

CESMA NEWS

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THE EUROPEAN UNION SHIPMASTER INFORMATION CHRONICLE

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THE 18TH CESMA ANNUAL GENERAL ASSEMBLY NANTES, 11TH MAY 2013

CESMA was invited to organise its 18th AGA by both French member associations "Association des Capitaines et Officiers de Marine Marchande" (ACOMM) and "Association Francaise des Capitaines de Navire" (AFCAN) at the premises of the "Maison de la Mer" at the borders of the river Loire, a very appropriate location.

The Assembly was preceded by the Annual CESMA Council Meeting in the same "maison" on 10th May. These meetings have a private character and are basically for council members only and are intended to discuss and decide the running and husbandry of the Confederation. Important conclusion of the meeting is that the position of CESMA is still sound, although there is a slight decline in membership within the various member associations which directly reflects on the revenue received by CESMA. Yet there is no necessity to increase subscription. To maintain necessary activities and to expand its scope, it was decided to try to interest European shipmasters' associations from outside the European Union to join the Confederation which is possible since a decision during the 17th AGA in 2012. Presently the Statutes will be amended accordingly. Captain G. Ribaric was unanimously re-elected as deputy president for a period of another three years.

The next day the Annual General Assembly was held at the same premises. Apart from an introduction by CESMA president Captain Wolf von Pressentin, two minutes silence was reserved in



three presidents

memory of Captain Harry Boer, one of the founders of CESMA who died in December 2012 and the victims of the recent accident in the Port of Genoa when nine persons died as a consequence of a collision of the roro container vessel "Jolly Nero" and the Traffic Control Tower. AFCAN president Captain Hubert Ardillon and ACOMM president Captain Yannick Lauri, as representants of the organising associations, spoke some words of welcome to the Assembly which counted about 30 shipmasters from 11 CESMA member associations and 10 European nations.

The Assembly started with a seminar organised by ACOMM and AFCAN.

Captain H. Didier, port captain of the Port of Nantes-Saint Nazaire opened by giving a presentation about his port, ranking 4th in France. Next Mr. F.Mandin (ODM) gave an extensive review of the Maritime Labour Convention (MLC 2006) and its introduction in France. The next speaker was Mr. F. Marendet, general manager of the Ecole Nationale Superieure Maritime in Nantes. He presented a lecture about the reform of maritime education and training in France. To conclude the seminar, Mr. F. Abiven (TOTAL) presented a paper on future energy for shipping, such as fuel and lubricants, especially after the introduction of the new emission limitations in the Emission Control Areas (ECA's). There will be a challenge for sustainable shipping as bunker prices and expenses for lubricants will rise considerably.

The seminar was followed by the Annual General Assembly in the afternoon. Discussed were the main items which return regularly in CESMA assemblies such as criminalisation of shipmasters. Attention is given to the case of the captain of the "Costa Concordia" who faces criminal indictment after several accusations by the Italian authorities as a consequence of the serious accident which caused 32 victims. At the request of the shipmasters' association USCLAC in Genoa, of which Captain Schettino is a member, CESMA will assist the lawyers in his defence to follow up whether justice is done.



an attentive assembly

Other cases were discussed such as the case of Captain Sobadzhiev (highlighted by Captain Dimitrov, BSMA, Bulgaria), who is still in prison in Panama and the courtcase of Captain Mangouras of the tanker "Prestige" in Spain which was reported on by Captain M. Badell, president and CESMA council member of ACCMM in Barcelona and two other cases in Hongkong and India of which further information is not yet available.

Another important point of discussion was piracy and armed robbery. To fight piracy, employment of private security guard teams was discussed after last year's resolution in which the Assembly reluctantly agreed on private security guards as a temporary measure, however under condition that the position of the shipmaster was sufficiently protected by law and his or her authority is effectively maintained, also when fire arms have to be used. Armed guard teams are seen as the only proven effective means to prevent piracy. No ship with armed guard teams on board has so far been hijacked. However the Best Management Practices (BMP) should not be neglected.

The Assembly again noted with concern that little or no progress is made in relation with the fatigue problem, in particular the problem of the six on / six off watch system on smaller coastal vessels. The Assembly reconfirms its full support for the principle requiring at least three certified watchkeepers on board on each seagoing vessel of over 500 GT. The results of the Horizon project, now also accepted by the IMO, are seen as a valuable tool to acknowledge the problem of fatigue. The MARTHA project which enables every seafarer to measure his or her condition with regard to fatigue or sleepiness is seen as a valuable asset derived from the HORIZON project. Discussed is the possibility that the Maritime Labour Convention could be a tool in the fight against fatigue.

Another point of discussion was again the vulnerability of roro vessels, large cruiseships and car carriers. The latter being a reflection on the accident in the North Sea on 5 December 2012 when a containership collided with a car carrier which sank within 15 minutes whereby 11 seafarers perished. There is a lot of work to be done for the IMO in this respect.

The Assembly also emphasised again that shipofficers should not completely rely on modern navigation equipment such as ECDIS which almost completely depend on satellite systems. Discrepancies by these systems and faulty use of the equipment have already led to shipping disasters. The Assembly pleaded for maintaining a basic knowledge of conventional navigation practices and a possible re- introduction of LORAN which is now available as e-Loran with an improved accuracy as a backup for satellite systems such as GPS and in a later stage, GALILEO.

The general secretary reported on a number of European projects or working groups in which CESMA participates. The ACCSEAS project addresses improved maritime access and traffic regulation in the North Sea area wherein the recently introduced e-navigation concept within a transnational frame-work will play an important role. It enables service providers and researchers to develop regional services and marine navigation and communication concepts for shipping traffic in the North Sea to prevent bottlenecks, congestion and accidents taking into account that shipping movements will increase considerably in the future. Maritime Spatial Planning is an important issue in this respect. CESMA also continues to take part in the activities and discussions in the SAGMAS working group in which European maritime stakeholders advise the EU Maritime Security Committee (MARSEC) which looks at maritime security issues such as port and ship security and piracy. CESMA regularly contributes to the discussion by presenting opinions on f.e. ISPS Code issues and piracy.

Captain J. Sauban, past president of EMPA, the European Maritime Pilots Association, reported on the initiative by the European Commission to consult EU member states and stakeholders on an EU legal framework to streamline the granting of Pilot Exemption Certification (PEC). CESMA has also taken part in this inquiry. The criteria for obtaining a PEC still differ between member states and even between ports. The efforts to create an EU wide legislation or even guideline will prove to be very difficult as circumstances differ considerably in most ports. For reasons of safety, the use of PEC's could be limited or even not permitted by local government officials or ports. The need for compulsory pilotage is based on thorough risk assessment taking into account the impact of an eventual PEC permission on the actual maritime traffic situation.

The Assembly also noted that due to the crisis in worldwide shipping there is a shortage of employment possibilities for European ship officers, although there is still an increasing inflow of officers from East European and Far Eastern countries. CESMA therefore appeals to European shipowners to create employment possibilities on EU flagged vessels. It also asks EU shipowners to ensure that young officers graduated from naval academies can start their career at operational level acquiring enough sea time and practice to meet managerial level in order to fill in the already existing shortage in higher ranks on board EU flagged vessels.

Activities of the European Nautical Platform which intends to share knowledge, best practice and opinions in the field of nautical operations in port waters and approaches, was limited this year to initiating a website. www.nauticalplatform.org. The platform is a joint exercise between EPMA (EU pilots), EMHC (EU harbourmasters), ETA (EU tugowners) EBA (EU boatmen) and CESMA. Nautical experts in the associations will combine forces to address nautical safety and performance from pilot station to berth.

Again the Assembly discussed the accidents which occur during lifeboat drills, often with fatal consequences. CESMA again urges international bodies and flagstates to introduce proper legislation to improve the design of life saving equipment and the quality of spareparts used. The relevant working group at IMO exists already for many years but little results are reached so far. More attention should be given to ensure more safety during lifeboat drills and emergency situations.

The CESMA Board advised the Assembly to nominate Captain Jordi Juan Torres, who recently stepped down as CESMA councilmember, Honorary Member of CESMA as a tribute to his longtime efforts to improve maritime safety and his contribution to the aims of our Confederation in his function as councilmember. The Assembly agrees on this nomination and Captai Juan Torres will be officially contacted whether he accepts.

The Assembly was concluded with the invitation of Captain M. Badell, president of the ACCMM in Spain to organise the 19th CESMA Annual General Assembly in 2014 in Barcelona. The invitation was received with approval and applause by the Assembly. (FvW)



RESOLUTIONS FROM THE CESMA GENERAL ASSEMBLY ON 11 MAY 2013 AT THE “MAISON DE LA MER” IN NANTES, FRANCE.

Resolution nr. 1: Criminalisation of seafarers.

The 18th Annual General Assembly in Nantes, France, again noted that the problem of criminalisation of seafarers and of shipmasters in particular, continues to be a matter of great concern. Motives are comprehensive and sometimes difficult to prevent. Co-operation between all parties in the maritime industry is the best solution to tackle the problem of criminalisation. CESMA urgently requests shipowners or operators to always provide legal protection to masters, serving on their ships, in case of an incident as a consequence of which they are detained by local authorities, until at least a verdict has been pronounced. Moreover masters are advised to take a risk insurance into consideration.

Resolution nr. 2: Piracy and armed robbery.

The Assembly again discussed the problem of piracy against ships in various parts of the world. All means to prevent these criminal acts should be activated to protect the lives of seafarers. Although CESMA is still critical about the use of fire-arms on board, as it could escalate violence, it came again to the conclusion that present efforts do not adequately protect seafarers from the effects of piracy. Therefore it does not oppose, as a temporary measure, the employment of internationally certified armed guard teams on board, either military or private, respecting the respective legislation in the various EU member states. It will adopt a practical position in line with European and international organisations on the condition that the authority of the master is efficaciously maintained, even when fire-arms have to be used only after agreement by the master. CESMA also insists on exact rules of engagement to be observed under all circumstances and internationally respected diplomatic protection of masters against liability at all times.

Resolution nr. 3: Fatigue and safe manning.

The Assembly again discussed fatigue in the shipping industry. The final results of the Project Horizon which investigated the consequences of fatigue in connection with maritime safety by means of simulation and is now acknowledged by the IMO, are strongly supported. It again noted with concern that the problem of fatigue is still not attracting enough attention, The requirement of three certified bridge watchkeepers, including the master, on each seagoing vessel of 500 GT and more, is still supported by CESMA. It still denounces the flexibility clause in the stipulation of hours and work in the STCW convention enabling the system of the six on six off watch schedule to be continued as it affects maritime safety and the health of the seafarers concerned. In determining the work and rest hours, the total work burden should be taken into account.

Resolution no. 4: Safety of roro- and large passengershops.

The Assembly again discussed the safety of roro- and large passengershops. The vulnerability of car carriers is another matter of concern after the recent accident in the Northsea in which 11 seafarers lost their lives. CESMA will continue to closely follow the investigation into the accident with the Italian flagged passengershops "Costa Concordia" to ensure a fair treatment of the master. Large passengershops with thousands of passengers and crew continue to be a concern view damage stability and debarkation of the many passengers in case of an emergency.

Resolution nr. 5: Safety of life saving equipment.

The Assembly discussed again the safety of life saving equipment on board seagoing vessels including incidents and accidents during drills. It urges international bodies and flag states to introduce proper legislation to improve safety and design of life saving equipment in order to improve efficiency and avoid fatal accidents.

Resolution nr. 6: Employment of EU seafarers

Considering the shortage of employment opportunities for young European officers on board EU-flag vessels, CESMA appeals to EU shipowners to create employment opportunities to assist these young officers to start their careers on operational level and allow them to obtain managerial level. In this way maritime knowledge and experience within the European merchant fleet and maritime industry can be maintained. All efforts should be employed to interest European young people to choose for a maritime career.

Resolution nr. 7: Implementation of the Maritime Labour Convention

The Assembly supports the introduction of the Maritime Labour Convention (MLC) as it aims to improve conditions for seafarers. However it expressed concern about the duties and liabilities of the master who is responsible, together with the owner, in implementing and maintaining the articles of the Convention.



INTRODUCTION OF MARITIME LABOUR CONVENTION IMPLICATIONS FOR THE SHIPMASTER



Capt. Ardillon

As discussed during the recent Annual General Assembly in Nantes, in particular after the presentation of Mr. M. Mandin highlighting the introduction of the Maritime Labour Convention (MLC) in France, the MLC could have a serious impact on the position of the master as the responsibility of maintaining the Convention are with the shipowner or operator which are represented on board by the master. The justified anxiety is reproduced by a letter of Captain Hubert Ardillon, president of AFCAN, to the relevant minister in France.

(quote)

The law proposal (chapter III) with regard to modify the French Code of Transports in order to adapt it to the Maritime Labour Convention (MLC 2006) giving direct liability to shipmasters

The article 14 – 11°: article L.5523-7: Are punished of 6 months jail and 3.750 euro penalty the owner or the captain who admit on board a crewmember who is not in possession of a valid medical certificate, as stated in article L.5521.

The article 16 – 44°: article L.5545-3-1. II: Shipmasters should verify that each seaman is in possession of such certificate as stated in I of present article before he or she joins the ship. The boarding of such a crewmember is decided widely before he or she joins the ship. The decision is taken by the owner or a crewing agency in a contract with the owner. Manning departments should then verify the complete certification, including the medical one, of the seafarer. Same information should also be noted on the seafarer's employment contract which should be completed and signed before seafarer joins the vessel. The ship, and so her master, usually receives same information after being verified by the shipowner. Each seaman is personally responsible of his licences and certificates. It is then technically impossible for the master to verify authenticity of such certificates before the seaman is on board, which is clearly possible in the manning agency office. Moreover, a lot of crew reliefs are made on roads or at anchor. There the master has not the factual possibility, due to administrative formalities, to immediately disembark a seafarer who would not be in possession of a valid medical certificate.

Article 14 – 10°: article L.5523-6: The owner or the master who operate a vessel not complying with the Safe Manning Certificate as mentioned in article L.5522-2 or with a total of crewmembers below the number mentioned on the same certificate, are punished with 6 months in jail and a 4 .500 euro penalty. The decision to sail is more and more often dictated to the master, whatever the circumstances, by the owner, charterer or even port administration. The master, being under such strong pressure, is playing with his own employment contract at each such an occasion.

AFCAN is involved in the safety of navigation, made by proper and competent crewmembers. AFCAN would like to draw your attention on these inappropriate articles and is requiring the word "captain" should be removed from them. It would be better to insert an article affirming and strengthening the master's position in front of pressures encountered. AFCAN believes these remarks are in line with the MLC 2006.

(unquote)



SCAPEGOAT OF THE NATION

The accident with the "Costa Concordia" has had a large impact on the self-confidence of Italy as a maritime nation. The images of the large luxury liner lying capsized against the rocks of the island of Giglio, have appeared in newsmedia all over the world. It is understandable that Italian officials, including the directors of the relevant shipping company, Costa Line, did everything in their power to find someone to put the blame on and what is easier than to put the blame on the shoulders of the master who is anyhow responsible for the safety of the vessel, its passengers and crew, according to international treaties. Soon after the accident, the clearly manipulated press started to circulate various news bulletins in which the master was pictured as a coward, an idiot and a person who should never have been entrusted with commanding a large passengerliner. In doing so, they have however undermined the principles of the International Safety Management Code and set a precedent for future cases in which fatalities are to be mourned. The ISM Code makes the senior executives the cornerstones of good safety management and holds the company responsible for establishing procedures to operate their ships safely

Recently an Italian court accepted a one million euro plea bargain from Costa Line. The Carnival owned cruiseline is now set free of any guilt or liability and the only ones to be punished are five crewmembers, including the master, and the head of the company's crisis unit. Meanwhile the crewmembers all received a settlement when pleading guilty to the charges leaving only the master, Captain Francesco Schettino, to stand trial. If we have studied history, it needs little imagination that in the Middle Ages and even later, this "criminal" would have ended up being executed in public after been harassed in front of an angry (or made angry) mob. Also in this age, in 2013, Captain Schettino had to be protected by armed policemen from an angry shouting crowd upon entering and leaving the courtroom in Grosseto during the first hearing. We are fortunate that we now live in a "civilized" environment wherein even renowned criminals are getting fair treatment, especially in Western nations. What is still possible is that a colleague shipmaster's life is being destroyed after making a human error, if that is the case. A shipmaster with a record of excellence in his company will be degraded to a mere rogue and prisoner who probably has to live for years amongst common criminals in an Italian prison.

True is the fact that Captain Schettino has confronted the Italian legal system in a manner which could be called slightly tactless. In stead of awaiting the final trial in a modest manner giving answers only to correct questions, he choose to confront investigators and judges. During the hearings in Grosseto, he defended his case with ardour and mentioned his own endeavours and even God as factors which saved so many lives. Moreover he appeared in a number of international television



Captain Schettino with his lawyer in Grosseto

interviews in which he defended his case strongly. Not everyone in Italy, even some of the few who still support him, were charmed with this way of defence and even his lawyers will not be very pleased. The final trial will take place on 17th July in Grosseto, Italy. On his request and in accordance with his shipmasters' association USCLAC, based in Genoa, CESMA will be represented in court in order to verify whether Captain Schettino will receive fair treatment and have a fair trial if convicted because of the accusations raised against him.

To mention a few points which are crucial with regard to the court case and accusations against Captain Schettino:

- The initial mistake in navigation, by changing course too late, was made by the Chief Officer who had the conn. Intervention by Captain Schettino came in a very late state, although with just enough timespan to prevent contact with the now famous rock, if rudder orders had been executed correctly and timely. It is therefore unlogical that the chief officer who actually made the initial mistake which caused the accident, has received a plea bargain and does not have to stand trial. According to the latest international standards the officer of the watch is responsible for his actions.
- The fact that the “Costa Concordia” capsized, should never have been caused by the appr. 70 meters gash in the ship’s hull. Such ships should be built to withstand such a damage without any problem. The free surface effect, which caused the capsizing, must have been much more extensive than that caused by the initial damage. There are a number of options which are still not fully investigated.
- The criticism that Captain Schettino ordered the evacuation of passengers and crew too late is not valid as the decision to delay the evacuation was taken in dialogue with the company’s representative ashore. The parameters were the risks to evacuate that many people in open sea, the fairy tale that the ship is its own lifeboat and the conviction that the ship was not in danger of capsizing or sinking as a result of the initial damage reported.



- The criticism that Captain Schettino ordered to pass the island of Giglio at a short distance was discussed at the BRM meeting before departure and was not criticized nor contradicted by the bridge team which was in charge of the navigation. Moreover sightseeing manoeuvres were and are common practice with Costa Lines and even other cruiseline companies. Previous close passings by Costa passengerships are recorded by AIS position recordings as proof as is pictured on the left.

- The announcement by Costa that Captain Schettino was unfit to command a large cruiseliner brings a funny taste as Captain Schettino has been a captain with an excellent reputation in the Costa fleet for many years. It needs only a serious accident to come to the conclusion that after all those years he is a failure who should never have been handed a certificate.
- The accusation against Captain Schettino about manslaughter is unfounded as he tried everything in his power to save as many people as possible under the circumstances. The efforts to bring the ship close to the shore of the island of Giglio, after she began to list heavily, have saved thousands of lives. The fact that the wind direction played a decisive role is only a thing of minor importance which can hardly be used against him. The decision and organisation of the efforts to bring passengers ashore with the vessels’ own lifeboats and return to pick up more, was initiated and organised by Captain Schettino. We have seen images of coastguard vessels floating nearby and remaining inactive.



TECHNOLOGY IS KEY TO ATTRACTING YOUNG TALENT

There is a seemingly endless stream of new technological innovations being developed and installed on board ships. Some arise from new regulatory requirements, such as for ballast water, harmful atmospheric emissions or safety requirements. Others are generated by research aimed at improving operational efficiency, saving money and, in theory, making life easier for seafarers.



Modern navigation equipment

The introduction and development of electronic navigation systems with related integrated bridge systems is one example. Moreover, the Electronic Chart Display and Information System (ECDIS) has become an industry standard. This includes also electronic engine room control systems which are gaining steadily in sophistication, allowing optimisation of engine performance and reduced fuel and lube oil consumption. Similarly, cargo-handling systems on many ship types with associated monitoring and control of stability and stress during loading and discharging operations produce faster, more efficient port operations to allow shorter turnarounds.

Many of these systems are relying more and more on advanced computer technology and software to control the various operations. This increasing use of sophisticated technology on board ships is mostly received positive and contributes towards better performance and usually, more reliable and safer operations. However many seafarers feel alienated from these systems as they are often designed with little or no input from the people on board who, in fact, have to supervise their operation. They also leave less scope for traditional seamanship skills in order to improvise quickly if something goes wrong.

The nature of these technological systems include that there is more emphasis on remote monitoring from ashore, reliance on shore-based specialists and in many cases, remote maintenance and repair of shipboard software systems. The revisions to the Standards of Training and Watchkeeping Convention (STCW) agreed in Manila in 2010 go some way to meeting these concerns by recognizing the need for more training and accreditation for technology officers on ships. That should not mean that the more traditional functioning officers are kept away from the existing technological systems.

If the shipping industry is to attract highly educated and trained officers it says it needs, it must also offer sufficient incentives and job satisfaction to recruit and retain such officers. This means providing them with the training and responsibility to allow them to apply their knowledge and operate the latest electronic and software systems. There is little point recruiting graduate deck and engineer officers, if, once on board, their skills are being usurped by increasing shorebased control of shipboard systems.

[A combination of advanced technical knowledge and a seafaring ability for improvisation is a recipe for a modern seafarer that shipowners should be looking to encourage.](#)

PILOT – MASTER RELATIONSHIP IN THE ELECTRONIC WORLD



The Bulgarian port of Varna

The relationship between shipmaster and pilot has always been an interesting topic with a lot of variations in different countries, ports and nationalities. The basic rule is that the master is responsible for the navigation of the ship and that the pilot is an advisor to the master with limited responsibilities. This rule depends on different regulations in different countries and ports. However navigation has changed enormously during the last decades. More and more masters and officers on board ships rely completely on electronic equipment which is quite understandable.

Nowadays we have reliable systems for fixing the ship's position, there are reliable means of communication between ship and shore, electronic charts are already compulsory for all ships. That is the ship's side. From the pilots' side there are portable pilot units available, improved systems for measuring distances, etc. Technical revolution opened wide possibilities to improve shipmaster's and pilot's situational awareness. On the other side, it is the situation with the personnel on board ships. We witnessed a decrease of the required experience to obtain professional qualification at sea or to pass from one degree to the higher one. Work at sea is more intensive. A lot of maritime professionals commenced talking about mentoring. But is there time at sea for mentoring? Definitely there is no time

on board short sea shipping, on board feeder container-ships calling in port every day and even on board ocean going ships with all paperwork and a decreasing number of crew.

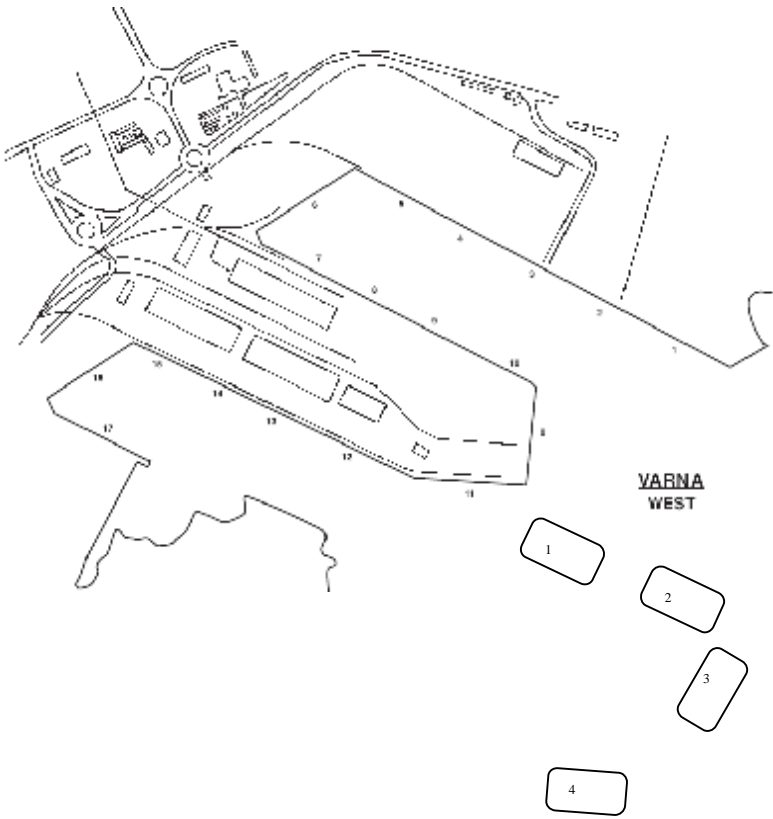
The situation with the interaction and responsibility on board when the ship is manoeuvring in port is more or less the same as in old times. The master is still responsible for everything on board and the pilot is still doing the manoeuvres and he is giving orders to the wheel and engine, confirmed by the master. Even with all electronics available in most of ports, masters and pilots rely mainly on their sensitiveness and appraisal without having time even to look at the electronics. When manoeuvring in a tiny place, let's say in a narrow canal of 180 meters width, with a ship of 200

meters length without engine one has no time to measure distances or to observe the GPS position. The master/pilot should rely on his/her own eye estimation and to react on the spot. In that situation less experience and poorer trained crew will increase the probability of accidents and near misses. The present crisis in the shipping industry is forcing ship-owners to seek for cheaper manpower which leads to the employment of sub-standard or low standard crew members with poor knowledge of English. In normal situation it may work and owners save money but in critical situations, the time and punctuality in reaction is crucial. Master and pilot should be prepared to react properly in time and the rest of the crew and port services providers should follow their orders strictly.

Officially on paper all is well organized. We have IMO standard vocabulary, the masters and crew are STCW certified, the ships are regularly inspected by port and flag state control inspectors. One example when that paper readiness is not working in practice is the following near miss. During the maneuver for departure in the port of Varna West from berth 9 to sea (see the plan below) we had a Sierra Leone flagged ship with multinational crew consisting of two Syrians – master and chief officer and seven citizens from Azerbaijan. The master pilot exchange form was handed from the pilot to the master, who confirmed the ship's readiness for departure. The tug was secured

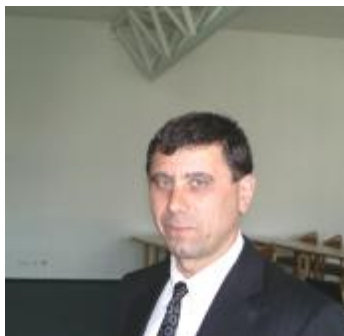
centrally aft and all the lines from the shore had been cast off at around 2200LT. At that moment seven of the crew jumped ashore through the ship's side (free board was less than one meter). It was dark and it was not possible for the pilot to see what had happened forward and aft. The ship remained with master, chief officer, chief engineer and pilot on board. She remained with no lines to the shore and no crew on board except the above mentioned. Shore cranes were quite close to the quay and ship's stern began to open with the bow going close to the shore cranes. With almost no wind, the pilot took the ship away from the quay. The master continued to confirm that

the ship was ready to sail and she should sail. The pilot was not aware how many crew remained on board and whether there were enough crew to handle the ropes, anchor, engine, etc. The place was narrow and in order to go to open sea the ship was supposed to pass through two narrow canals and two lakes where the anchors had to be ready in every moment as well as the engine. Furthermore the ship at that moment was with one tug and it was not possible to control it if the engine is not working. What happened? The pilot evaluated the situation and informed the traffic management operator. He immediately ordered a second tug to come.



The time for the second tug to arrive was 15 minutes. The pilot discussed with the bridge team (master and chief officer) the new situation. The master tried to start the engine but the attempt was unsuccessful. Later the pilot found out that due to salaries not paid, the entire crew, except the master and the chief officer, had decided to boycott the departure and the chief engineer who was the only crew member besides the shipmaster and chief officer, remaining on board but he refused to start the main engine. In position 3 on the plan the pilot proposed to the master that the chief officer would go to the forecastle with VHF station set on working channel to handle the ropes and the anchor as well. The shipmaster went to the stern of the ship also with VHF station on the working channel. The ship had very slow movement astern with no possibility at position 3 to be stopped. South of position 4 there was shallow water. Alongside berth 11 there was container ship as well as there were ships in almost all the berths 12 to 17. The second tug was originally berthed alongside berth 16. The pilot ordered the tug made fast at the stern of the ship, to let go and as quick as possible and to take rope centrally forward to stop the ship moving astern. The order was executed and the chief

officer on the forecastle shortly succeeded in handing over rope to the tug and to make it fast. The movement of the ship was stopped. Shortly after that the second tug arrived and the master being at the stern, handed over a line to her. The traffic management operator ordered the pilot to berth the ship back to berth 10 which was free and more convenient. With the assistance of two tugs and without engine the ship was put alongside berth 10. Due to the shortage of crew, the pilot ordered the tugs to give their lines ashore and both shipmaster from the stern and chief officer from the bow handed over springs ashore which were made fast. At 2345LT the ship came safely alongside.



Captain D. Dimitrov

The stress for the shipmaster and pilot continued for almost two hours. What was wrong? The captain was inexperienced. He was pushed from the shipowner to sail and thus he underestimated the situation and decided to sail with all the problems and expected boycott in order

to satisfy his shipowner. The result was near miss, increased expenses in the port (two tugs extra paid, double pilotage, extra port state control, control formalities, etc.) and extreme stress to both pilot and captain. An experienced master would evaluate the situation and even when pushed by the shipowner, he would not order pilot and tug until the problems would be solved. A quality shipowner would pay the salaries of the crew in time and thus he would not face such problems on board his ship.

Finally perfectly filled in papers did not ensure safe operation. What is the solution? I would not say that we should reject paper work. Pilot – master exchange is useful. It is for the interchange of the most important information between the pilot and the master. But as in mathematics, there are necessary and sufficient conditions. The necessary condition for successful manoeuvring is the information exchange and preparedness from both the ship and port services. The sufficient condition is all the rest as additional ad hoc information about details which could not be shown onto the pilot – master exchange form or pilot card as well as the psychological or mental state of the human element taking part in the manoeuvre.

In conclusion we could say that electronics give better situational awareness and more possibilities to evaluate different factors and circumstances influencing the manoeuvre in port. All the papers required by International Safety Management Code, International

Standardization for Pilot Organizations Code (ISPO Code), SOLAS and other international and local rules and regulations are useful and helpful but the core factor for successful manoeuvring in port is still the human element and both pilots and masters

have to be trained in the use of the new generations of electronics and they should definitely get the necessary experience before taking the responsibility of commanding a ship.

Captain Dimitar Dimitrov is President of Bulgarian Shipmasters' Association and Pilot in the Port of Varna, Bulgaria.



NEW REQUIREMENTS FOR SECURITY TRAINING FOR SHIPBOARD PERSONNEL

The STCW Convention and Code, as amended by the Manila amendment (2010) (STCW), contains new requirements regarding security training. This training is required by all personnel employed or engaged onboard ships to which the ISPS Code applies. These Regulations came into force on 1 January 2012, however, Port State Control Officers have been requested by IMO not to enforce this regulation until 1 January 2014, provided that the vessel otherwise complies with the ISPS code (see IMO circulars STCW Circ.7/16 and STCW Circ.7/17).

In addition to the existing Ship Security Officer (SSO) training (which is unchanged), the amendments to the STCW Convention brings in three new levels of security training:

- Security related familiarisation
- Proficiency in security awareness
- Proficiency in designated security duties

These changes are embodied in STCW Regulation VI/6 and Section A-VI/6 with non mandatory guidance Section B-VI/6.

Security related familiarisation

Security related familiarisation training must be delivered by the SSO, or other equally qualified person, to all persons employed or engaged in any capacity on ships which are required to comply with the provisions of the ISPS Code, prior to them being assigned shipboard duties. This instruction should emphasise ship specific security issues and provide guidance for the seafarer to at least be able to

- report a security incident, including a piracy or armed robbery threat or attack
- know the procedures to follow when they recognise a security threat
- take part in security-related emergency and contingency procedures.

Documentary evidence must be retained by the ship to show that this training has been completed. There is no objection to this training being subsumed into the ships safety familiarisation training and to use its existing method of recording the delivery of this training.

Source: Department for Transport (UK)

PROTECTION FROM PIRATES FOR VESSELS FLYING THE GERMAN FLAG

The German Federal Office of Economics and Export Control (BAFA) have launched an approval process for private armed security services. Starting immediately, private security firms operating in Germany and abroad can apply for approval with the German Federal Office of Economics and Export Control (BAFA) to be commissioned on board merchant ships flying the German flag. The new Maritime Ship Surveillance Regulation entered into force today.

The salient points for the German shipowners were taken into consideration by the German federal government. The Regulation contains numerous requirements that need to be met by the security firms. Each mission must be carefully planned and documented. Staff members must have the necessary personal suitability as well as emergency medical skills and legal knowledge. The use of firearms is only permitted in self-defence or emergency assistance.

From 1 December 2013, only private maritime security companies, approved by the BAFA, will be allowed to be deployed on ships flying the German flag. Until then an adequate number of suitable firms will have to be approved so that the German shipowners can actually protect their crew members in regions impacted by piracy.

Until now no ship protected by armed security staff has ever been captured by pirates.



SEA OF SHAME

The International Transport Workers' Federation and its affiliated maritime unions in Bulgaria, Georgia, Romania, Russia, Turkey and Ukraine were aiming to improve safety and working conditions in what they call the "Black Sea of Shame" in actions on May 13-15.

According to the ITF, the Black Sea is one of the most dangerous places in the world to be a seafarer. As a result, it is the focus of an ITF campaign to boost safety and drive up standards by exposing unacceptable conditions and bringing them to the attention of the public and governments. The goal is to put governments on notice of what has to change before Augustus 20, 2013, when the Maritime Labour Convention, 2006, goes into effect. This campaign action will involve joint inspection teams made up of ITF inspectors and union activists visiting ships in Black Sea ports.

There are around 2.400 vessels working the Black Sea, many of which are more than 20 years old, ITF said. The shipping market there is characterized by old vessels moving low value goods, with low or unpaid wages coupled with a high risk of death and injury, ITF added.

"Some of the worst ships in the world are to be found plying the Black Sea," according to the ITF, in a written statement. "Work conditions are often shameful and safety non-existent. The human cost is enormous".



NEW PRESIDENCY FOR ZHUPK (CROATIA)

We have been informed that the Annual Assembly of the Croatian Shipmasters Association was held in the city of Šibenik on 22nd February 2013. The local shipmasters' association will occupy the ZHUPK presidency for the year 2013 and that Captain Šime Zenić, president of the Šibenik captain's association was elected president of ZHUPK for 2013.



Captain Šime Zenić

Captain Šime Zenić was born in Šibenik on 4th of February 1950. He graduated on Nautical University of Kotor in 1972, and obtained license of Master Mariner, in 1976. He sailed with "Jugolinija", Rijeka, as cadet and deck officer. In 1979 he obtained his pilot license and worked as pilot in port of Šibenik and port of Ras Lanuf in Libya, till 1986.

After that he worked as cargo manager for Norway Company, organizing the export of tar and timber from Liberia to Europe. During the war in Croatia, from 1991 till 1995, he worked in the port of Šibenik, as pilot and manager in Harbour office. From 1995 till 2002 he sailed as Master on passenger cruisers, and after that he works as manager in port of Šibenik.

In the same assembly Captain Ante Roje was appointed Council member for CESMA for the next 4 years. Captain Ante Roje, Master Mariner and Bachelor of Science was born in Split on 18-11-1947. After seven years of sea service as a deck officer (from 1966 to 1968 and 1970 to 1974), he joined JADROPLOV (Split Head Office) as Commercial Manager. In the period from 1976 to 1984 he served as Managing Director of the Chartering Department (taking responsibility over full operation of 4 to 12 tramp dry cargo ships of 8,000 to 30,000 dwt). In period from 01-01-1985 to 31-01-1991 he served as the Company's President and CEO. JADROPLOV operated a fleet of up to 27 ships engaged in regular liner services from Adriatic to Canada and US Great Lakes, Red Sea and East Africa and Australia and New Zealand and in world wide tramping. He acted for two years as President of the Executive Board of the (former) Yugoslavian Ship-owners' Association and as the Association's representative in the Board of Directors at BIMCO in Copenhagen in period from 1987 to 1991. From 1991 to 1993 he served as Managing Director of a chartering broking agency and in 1994 as commercial manager in the Isle of Man JADROPLOV affiliated Ship Management office. In the period from 1990 to 1992 he served as Republic of Croatia Parliament member.

In 1995 he started an independent, family owned office, as a shipping consultant. The office was also active in crewing, primarily specialized in off-shore, acting as USA based SEACOR Marine Ltd. agent for Croatia and Slovenia.

Since end of 2002 he is in pension. As he used to say – I'm in pension, but not retired! Namely, based on previous experiences, the part of that what was his job, is now his hobby. So, he is monitoring shipping markets daily, collecting information from various sources (some 10 weekly and 3 monthly brokers' reports) of newbuilding contracts, secondhand and demolition markets and updating own data on various ships by type, size and age, indicating the prices. From time to time he is preparing articles for periodicals and newspapers, in attempt to give accurate, up to date information of shipping markets.



Captain Ante Roje

He is acting as Secretary of Sail Training Association Croatia (STAC), founded 2010. The plan of the association is to start sail training activities in Croatia and try to organize STI regatta(s) in the Adriatic from 2015 onwards. He is married and has two sons, one economist and the other master mariner and former second and chief officer on the "Queen Mary 2" and presently Chief on "Australian Leeuwin II", 3 masted barquentine for sail training. We bid Capt. Roje welcome in the CESMA council.



INTRODUCTION OF THE THIRD PORT POLICY PACKAGE



Mr. Siim Kallas

As for the market access and financial transparency regulation, the proposal must now be approved by the European Parliament and the EU member states' ministers of transport before being adopted. This procedure is expected to take a year's time and if adopted, the regulation shall apply from 1 July 2015. It is proposed that already concluded port service contracts will remain valid until 2025 or an earlier expiration date. The proposed regulation has been received by industry with a mixed response and not always with warm feelings. All stakeholders are now preparing views on impacts and recommendations for adjustment.

With the regulations, the Commission seeks to propose new, transparent and open procedures to select service providers with rules to prevent possible price abuses by operators with exclusive rights or monopolies. In the opinion of the Commission, this market freedom to port services with no exclusive rights will generate more port activities, more business for shortsea shipping. It is said to be necessary for a higher port performance that in turn will be able to handle the forecasted growth of cargo volumes and port traffic Europe-wide of 150% by 2030.

However, safe operations, not compromised by commercial pressure, supply of port services in a non-discriminatory way and a 24/7 service are not always a good marriage with freedom of services in a port

The legislative proposal for the long awaited and new ports policy package (the third), has been published by the European Commission. The result is a regulation, directly binding member states, which regulates free market access to port services, It also provides financial transparency of ports. The proposal excludes cargo handling and passenger services from the market-access rules. In a separate communication seven other measures from the original policy package and their legal implications are announced.

environment. There is a risk of insufficient or delaying supply to certain customers from an economic viewpoint and therewith resulting in a risk of inefficient functioning of a port as a whole system. However the new legislation gives harbourmasters the option to set minimum requirements for port services which is found to be very positive. The way in which and by who this market access will be organised, is still a point of concern.

Another point of concern is the proposed independent supervisory body which would certainly affect the autonomous position of stakeholders such as harbourmasters and pilot organisations. It could also increase bureaucracy and unnecessary procedures.

It is no secret that the proposals for a third port package are initiated by Commissioner Siim Kallas who has certain ideas on how ports should be run in the future, perhaps influenced by stakeholders as users of these ports. The European Commission sees competition as one of the measures to reduce tariffs of certain providers who cherish a monopoly. However quality will be the main guideline for service providers because nobody is waiting for disasters in port areas which will disrupt shipping traffic and cause further mishaps because of poor services provided. Also shipmasters could be victims if accidents happen. We are not waiting for anymore criminalisation and masters in court.

(based on Newsletter EMHC)



THIRD ISSUE OF THE NAVIGATOR MAGAZINE LEADS THE WAY ON PASSAGE PLANNING AT SEA

The Nautical Institute tackled the crucial topic of passage planning and how to stay safe by utilising best practice – with the latest edition of its successful magazine The Navigator. The third issue of the free magazine, produced three times a year for navigation officers, included a number of passage planning issues, debates and feedback.



Passage planning is so integral to successful, efficient sea journeys, that the topic deserved a dedicated issue devoted to it. The Nautical Institute has been fortunate enough to be able to learn of the experiences of navigation officers at varying stages in their career, who have all shared their expert thoughts and advice.

Passage planning articles in the third issue of The Navigator include an account of shore-side passage planning from a vetting and inspection by a captain working for the world's largest oil and gas company and a series of personal reports of good – and bad – passage planning experiences. Other articles include an accident report of an incident caused by inadequate planning; an interview with a serving navigator and an analysis of data integrity in the context of marine passage planning. David Patraiko, Director of Projects for The Nautical Institute, added: "Planning ahead can help keep you out of trouble, and reduce the risk involved in at least some of those decisions. In this issue of The Navigator we have looked at the traditional role of passage planning; how modern developments can be used to best effect, and how to use forward planning to stay safe." The Navigator is produced by The Nautical Institute with support from the Royal Institute of Navigation. It is available in printed format or as a pdf on The Nautical Institute website. Printed copies are currently distributed alongside The Nautical Institute's membership magazine, SEAWAYS, as well as through missions in ports and maritime training establishments.



SAFETY OF SHIPS IN THE FUTURE

IMO held a Symposium on the Future of Ship Safety from 10 to 11 June, 2013 at IMO Headquarters, London. During its session many issues regarding maritime safety discussed, such as ship design, recent regulations challenges, safety culture for the human element and the need for change. The purpose of the Symposium was not to provide specific input to the Maritime Safety Council (MSC) but to share views on various elements which would compose a future safety system for further consideration in the coming years. The scope and breadth of the discussion has been extremely impressive and all deliberations, conclusions and recommendations will be much appreciated during MSC 92.

With regard to data collection, Secretary General Mr Sekimizu said that there is no doubt that more and better data, and the use of the latest methods to analyse them, are central to the development of future regulations based on risk. Also there is no doubt that a safety culture that goes beyond mere compliance is essential in the future. Ships will become more complex and, as they do, we must move away from safety being simply a series of box-ticking exercises.

That approach is not good enough now, and the administrative burden must be reduced. Regarding the human element, the need for self-regulation, and education and training is important. The IMO Secretary General said that the serious challenge maritime training institutes are now facing is to keep up with new technology and this must be addressed. Currently, the shipping industry is facing serious financial difficulties but they need to comply with regulations for marine environment protection. IMO's Committees will take into account the cost of immediate compliance and ensure the smooth implementation of pending IMO conventions. The subject of the Symposium has been something beyond overcoming the present challenges. The subject was Safety of ships in the future. The discussion on the future must cover all issues relating to ensuring competent seafarers free of stress and fatigue; support for seafarers must be continuously addressed at IMO.

Source: IMO



TRUTH SUFFERS

Just as concerns arise about the problems of piracy attack reports, the International Chamber of Shipping and the International Transport Workers' Federation (ITF) last month made a joint submission to the International Maritime Organization (IMO) commenting on the apparent failure of some flag States to submit maritime casualty reports. Despite the reports being a requirement under several international maritime conventions, including the SOLAS, it seems that all too many flags, all too often as simply not abiding by this duty.

The problem has reached such a scale that the ICS and ITF have urged governments to consider the matter at the next meeting of the IMO Maritime Safety Committee in June.

Maritime administrations undertake to investigate any casualties suffered by ships under their flag and to supply the IMO with the findings of such investigations. This is meant to include incidents defined as being a "very serious marine casualty" involving the total loss of the ship, a death, or severe damage to the environment.



Even when the reports are delivered, they are taking far too long to compile and promulgate. It is anticipated that Italy will deliver its final accident report into "Costa Concordia" in June, which is roughly 18 months after the incident occurred.

18 months is clearly too long, and Italy is in contravention of the obligation for member States to report back within a year of a very serious casualty. It also means that shipping

has remained at risk from similar problems, as the lessons learned are not being disseminated.

Where reports are issued, it seems the time taken is simply too long. Where there is a serious casualty the industry needs to know what went wrong, and why... and what they can do to stop it happening again. Stalling investigations and making the world wait for their findings won't make the bad things go away, it just makes them worse. The phrase, "adding insult to injury" comes to mind.



DEALING WITH THE MENACE OF FATIGUE

The current issue of the International Maritime Human Element Bulletin Alert! provides all the connections required to link issues of fatigue to the safe manning of ships and the way they are operated. After many years when the industry has been hesitating about the problem of fatigue, suggesting that so much about this menace has been 'anecdotal', the realities provided by real evidence now illustrates that it can no longer be ignored.

This issue, which begins with a cautionary Case Study of the background to the grounding of a short sea ship with two officers working watch and watch, is packed with advice about fatigue and how it can be sensibly countered. Noting there is still no mathematical formula for the assessment of a ship's manpower requirement, the bulletin offers a seamanlike 'rough guide' to The Guidelines for the Determination of Minimum Safe Manning, taking into account the hours of shipboard duties and what might be described as 'peak workload situations'.

Stemming from the EU-funded Horizon Project which sought to simulate the deterioration of performance as fatigue sets in, a fatigue-prediction software model MARTHA has been developed, along with a Fatigue Risk Management System, to assist managers to optimise operations and work schedules to moderate and minimise fatigue. Alert! No 32 also describes another useful tool in the US Coast Guard's Crew Endurance Management System, which provides a very visual indication as to when crew endurance is being 'stretched'.

It has been suggested that part of the problems stemming from the insidious onset of fatigue was the lack of any meaningful tools to assess and to counteract it. The centrespread of No 32 provides a whole list of downloadable aids to fatigue mitigation and management which can go a long way towards informing management about the realities of fatigue and its effects. It also makes clear the shared responsibilities of ship designers, owners and managers, along with seafarers themselves, for informing themselves about fatigue. This is an important reference document that illustrates a wealth of information on this important problem that continues to contribute to maritime accidents of all kinds. Advice is also provided on the use of riding gangs aboard ship, noting that these additions to those aboard a ship cannot be used to bypass the regulations that apply to a ship's crew.

Source : The Nautical Institute



FROM THE EDITOR

- Germany has become the 37th flagstate to ratify the IMO's Ballast Water Convention, bringing in the tonnage in support of the convention to 30,32%, when it was signed on 20th June 2013. The convention still requires 4.68% tonnage more to reach the 35% mark that would allow the convention to come into force. More flagstates are likely to come on board in the next few months following the resolutions at IMO's MEPC 65 meeting, held in May 2013, which clarified the scope of the convention.
- Researchers are predicting that a record number of containerships will be scrapped this year. It concerns "smaller" containerships of 3.000 to 5.000 TEU. Cause is the overcapacity which was created by ordering and building of bigger 5.000-plus postpanamax vessels on shipyards in the Far East against bottom prices.
- The IMO expects that intercontinental shipping via the Arctic Sea will increase by 300% in the coming ten years. This is caused by further melting of the icecap. It is expected that in 2030 25% of goods between Europe and Asia will be transported via the northern route. The IMO is momentarily preparing regulation for the increasing shipping activities in the area.

- The recent fire in containers on board the mega container carrier "Eugen Maersk" has once more indicated that declarations of the contents of containers are often incorrect. There is a general impression that hazardous goods, especially in containers with household goods, are often wrongly or not at all declared.
- CESMA has attended the European Maritime Day 2013 which was organised on the Mediterranean island of Malta on 21 and 22 May. The main issues were maritime tourism and the cruise industry. The official part was on 21 May with speeches by a.o. Mrs. Maria Damanaki who deliberated on the possibilities of creating jobs in the maritime industry. The second day was reserved for a number of workshops by various stakeholders and organisations. CESMA took part in a workshop, organised by the European Cruise Council. Subjects were the disposal of garbage in the various EU ports and the manning of cruisevessels by well educated EU seafarers.
- A delegation of CESMA will visit the European Maritime Safety Agency (EMSA) on 11th September. Issues discussed will be a.o. maritime safety and security and education and training of European seafarers.
- Captain Slobodan Vrdoljak from Zadar has been elected General Secretary of ZHUPK (Croatia) for another 4 years. The association's secretariat will remain in Zadar.
- CESMA has been invited to participate in a follow up study (MARTHA) of the Horizon project investigating fatigue in the maritime industry.
- The accident with the Mitsui Lines containervessel "MOL COMFORT" whereby the vessel broke into two parts of which sank in the Indian Ocean, has convoked a number of assumptions trying to find causes. Excessive bending moments or shear forces as a consequence of wrong weight division of containers on board in the various loading ports in the Far East are already mentioned. Handling of a large containership in adverse weather and sea conditions cannot be overlooked. We will revert on the accident in our next issue of the CESMA NEWS when further information is available. (photo see front page)
- The courtcase against Captain Schettino which took place on 17th / 18th July in Grosseto will be continued from September until December with hundreds of witnesses to be heard.



CESMA LOGBOOK (2013 – 2)

We were represented at the following occasions:

04 Apr The Hague	Piracy debate Dutch parliament
10 Apr Rotterdam	Maritime Career Event
17 Apr Brussels	SAGMAS meeting
22 Apr Vienna	EUGIN Annual General Assembly
25 Apr Malta	EMPA Annual General Assembly
10 May Nantes	CESMA Council meeting
11 May Nantes	CESMA Annual General Assembly
15 May Ghent	Presentation on Criminality on board
21 May Malta	European Maritime Day
22 May Malta	EMD Workshops
31 May The Hague	Clingendael Seminar on Piracy
07 Jun Utrecht	Europa discussion CDA
17 Jun Brussels	EU Commission cyber security
20 Jun Culemborg	Twin Media Day
25 Jun Antwerp	Piracy seminar
28 Jun Brussels	SAGMAS presentations



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.)

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