. However it is the lack of sufficient maritime safety, if dangerous goods are loaded on container vessels. In the interest of seafarers, adequate measures are necessary, in order to solve the mentioned current problem of maritime safety.

#### CONSEQUENCES -PROPOSED MEASURES

The possible essential solutions and their assessment, in order to eliminate the above mentioned problem are:

- **Supplement** of the international maritime law. Obligation to allow access to a Place of Refuge for ships in case of emergency. Amendments in UNCLOS cannot be enforced at the time.
- **Improvement the contingency plans of the Coastal States**, to ensure better help in cases of dangerous goods accidents: Permanent improvement possible, regional focused on cooperation and specialization.
- **Improvement of Maritime Safety**, to avoid accidents with dangerous goods on container vessels. From a seafarers point of view, these measures have absolute priority. The aims of measures are: The improvement of fire protection and fire fighting on container vessels, carrying dangerous goods. In addition, improvement of the conditions in the application of the international requirements (IMDG Code, ADR) in the whole transport chain.

From a Shipmasters' position, following reasons are important for the choice of the above mentioned solution. Accidents show that there is a high risk for life and health of the crew. (fatalities and injuries on board container vessels, fire 37 %). In addition, there is a high risk of damage to the vessels. Practicable technical and organizational solutions are available, especially for fire protection and fire fighting, but they are not included in current maritime safety standards (IMO Conventions or Codes)

These mentioned reasons make clear that measures in the interests of seafarers are required. Shipping Industry (Shipowners, Professional Shipmasters Associations, Maritime Authorities) should further monitor the situation – marine casualties on container ships with dangerous goods – and if required call for measures by politicians to ask attention to solve the problem. These must be enforced by national governments, as well as the decision makers in the competent bodies of the International Maritime Organisation and the European Union.

Summary of presentation at 19. Schiffahrtskolleg 20.11.2013, Warnemünde/ Germany

Captain Werner Müller

Places of refuge are sheltered coastal areas where salvos can take a ship in difficulties. Then emergency repairs and cargo transfers can be carried out. The problem is that too many states refuse to accept these obligations and refuse to grant a place of refuge. This issue has again been in the news recently. The reason is the outcome of the "Prestige" trial in Spain where refusal of a place of refuge was a crucial factor, according to Mr. Leendert Muller, newly elected president of the International Salvage Union (ISU). He strongly believes that progress on the issue of Places of Refuge is very important.



# CAPTAIN MANGOURAS ACQUITTED

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A Spanish court at A Coruna acquitted three people blamed for the sinking of the Prestige oil tanker in 2002 finding no one criminally responsible for one of Europe's worst environmental disasters.

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Eleven years to the day after the "Prestige" made its first distress call off the Galician coast, the court ruled that neither the Captain of the oil tanker, the chief engineer, nor the Spanish maritime chief who ordered it out to sea were to blame for the vast oil slick that followed. The court ruled that a precise cause for the accident could not be established, so criminal responsibility could not be determined. "No one knows

with certainty what could be the cause of what happened, nor what should have been the appropriate response to the emergency situation created by the serious problem of the Prestige," Judge Juan Luis Pia of the Galicia high court said as he delivered the verdict.

The ship broke in two after six days adrift spilling more than 60.000 tonnes of fuel which caused a black slick on over 1.800 miles of beaches across northern Spain, Portugal and France, leading to the mass deaths of maritime birds and pollution of fishing waters.

The judge blamed the disaster on a structural fault of the ship due to "deficient maintenance and upkeep checks" but pointed out that it had all the necessary papers to sail.

The court also determined that the government made the right decision at the time when it ordered the vessel towed out to sea, despite the criticism that followed.



(A Coruna Court)

The verdict which followed an eight month trial during which more than 200 witnesses were heard, was immediately slammed by environmental groups. Greenpeace complained that the trial did "not include those who are really politically responsible, not the companies involved. It is a sentence to wrap up the case and will not prevent another Prestige from being possible," a spokesman said.

The master of the vessel, Captain Mangouras was yet convicted to a nine months prison sentence for at first disobeying orders of the Spanish authorities to steer the ship away from the Spanish coastline because he considered a place of refuge near the Spanish/Portuguese coast a better option to salvage the vessel and its cargo. It is to be expected that this verdict is not carried out because of the age of Captain Mangouras who is now 78.

CESMA has monitored the entire process at A Coruna via its member association ACCMM in Barcelona which had a permanent representation during the process. After the favourable outcome for Captain Mangouras, the CESMA secretariat sent a message of congratulation via his lawyer.



“We have learned about the final verdict regarding the ”Prestige” accident. We also learned that Captain Mangouras has been acquitted of all guilt apart from being disobedient to local authorities. All the same we want to congratulate Captain Mangouras on the outcome of the process and we wish him many healthy years to be able to overcome all this misery which he had to endure.

We have been closely following the case for all those years and were horrified about the treatment he received, especially in the months after the accident. Our member shipmaster association ACCMM in Barcelona has regularly briefed us about developments in A Coruna.

Would you be so kind as to relay this message to Captain Mangouras personally”.

Capt. Fredrik J. van Wijnen  
General Secretary  
Confederation of European Shipmasters Associations (CESMA)



## THE ANNA PROJECT



In maritime transport, the EU member states foster the development of effective and harmonized European-wide electronic exchange of ship reporting messages between the industry and public authorities including ports. The aim of the exercise is to make Europe more competitive and to improve interconnectivity which boils down to national-international and public authorities-business. It also aims at reducing existing barriers as well as creating a level playing field between various operators and transport modes and to develop a one stop approach, a maritime single window.

EU Directive 2010/65/EU – Reporting facilities for ships arriving in / departing from European ports – serves as the overall legal framework to allow for the development and implementation of interconnecting national maritime Single windows.

To build a national maritime Single Window, it is necessary for the EU Member States, neighbouring countries and maritime business to co-operate. That is the reason why the ANNA project was established. The Advanced National Networks for Administrations (ANNA) is an EU Member States driven initiative to support the effective and sustainable development of National Single Windows in line with the already mentioned EC Directive 2010/65/EU. It facilitates constant interaction between the various administrations and businesses, also across the border.

ANNA fosters a harmonized approach for administrative facilitation.

It aims to reduce “red tape” for users (a.o. businesses), to parse IT languages and to exchange data between national (Maritime Single Window) networks.

Involved in the Anna project are 14 EU member countries and ten observer countries including also non EU countries such as Israel, Iceland and Norway. Also involved are CESMA, CLECAT (European organisation for freight forwarding, FIATA( International Federation of Freight Forwarders Associations), ECASBA (European Community Association of Shipbrokers and Agents), European Community Shipowners' Association), (EMHC)European Harbour Masters Committee) EPSCA ( European Port Community Systems Association), ESPO (European Sea Ports Organisation, WSC (World Shipping Council) and WCO (World Customs organisation).

ANNA executes a "both feet on the grounds" approach that involves the initiators and makes use of what already is available. It supports rationalisation, standardisation and interoperability as well as connects all parties concerned also those which normally do not wish to co-operate. ANNA creates a platform and knowledge base for all parties concerned.

The ANNA project covers the geographical area of the European Union plus some neighbouring and other countries if they choose to be involved and are willing to co-operate. These countries decide themselves what they want to do with the results of the work done in ANNA. It is obvious that the project is especially maritime ports related. It runs from 2012 to 2015 and will be developed in the ANNA Master Plans (from 2015 and beyond).



Building Lisbon Port Administration

On 22 November CESMA was invited to participate in the so called Maritime Single Window Summit organised by the Lisbon Port Administration in the Almada Negreiros Auditorium. In this summit the mutual efforts of the European Union, the European Member States and the business to strengthen its digital maritime and transport technology literacy and capability were discussed.

The last decade has seen a significant transformation in the field of ICT to enhance interconnectivity between transport modes and to foster administrative simplification for business within the Trans European Networks (TEN-T). The summit highlighted the progress and perspectives of EU Member States to comply with the requirements of the Maritime Single Window Directive and explored what still needs to be done in both the business and administrative sector to address the existing capability gaps. It is all a part of the important EU project Motorways of the Seas which mainly aims to get inter European transport from the roads to the sea-lanes encircling the EU continent in order to improve the environment as it diminishes air pollution and prevents traffic queues.

The day was divided in two parts. In the morning session representatives of the 14 participating EU nations reported on the progress in their respective countries. Intervals were for presentations of related EU projects such as the MIELE, B2MoS and WIDERMoS projects. A representative of DG MOVE reported on the input of the European Commission.

The afternoon session was dedicated to so-called face - to face meetings. The various participants were spread over the rooms of the building and could exchange ideas on the various aspects of the Maritime Single Window ideology and the various ways to reduce red tape in the EU maritime industry. (FVW)



# COMPLACENCY ON THE BRIDGE

The London P&I Club said that a recent analysis of collision cases has highlighted the effect which complacency on the bridge of the vessel can have on the incidence of casualties.



The club recently undertook a 'root cause' analysis of collision cases which concluded that the majority could be categorized as human error, with complacency often a significant contributing factor. In the latest issue of its "StopLoss Bulletin", it cites the case of a bulk carrier which was approaching the end of a Traffic Separation Scheme. The ship was slowing to make an ETA at a pilot station in the adjacent Inshore Traffic Zone, and was soon to make a substantial alteration of course to starboard in accordance with its passage plan. At the same time, the vessel was being overtaken by a container ship. As a changeover of navigational watch was approaching, it became apparent to the Officer of the Watch (OOW) on the bulk carrier that the overtaking ship was not taking action to pass well clear in accordance with its obligations under Rule 13 of the Collision Regulations.

A VHF conversation took place in which the bulk carrier made its intentions known to the overtaking container ship, and an agreement was reached whereby the bulk carrier would make its alteration to starboard, and the overtaking ship would alter course to port and pass on the port side of the bulker. Shortly thereafter, the relieving officer arrived on the bridge of the bulk carrier and the watch handover process began. It was apparent that the OOW was confident that the plan was fully understood by both ships and expected the containership to pass on the port quarter. Unfortunately, he failed to monitor the situation, failed to alter course to starboard as agreed, and was taken by complete surprise in mid-conversation when the overtaking containership collided with the bulk carrier just forward of the bridge on the starboard side. It was clear that, throughout the episode, the ships were in a developing close-quarters situation, and that good seamanship ought to have dictated that the OOW monitored the conduct of the overtaking ship very closely until it was finally past and clear, possibly delaying the watch-handover.

The club says that misplaced complacency and over-confidence may have significantly contributed to the resulting collision claim. (London P&I Club, Nov. 6, 2013)



## CESMA LOGBOOK (2013 – 4)

We were represented at the following occasions:

20 Nov Warnemuende	Schiffahrt College
21 Nov Amsterdam	NI Seminar on mentorship
22 Nov Lisbon	AnNa Project
10 Dec Brussels	SAGMAS
19 Dec Panama	Trial Captain Sobazhiev (Maas Trader)



# MERGER OF ACOMM AND AENSM

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The French association of captains and officers of the merchant navy (ACOMM) and the association of ancient students of the national maritime academy (AENSM) have merged.

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Spurred on by their two presidents, and after several months of negotiations, the two associations met on 10<sup>th</sup> December 2013 at the Maison de la Mer in Nantes and agreed to the establishment of a joint Association called:

## ACOMM – AENSM

that represents by now 670 members.

Its aims are to build a foundation which serves the alumni association of ENSM, actually present on its 4 locations. AENSM serves all cadets regardless of their field of studies while maintaining efficient tools developed over the years that are also the strength of ACOMM to serve officers at sea, again regardless of their field of studies or specialty, from cadet level to Captain or Chief Engineer rank.

ACOMM - AENSM elected its President Yannick Lauri, (ACOMM past-President) assisted in the office by a senior vice-president Etienne Doux (AENSM past-President) and a team of ten other members. The Bureau is elected from the Board of Directors of 29 members motivated and determined to live the new entity.

“We will work together in these difficult times for our merchant marine and especially for those young people who believe in their future by pursuing maritime studies. Hoping that other volunteers force dedicated to serving our students and our officers come and join us to strengthen our action”.

### About:

National implementation and international influence of ACOMM – AENSM

- IFSMA (International Federation of Ship Master Associations) Vice Presidency

-CESMA (Confederation European of Ship Master Association) Member

- ENSM (Ecole Nationale Supérieure Maritime) Le Havre – Saint Malo – Nantes - Marseille alumni



## 19<sup>th</sup> CESMA ANNUAL GENERAL ASSEMBLY

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The 19<sup>th</sup> CESMA Annual General Assembly will be organised in the famous city of Barcelona in Cataluna/Spain at the invitation of the Spanish shipmasters' associations ACCMM on 16 and 17 May 2014 (Friday and Saturday).

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The Assembly will be preceded by a workshop on Navigation Simulators on 15<sup>th</sup> May 2014 in the Aula Magna of the Barcelona Nautical Faculty. The workshop will be chaired by Mr. Santiago Ordas, Dean of the Barcelona Nautical Faculty.

Speakers are Captain Stephen Cross, director of projects of Maritime Institute Willem Barentsz, Terschelling, The Netherlands (“Navigation simulators, present and future”)

Dr. Marcel la Castella will present the European Project “**Simulation-based model course to demonstrate seafarer’s competence**”.

Captain Bill Kavanagh, BA (Honse), MA,FRIN, Lecturer in Nautical Science of the National Maritime College of Ireland in Cork, will represent CESMA and talk about “**Simulation for assessment and the design of simulation exercises**”.

The workshop will be concluded with an open table regarding the possibility of substitution of navigation days by simulator training. Moderator is Captain Mariano Badell, president ACCMM.

Next there will be a public navigation demonstration with the TRANSAS 4000 simulator.



The CESMA Council Meeting will be held in the Boardmeeting room of the Barcelona Port Authority on 16<sup>th</sup> May 2014.



The CESMA Annual General Assembly will be organised at the premises of the Barcelona Maritime Museum on 17<sup>th</sup> May 2014

**The Board of CESMA wishes all members and supporters and their families a prosperous and healthy year 2014 and the colleagues on board always fair winds.**



## FROM THE EDITOR

- The permanent representative to the United Nations and rotating president of the Security Council, Mr. Liu Jieyi from China, has issued a renewed resolution of the UN Security Council calling for continued international action in the fight against piracy off the coast of Somalia. It sends out a very strong message of cooperation between the members of the international community. He noted that the past actions of the Security Council have had a very positive impact in the area. The resolution considers to establish specialized anti-piracy courts in Somalia and other regional states with substantial international participation.
- On 5 and 6 November, the kick-off meeting of the winter navigation project WINMOS took place in Helsinki, Finland. It aims to safeguard icebreaking resources in a medium and long term perspective and to develop the winter navigation system as a whole in specifically the Baltic Sea. Functional maritime transport all-year-around is of the utmost importance for the trade within the European Union.
- The European Commission has launched a proposal to grant seafarers the same rights as colleagues working on land in all 28 member states. The proposal encompasses cases of collective dismissal or a transfer of the company. It still has to be approved by the Council of Ministers and the European Parliament and aims to improve the living and working conditions of European seafarers therewith improving the attractiveness of a career in the maritime sector.
- France will authorise the deployment of armed guards on ships as part of anti-piracy measures. This move has been long sought by shipping companies. These guards will be complementary to actions by the national navy.
- DG MOVE of the European Commission has given the assignment to a research bureau to investigate the possibilities and dangers that explosives, to be used by terrorists, can be taken on board of RoRo passenger ships trading in European waters.
- The European Commission has lifted its three year ban on Georgian seafarers to work on ships under an EU flag. The decision was taken after the withdrawal of the STCW recognition of Georgian seafarers' certification in November 2010 following the inspection carried out by the European Maritime Safety Agency (EMSA) in 2006. Among the problems identified were the effective monitoring of maritime schools and the issuance of forged certificates.
- The European Community Shipowners' Association (ECSA) has elected Mr. Thomas Rehder as their new president. Mr Rehder is Managing Partner at Carsten Rehder (GmbH & Co) where he also became responsible for the shipowning business in 1996. Carsten Rehder presently operates 25 container vessels and 5 bulkcarriers. Outgoing president Mr. Riva was thanked for his contribution during these increasingly challenging times for the shipping industry.
- Operation Atalanta, a combined effort of the navies of European Union nations which is active in the Indian Ocean and Somalian waters to fight piracy, will be extended until 2016 despite the downfall in actual attacks in the region.
- The British Royal Navy has launched its first drone in an operational theatre as it stepped up its campaign against Somali pirates. The ScanEagle unmanned aerial system (UAS) was launched from the Royal Fleet Auxiliary "Cardigan Bay" in the Arabian Gulf and flew up to a height of 19.500 feet. The UAS was then brought back by a pilot on the ship using remote controls after it had acted as a reconnaissance eye over the horizon. It could be used to early detect pirate skiffs in the piracy infected areas of the Indian Ocean.
- According to the latest information on the trial of Captain Schettino of the "Costa Concordia" in Grosseto, Italy, it appears that the main cause for the accident is a wrong application of the Bridge Resource Management principles which clearly stipulates the assignment of duties on the bridge and who is in charge of navigation.



## CONFEDERATION OF EUROPEAN SHIPMASTERS' ASSOCIATIONS



### AIMS OF THE ORGANISATION (abridged)

- TO WORLDWIDE PROTECT THE PROFESSIONAL INTERESTS AND STATUS OF EUROPEAN SEAGOING SHIPMASTERS.
- TO PROMOTE MARITIME SAFETY AND PROTECT THE MARINE ENVIRONMENT.
- TO PROMOTE ESTABLISHMENT OF EFFECTIVE RULES WHICH PROVIDE HIGH PROFESSIONAL MARITIME STANDARDS AND PROPER MANNING SCALES FOR VESSELS UNDER AN EUROPEAN NATION FLAG.
- TO INFORM THE PUBLIC IN THE EU ABOUT PROBLEMS IN THE EUROPEAN MARITIME INDUSTRY AND THOSE CONCERNING SHIPMASTERS IN PARTICULAR.
- TO CO-OPERATE WITH OTHER INTERNATIONAL MARITIME ORGANISATIONS.
- TO RETAIN AND DEVELOP THE HIGHEST MARITIME KNOWLEDGE AND EXPERIENCE IN EUROPE
- TO BE INVOLVED IN RESEARCH CONCERNING MARITIME MATTERS IF APPLICABLE IN CO-OPERATION WITH OTHER EUROPEAN INSTITUTIONS AND/OR ORGANISATIONS.
- TO ASSIST MEMBER SHIPMASTERS WHO ENCOUNTER DIFFICULTIES IN PORTS WITHIN THE REACH OF NATIONS REPRESENTED BY CESMA MEMBER ASSOCIATIONS

#### ANNUAL SUBSCRIPTION:

EURO 14,- (EXCL EURO 5,- ENTR. FEE)  
PER SEAGOING MASTER  
(WITH A MINIMUM OF 25)  
FOR FULL MEMBER ASSOCIATIONS

EURO 7,- PER SEAGOING MASTER  
(WITH A MINIMUM OF 25)  
FOR ASSOCIATED MEMBER ASSOC.)



CONFEDERATION OF EUROPEAN SHIPMASTERS' ASSOCIATIONS



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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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