

CESMA NEWS

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THE EUROPEAN UNION SHIPMASTER INFORMATION CHRONICLE

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RESPONSIBILITY OF THE SHIPMASTER OUT OF DATE?

The responsibility of the shipmaster appears to be out of date and unfair. Shipmasters are on too many occasions kept responsible for matters which they cannot completely control. Unfortunately a solution to solve this problem is a long way ahead because the entire legal system is based on this phenomenon where one person is kept responsible. In many cases the shipmaster is not even guilty but the responsibility remains. In too many cases this leads to criminalisation especially when the real guilty person is unknown or cannot be brought to justice.



This responsibility is on an increasing level used against him in case of damage to the ship, its cargo or the environment. In fact it is impossible for the huge and sometimes complicated ships of today to control all aspects of its operations. This unfair dilemma has the attention of the International Maritime Organisation and a number of human rights organisations such as Seafarers Rights International and of course the ITF. Yet very little success is achieved when shipmasters end up in prisons abroad as it is very difficult to override or even soften a legal system in a sometimes far away country.

According to an expert in sea and transport legislation, the level of responsibility of the shipmaster is indeed out of date and based on the old-time situation where the shipmaster was the only one around carrying the overall responsibility without any possible contact with his owner. Nowadays ships are in continuous contact with their office ashore and receive orders which he has to carry out. The shipmaster, according to the afore mentioned expert, has been degraded to a sort of manager comparable with the same function ashore. According to others, this comparison is not correct as circumstances where activities take place, are widely different from each other. The world and the oceans in particular, are sometimes wild and dangerous of which the man behind the desk ashore has sometimes very little or no knowledge. Difficult decisions have to be made on the spot without any interference possible. This responsibility will therefore always remain with the shipmaster and his team on board. They decide on whether a certain aspect of navigation is advisable or not therewith supported by the SOLAS convention of the IMO. It is the shipmaster who remains responsible for his ship, cargo and crew, a responsibility which has not been transferred yet to people ashore although many consider that a fact after the introduction of the ISM Code.

Yet the position of the shipmaster is frequently violated by pointing fingers. On the one side by ship-owners who then can wash their hands in innocence and on the other side by administrations to put ship-owners under pressure. Good (or bad) examples were the accidents with the "Erika" and the "Prestige", where the shipmasters were again used as scapegoats.

The relationship between shipmaster and owner is described in the International Safety Management Code (ISM). Moreover, the International Maritime Organisation has issued "Guidelines for fair treatment of seafarers". But these guidelines, which are not regulations, offer seafarers little real protection. The problem is the sovereignty of the various states. The IMO issues guidelines but each country is entitled to deviate from them. There are more than enough countries which totally ignore those guidelines.

(based on "Schuttevaer" (10-8-2013))



ARE CRUISE SHIPS SAFE?

Recently a new novel 'cruise ship' has been published by Witherby seamanship publishers and already this is causing some comment. Briefly the scenario is a collision between a light oil carrier and a 3.000 passenger cruise ship off Greenland. The tanker is ice class and high in the water. It demolishes the lifeboats on the starboard side cuts through the hull under water and then the partly filled oil tank explodes into the hull of the cruise ship.

I based the next sequences on a recent cruise I travelled on, the questions I posed to the officers and crew and my observations together with discussions with Captains of these ships. Also my 14 years on passenger and cruise ships and my commands on passenger carrying ships, although admittedly not in the numbers we are seeing now. The simple fact is that none of them, crew and officers alike believed that they could abandon their ship safely in the stipulated IMO required time of 30 minutes. If this is so, then what on earth has been going on and why are these ships being approved by the marine administrations, Class, the P and I clubs and all those concerned with safety. Imagine at midnight a collision in icy waters at midnight in a force 5. Half those on board are in the entertainment rooms in light clothing and many inebriated. The other half are in their cabins. Those up have to get down and those below have to get up. Just how many staircases are there? If the ship has a list how is anyone going to push a wheelchair? It is impossible. If the lifts are out of action how are the elderly and infirm going to get up and down the stairs. It is inevitable that there will be panic. How are very basically trained hotel staff going to control thousands of people, many in panic, when they have no real seamanship experience or leadership qualities.

All the Captains I consulted said it was a nightmare scenario and that many lives would be lost. In the building and approval of these ships where were the professional seamen in the decision making process. I cannot believe that any professional seaman can stand up and say that these ships can be abandoned safely in an emergency, especially at night. So how have we ended up in a Titanic situation of once again having ships where, if there is a real emergency, people will die because of our professional neglect. Why don't the cruise ships' companies require the passengers to bring warm clothing which is a IMO requirement? Why is there no requirement for smoke hooks to be placed in the cabins? Why is there no design for special lifeboats for the disabled? Why are we allowed to continue building such ships with only lifeboats for 75% of those on board? What is the selection procedure for who gets a lifeboat and who gets a life raft?

Strangely, we consider the environment with double hulls but what about life? Where are the IMO professionals that know the ships cannot comply with the 30 minute criterion and yet remain silent. Where are the Class who have approved the ships again knowing that this is impossible? Is there one seaman out there that says he is completely confident that such ships can be safely abandoned in 30 minutes at night in a force five? It is as if there is an acceptance of silence by us all. The companies involved are too big, too powerful, it's too late are just some of the reasons given for our silence. With the Costa Concordia we have seen just how fragile Carnival Cruises procedures are and how lunatic the reliance on 'the ship is a lifeboat' phrase is. There was no abandonment there in 30 minutes, and even with the ship not sinking, many lives were lost. We can imagine just how many would die at night in the ocean.

Croatia just joined the EU family and we would like to give a warm welcome to this 28th member of the EU!



DEALING WITH MARITIME “GARBAGE” (EU MARITIME DAY 2013)

The sea is not a gigantic dustbin and most in the recent generation of seafarers, just like most people who live ashore, have learned to treat the marine environment with greater respect. In the form of the Marine Pollution Convention, with special sections dealing with what and where anything can be disposed at sea, have been implemented and also enforced. It is also fair to point out that a very large proportion of the garbage that still illegally ends up in the sea, comes from landside sources, even though ships are still sometimes blamed.

Ships don't have the facility of garbage collection while they are at sea apart from some which have incinerators. They depend on shore-side authorities providing this service when they are in port. What can they do to mitigate the problem? Like shore-side organisations, those on board ships will try hard to separate and segregate their “recyclables”. On the other hand they will also try to minimise the volume of the waste materials, left from their consumable stores and provisions. Well-found ships will also have installed some helpful equipment like compactors that can be used to squash tins and boxes into small volumes for ease of storage and collection. Moreover garbage collection is mostly charged by the volume. Much will depend on the ports of call which need to ensure that they have adequate reception facilities that ships will find convenient to use.

The amount of garbage, produced by a ship, depends heavily on the number of people on board. While most cargo ships have small crews, generating little more than that of a few households ashore, passenger vessels, by contrast, need to have well ordered and often highly sophisticated systems for dealing with ship-generated wastes. In a large cruise-ship, hundreds of tons of wastes are generated in addition to the solid wastes and “grey water” produced by the ship's sewage and domestic water systems. Aboard such vessels, the treatment of wastes will be approached on an industrial scale with specialised equipment which sorts, compacts, stores and incinerates ship's garbage. In this way what is to be landed is easily dealt with by mechanical handling systems during the fast turn-round in port. Garbage treatment will occupy an entire department on board. The development of this specialised equipment has gone hand in hand with the design of large cruise-ships, with thousands of passengers.



In spite of the above, giving solutions and the use of sophisticated systems, there is still a lot of problems to be solved or systems to be improved. This is the reason that the European Cruise Council put it on the agenda of a workshop organised on the occasion of the 6th European Maritime Day at Malta on 22nd May 2013. As CESMA had asked to be involved in a workshop, it was invited to take part to give opinions and possible solutions from the shipmasters' side. There are still complaints about poor reception facilities and delays in some European ports. It is discussed and asked that general complaints do not assist in solving problems. It is crucial to report facts such as names of ports and dates and reliable comments. One of the omissions is the fact that if there are complaints the person or organisation to turn to is unknown, especially during dark hours and weekends. Then they end up in the dustbin and no action is taken. One of the disappointments of reporters is the fact that although garbage on board is neatly segregated according to regulations, it is dumped in some ports mixed into one barge or truck without explanation.

In fact the treatment of maritime garbage is a matter of civilisation and self-discipline. This has been carefully and successfully introduced and supported by environmental organisations such as the North Sea Foundation. The European Commission has given a positive impulse by introducing a new EU directive on ship's waste. But not only EU citizens must be made aware of the necessity of a clean environment. Also other European and Asian seafarers on board many ships which ply European waters should realize that care of the maritime environment is sometimes different from the customs used in their own home waters.

The problem of residues of bulk cargoes was brought up. If there are not any hazardous substances involved, the solution is not so difficult. It is a matter of organisation in the mostly well equipped bulk-terminals in EU ports. But this problem is still not generally solved and depends on quantities and commodities. As said before the seas and oceans should not be used as the big dustbins to get rid of large quantities of residues.

The final conclusion was that if you make the disposal of garbage too difficult or too expensive in ports, ships will look for other ways, which in fact nobody wants. (Capt. F.J. van Wijnen)

WHAT TO DO WITH HME CARGO RESIDUES WHICH CANNOT BE DISCHARGED INTO THE SEA?

The changes to MARPOL Annex V are likely to have the greatest effect once the cargo is discharged. If the cargo is HME, the Master of the ship will be prevented from discharging cargo residues, wash water and hold bilges at sea and, therefore, there may be an accumulation of this material that will need to be retained onboard until the ship reaches a port with suitable reception facilities. Under Regulation 8 of Annex V, governments must ensure that adequate port reception facilities for garbage from ships are provided. However, currently it is acknowledged by the IMO that reception facilities are not available in all of the world's ports. It is also necessary to ensure that in circumstances where the cargo is not HME, the cleaning agents are also not HME. (Source: The London P&I Club).



SIRC SYMPOSIUM 2013



CESMA attended the Seafarer's International Research Centre (SIRC) symposium on 3 and 4 July. Nautilus General Secretary Mr. Mark Dickinson introduced the event which was organised at Cardiff University. In total seven papers were presented, all associated both with research completed in the last two years and with new research which has only just begun.

The first session comprised papers on human factors, communication in particular. In the second session papers were more concerned with technical issues, although human decisions, actions and understanding remained critical issues. The first paper reported on an analysis of 319 maritime accident investigation reports over a ten-year period from four national maritime authorities. It highlighted the immediate and contributory causes of these accidents. Analysis suggest that non-seafarer related factors constituted more than a quarter of all causes, particularly third party deficiencies and poor design. Also included are technical failure, poor judgement, communication failure and ineffective as well as inappropriate use of technology.



The second paper drew upon research about risk and risk management, exploring the means of communication utilised for the transmission of data and ideas about safety and risk management, both to and from management. Many companies are unsuccessful in encouraging sea staff to believe that safety is a genuine company priority and therewith to adhere closely to company policy in relation to safety management. Data were collected from five organisations: two large companies and three small or medium companies engaged in different maritime trades. The research showed that companies generally appeared to be placing considerable emphasis on safety messages. However, seafarers and shore-side staff readily distinguish between what they regard as real statements of intents with regard to safety and what they regard as empty rhetoric, aimed at charterers, clients and inspectors.

The third paper of the seminar was a report on a new work in progress, a study on the interaction between ship-based and shore-based personnel, exploring the relationship between active seafarers and pilots, surveyors, agents, service-engineers etc. Human interaction is a complex process which cannot be reduced to a mere exchange of words. It may be subject to rather particular constraints and challenges. Using some preliminary studies, the paper showed a number of areas where future investigation could be focused. Consideration needs to be given to the remoteness of ships as workplaces with the implications for relationships between ship and shore personnel. The workloads and workplace demands placed on them (in particular paperwork associated with port calls) and the perceived legitimacy of the interacting parties. Age and experience, language and cultural differences may also be relevant. SIRC is supported by a number of important maritime and social organisations including ship-owners, trade unions and the Nautical Institute.

Papers on the second session looked at the use of mandatory equipment on board, focusing on three categories: emergency response equipment, aids for navigation and equipment designed to protect the environment. The three items chosen for the study: lifeboats, watchkeeping alarms and oily water separators. Carriage of a watch-keeping alarm system was made mandatory to keep the officer of the watch awake, rather than to remove the principal cause of the problem: fatigue.

Other papers in this session included issues of enforcement and equal treatment on the governance of ship's sulphur emissions, safety management in shipping and the accommodation and welfare on contemporary cargo ships. This last issue highlights the significant variations in accommodation design and standards, all of which should be addressed by the Maritime Labour Convention 2006.



Prof. Helen Sampson, director of SIRC

The objective of SIRC is to undertake research relating to seafarers health, safety and welfare. The papers presented at this symposium demonstrated, as in the previous symposia which CESMA attended, that this objective is fulfilled. Any issue which comes up in the future and is considered important for CESMA can be brought to the attention of SIRC which will then choose whether it is worthwhile for research.

(By courtesy of Capt. Harry Gale, NI)



GPS TERRORISM

The world's GPS system is vulnerable to hackers or terrorists who could use it to hijack ships, even commercial airliners, according to a frightening new study that exposes a huge potential hole in national security.

It is possible to take control of a sophisticated navigation system on board any ship, using a laptop, a small antenna and an electronic GPS "spoofing" device, built for \$3,000. Injecting spoofing signals into the GPS antenna's makes it possible to control navigation systems. Applying these instruments could cause ships running aground, therewith shutting down harbours. Experts are very worried about the implications of GPS spoofing which were recently tested on board a super yacht plying the Mediterranean.

By feeding counterfeit radio signals to the yacht, the researchers were able to drive the ship far off course, potentially take it into treacherous waters or even put it on a collision course with another ship. All the time, the ship's GPS system reported that the vessel was calmly moving in a straight line, along its intended course. No alarms, no indication that anything was amiss. The attacks on the board system were repeated but the officers on the bridge remained absolutely unaware of any difference. They were stunned by the results.

As the accident with the "Costa Concordia" tragically proved, a ship off course can have disastrous consequences. Another example is the "Exxon Valdez" which was only slightly off its intended track when it ran aground in Alaska, spilling 11 million gallons of oil into Prince William Sound.

The easiest and most sinister "spoof" is to slowly slide a vessel onto a parallel course. Over time the compass might read the same heading but the ship could be far from where the navigator thinks it is. It is actually moving a mile off the intended track in a parallel line and could be running aground instead of going through the proper channel.

The United States government is aware of this critical vulnerability of GPS. There have been more primitive experiments using a small unmanned drone. It was possible to feed "spoofing" signals into the drone's GPS, causing it to nearly fall out of the sky. This experiment drew the attention of the US Congress, CIA and the Pentagon. Yet the Department of Homeland Security has been "fumbling around in the dark" on GPS security, doing little to address the threat. It has no jurisdiction over this issue and is not really showing any interest at all. However a number of Congressmen see it as a very serious and critical threat to national security. A draft report is due in August 2013, which could, depending on the results, trigger more Congressional hearings.

The GPS signals are the same as used by shipping all over the world. CESMA has been warning for the integrity of GPS on many occasions. Present electronic navigation and time keeping devices are all depending on GPS signals in principle provided by the military department in the USA. Although there are signs that the international community is considering the importance of a back up system, no direct steps are taken yet. In a number of EU nations the existing LORAN stations were shut down to reduce costs. In fact the more than expensive GALILEO system was said to be able to replace the LORAN system, not mentioning that in fact the GALILEO system is just as vulnerable as GPS because it uses the same weak signals which can easily be "spoofed". Pure wisdom is required to prevent this important security risk at sea, in the air and on land in the future.

(based on info from Fox media)



CYBER SECURITY IN SHIPPING

The European Commission has launched the Network and Information (NIS) Public Private Platform on 17th June 2013. Being a member of SAGMAS, CESMA was made aware of this initiative. The output of the platform will feed into the Commission recommendations for cyber security to be adopted in 2014.



So far ICT security was mainly a concern for state and defence authorities but lately the problem has expanded to business and transport areas as more and more information and documents are translated into ICT solutions. These have shown to be vulnerable as it became possible to easily break in into the systems and obtain valuable information on the contents. In shipping information from owners, ports and shippers to ships could contain confidential messages about passengers or cargo carried, the ship's position and intended route to be followed. This information could become available to criminal or terrorist interest groups as well as competition representatives.

The NIS platform will, as a matter of priority, aim to identify technologically neutral best practices, including standards, to enhance cyber security and to develop incentives on both the demand and the supply side to abide by those best practices and adopt secure ICT solutions. In its work on identifying best practices, the NIS platform may focus on the following four areas:

1. Organisational measures: best practices to define, guide or evaluate an organisation's cyber security. Specifically its capability to identify and assess risks and deter and handle incidents.
2. Secure products and services: best practices to demonstrate the ability of products or services to provide a "good" level of cyber security performance as part of the ICT value chain.
3. Metrics, measurement and language for cyber risks: best practices for measuring, describing and evaluating cyber risks, impacts, threats, controls etc.
4. Information exchange: best practices for the exchange of cyber incident information, to allow cyber incident reports to be understood and acted on in the framework of complex cooperation schemes and to facilitate a "big picture" view of all cyber incidents to spot trends and direct resources.

The NIS platform will work in close collaboration with the Multi-Stakeholder Platform on ICT standardisation, including for the identification of relevant security related common technical specifications. In parallel, the NIS platform will discuss economic, legal and technological incentives which could be defined at EU, national and sectional level.

The output of the platform will feed into the Commission recommendations on cyber security across the value chain to be adopted in 2014, as well as the implementation of risk management and incident reporting.

CESMA participates in Working Group 2 which aims at information sharing practices and sharing as well as incident coordination by private sector organisations such as shipping. It also provides guidance and recommendations on privacy and trust. So far no information on cyber incidents has reached the shipping industry as far as CESMA is aware. In the financial world however protection against cyber crime is common practice.



CAPTAIN SCHETTINO GOES TO COURT



The trial of Captain Francesco Schettino of the unfortunate cruiseship "Costa Concordia" started on 17 and 18 July in the Tuscan city of Grosseto. The local theatre "Teatro Moderno" had been transformed into a courtroom to accommodate the many witnesses, lawyers, journalists and other interested citizens. Captain Schettino is accused of manslaughter, causing a maritime accident and abandoning his ship and his passengers during that terrible

night on 13 January 2012, when his vessel hit a rock, became heavily damaged and ended up on one side near the harbour of the island of Giglio. 32 people died during the accident.

Judge Mr. Giovanni Puliatti acts as president of the court. CESMA was present at two sessions of the trial for two reasons. To find out the truth about the accident and to monitor whether Captain Schettino receives a fair treatment. The trial was also attended by Captain A. Nobile and Capt. C. Tomei of the Genovese Shipmasters Association USCLAC, member of CESMA, of which Captain Schettino is a member.



The first days of the trial were occupied by presentation of the accusations against Captain Schettino by the public prosecutor and all those with interests in the consequences of the accident such lawyers/representatives of passengers, insurance companies and environmental groups. More and more lawyers assembled in the theatre to present their case. An effort for a plea bargain by the defence team to plead guilty and receive a prison sentence of three years and five months was rejected by the court as it was judged to represent too meagre a sentence. An impressive moment was the reading by the secretary of the court of the accusations against Captain Schettino and all the names of the victims of the disaster. This took about twenty-five minutes and during this time he listened, standing up with his head down as to show his pity and grief for what happened on that terrible night of 13 January 2012.

After two days of hearings, the trial was suspended until after the summer recess. The case resumed end September with more hearings. On 7 and 8 October it was the turn for members of the crew during the time of the accident to testify. The first was the navigation officer mr. Giovanni Iaccarino who had the conn during the preceding watch of the accident. During this watch it was decided by Captain Schettino to change the route to be followed in order to pass the Island of Giglio at half a nautical mile to be able to greet a former crewmember who lived on the island. Furthermore he intended to offer his passengers some excitement to pass the island at such a short distance. According to insiders this "bringing a salute" is not unusual in the cruise industry. None of the members of the navigation team had brought up any objections against the route to be followed and had been properly briefed. An effort to bring the same "salute" had been abandoned during a previous voyage because of adverse weather conditions.



“Costa Serena”

Mr. Giovanni Iaccarino, 1st navigation officer, gave an oversight of the technical division of the Costa Concordia. This was made possible by a video film recorded on the sister ship “Costa Serena” in which Mr. Iaccarino acted as a guide. Every detail of the inundation of the Costa Concordia after she was damaged, was clearly indicated by a tour through all the parts of the vessel. A point raised was the closure of the watertight doors on the Concordia

There are rumours that at sea not all doors were closed, according to regulation, to facilitate activities by members of the hotel services. That could account for the fact that at least five compartments were inundated when the vessel listed and almost capsized and not three as could be accounted for by the extent of the hull damage.

Questions were asked about the moment that Captain Schettino ordered the evacuation of all those on board after it became evident that the situation became critical. Realising the almost impossible task to evacuate everyone and to avoid a panic situation, he decided to maintain the principle that the ship itself is her own lifeboat. Mr. Iaccarino supported this decision by Captain Schettino.



Mr. Giovanni Iaccarino

There were also testimonies regarding the rescue operation. The reports that Captain Schettino had fled the ship in a lifeboat while the rescue operation was still going on, was contradicted by Mr. Iaccarino. Captain Schettino indeed ended up in a lifeboat after he slid down passengerdeck no. 3 which then had an inclination of 40 degrees and jumped into a lifeboat which was still hanging overboard. The lifeboat commander was not able to launch the boat with 11 persons on board. Captain Schettino took over command and launched the lifeboat into the water therewith saving the lives of those in that boat. After that he made at least three voyages with the same lifeboat from the Concordia to mainland Giglio, bringing many passengers to safety, according to Mr. Iaccarino. Other witnesses are ready to confirm this. After the improper words by Mr. de Falco of the Italian Coast Guard, he made an unsuccessful effort to climb back on board.

Questions were raised on the qualifications and ability of Captain Schettino. He was in very good standing with his company Costa Crociere before the accident and has had a long distinguished maritime career, not just on cruise-liners but also on tankers. The defence team presented some testimonies on the ability of Captain Schettino from various parties, including pilots.

Criticism was enounced with regard to the short distance the course was set to pass the island of Giglio, leaving little possibilities in case of navigational error or system breakdown. The defence remarked that this margin was regularly used during cruises. An example was given where the regular track followed from Marseilles to Savona passed the French/Italian coastlines at the same distance. The use of the electronic chart on a wrong scale, not properly showing the fatal rock properly, was seen as a contribution to the accident.

The process will take a long time before all the hundreds of witnesses have been consulted. CESMA, in cooperation with USCLAC, will be closely follow proceedings to make sure that Captain Schettino will receive a fair treatment. Concerns exist about developments that he will be seen as a single scapegoat for the disaster. This will depart from the principle that professional rather than criminal sanctions should be imposed in the event that he is found guilty of one or all charges brought against him. In the courtroom a big banner shows the text in Italian that "justice is for everyone". Let us sincerely hope that this also goes for Captain Francesco Schettino, who does not deny any responsibility for what happened with the "Costa Concordia".



Capt. A. Nobile (USCLAC)

Capt. Fredrik J. van Wijnen



THE NAVIGATOR HELPS NAVIGATORS REACH POLE POSITION

Positioning at sea has come under the spotlight this autumn, thanks to the latest edition of The Navigator - a 12-page magazine produced three times a year by The Nautical Institute and aimed at marine navigational officers. The fourth issue was launched on 1 October and led with features on positioning, alongside industry interviews, comments and advice. Positioning as a topic covers a huge amount of ground; from modern technology and techniques to more traditional methods and viewpoints. We wanted to share our ideas and experiences with our readers to help them grasp a clearer understanding of the vital role positioning plays in their work at sea.



Among the articles in the fourth issue of "The Navigator" are a personal account from a navigational officer whose grounding of a hopper dredger made the local TV news. Articles also include an accident report, an interview with a cadet training officer and an analysis of different types of positioning methods and tools, including global navigational satellite systems. David Patraiko, Director of Projects for The Nautical Institute, added: "The age-old adage for mariners has always been 'never rely on one source

for positioning'. The modern navigator lives in interesting times when it comes to positioning because advancement in technology is constantly charging ahead. It is therefore essential for them to learn as much as possible about positioning, which is why we have dedicated this issue of The Navigator to the subject."

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 maritime training establishments. (Nautical Institute)



CAPTAIN OF "SEA DIAMOND" CONVICTED

It was almost forgotten, but on 7th April 2007 the cruise-ship "Sea Diamond" touched a reef near the Greek island of Santorini off Crete and experienced such damages that it capsized and sunk in a later stage. After the accident two French passengers were missing. Later it was confirmed that they perished as a consequence of the accident.



The "Sea Diamond" was a cruise-ship, owned by "Louis Hellenic Cruises" in Cyprus. It was on a cruise calling at various ports in the Mediterranean and accommodated about 1.600 passengers. The cause of the accident was reported to be the closely passing of reefs near the island. However the master of the vessel, Captain Yiannis Marionos, maintains that he followed a safe route according to the available sea charts on board, published by the Hellenic Hydrographical Office. Meanwhile it has been confirmed that the details of the relevant chart

did not indicate the correct position of the reefs. It is clear that the accident was due to the error of the chart, issued by the Hydrographical Service of the Hellenic Navy. The vessel hit a reef which was situated at a distance of 131m from the shore, whilst, according to the chart, the said distance only appeared to be 57m. Also, the water depth appeared in the chart to be 28-30m, whilst in reality it was 4-4.5m only, the vessel's depth being 6.15m. At the time of the casualty the "SEA DIAMOND" was approaching the mooring buoy assigned by the local (Santorini) Coast Guard and Cpt. Marinos was confident that he was sailing in safe waters, as indicated in the official chart; the reef was less than 0,5 mile from the mooring buoy. Cpt. Marinos had ordered the navigation officer to monitor the radar and the last report, just a second before the accident, was that the vessel was sailing at a safe distance from the shore. The chart was of a 1:5.000 scale and according to the then in force hydrographical survey standards, the maximum allowance was 2m per length and 0.5m per water depth. The error of the particular chart was, obviously, far in excess of this allowance.



The chart error was discovered by a private expert appointed by the owners, 6 months after the casualty. The Hellenic Hydrographical Service 1.5 year later, acknowledged the error and fully accepted the findings of the experts. The chart was amended accordingly thereafter. The "Sea Diamond" struck that reef and suffered extensive damages to 5 consecutive watertight compartments, which flooded almost immediately. Because of the volume of the water ingress, pumping out was impossible. The vessel developed very fast a 12° list and neither the main engines nor the rudder could

operate because of the problems caused in the electric circuit by the flooding. Captain Marinos ordered the passengers and the biggest part of the crew to evacuate.

Due to the list, which made it difficult for the vessel's life boats and other safety devices to use, alternative means were also employed: local tenders and a ferry- which evacuated most of the 1.500 people on board.

Upon orders of the local Coast Guard and after the evacuation, the vessel was towed by a small (and powerless) tug, which was the only available in the vicinity and a small fishing vessel, to a place of refuge for grounding, although the attempt was not successful. Captain Marionos and 6 crewmembers stayed on board until the towage was completed and only left the vessel when the list started to increase above 20°. The vessel sunk in the morning of the next day, lying upright with a list of 20° + in water depth of 90m at the bow and 145m at the stern. The experts appointed by the owners were successful in minimizing the impact of the pollution caused after the vessel's sinking. ITOPF and the Greek State's environmental experts found that the impact of the pollution was almost zero. Small quantities of fuel were still leaking, but leakage was limited within the special boom, deployed above the wreck and the fuel was immediately collected. Salvage experts have, unofficially, advised that the removal of the wreck is (almost) impossible and extremely dangerous.



Captain Marionos

Experts appointed by the Investigating Judge found that the accident was only due to the chart error. The vessel was in very good condition, but her sinking could not be avoided because of the extensive damages she had suffered. The Investigating Board of Marine Casualties (which is supervised by the Ministry of Merchant Marine) had a totally different view, blaming Capt. Marionos and the alleged poor condition of the vessel and referred to the former to the Hellenic Merchant Navy Disciplinary Court. The latter, however, dismissed all charges against Capt. Marionos. However the Greek Penal Court maintains the verdict against him.

The defence team expects the Penal Court to issue the reasoning of its decision shortly, so it is in a position to comment thereon, although it is still adamant that the accident was only due to the chart error and all the charges are totally groundless. But the actual opponent is the party to blame for the accident, the Greek State who is responsible for the Hellenic Hydrographical Service and which is striving to avoid liability and the claims related thereto by accusing Captain Marionos of wrongdoings. CESMA is in contact with Captain Marionos and his defence team to try to avoid just another case of criminalisation.

(information supplied by the defence team of Captain Marionos)



THE ANNA PROJECT, LESS PAPERWORK ON BOARD

This project which is approved by the EC, had its first observers meeting on 25th July. It intends to assist Member States in the implementation of the Reporting Directive obliging the mandatory reporting to be done electronically. It will prohibit any other means of reporting as from 1 June 2015. Vessels should report only once to each Member State and Member States are expected to exchange the data. Hence national systems or linked systems need to be up and running and local authorities need to fit in. Not everyone is convinced that this will be feasible before half 2015, at least not if quality and reliability are to be guaranteed as well. But until a number of Member States object, the date is fixed. The AnNa project is facilitator and is not responsible for the implementation. The implementation itself and the choice in which to do so, remains the responsibility of the individual Member States. 13 Member States are partner in the project. The countries which do not participate are not bound by the outcome of the project. The EU Commission however hopes that the project will suggest such best practices and advantages that other countries will make use of the recommendations. CESMA participates as an observer in the project. (Source: EHMC)



RESILIENT POSITIONING, NAVIGATION AND TIMING (PNT) FORUM

Jac Spaans, advisor to CESMA



On 16 October 2013 the European Maritime Radionavigation Forum (EMRF) met at IALA headquarters in Saint Germain-en-Laye near Paris (IALA = The International Association of Marine Aids to Navigation and Lighthouse Authorities). On the agenda was the introduction of a Resilient PNT Forum, an initiative of IALA and introduced by Dr. Nick Ward of the General Lighthouse Authorities of the UK and Ireland. The EMRF meeting supported the initiative and it was agreed that a Resilient PNT Forum meeting will be held on 14 April 2014, the day before the European Navigation Conference (www.enc-gnss2014.com) in the World Trade Centre in Rotterdam. It was suggested that the users should be involved as well; the International Shipmasters and Maritime Pilots will be invited. The objective of the Forum will be to bring together organisations with an interest in PNT to prepare a strategy for achieving resilient PNT in support of activities across all sectors. This strategy would provide the basis for policies to assist IALA Members to achieve their shared objective of delivering a reliable, efficient and cost-effective aids to navigation (AtoN) service for the benefit and safety of all mariners. The background for the need for resilient maritime PNT is described hereafter.

Background

Maritime risk is increasing globally. The trends are for larger and faster ships, fewer and less experienced crew, more crowded coastal waters and a growing reliance on satellite navigation with resulting loss of traditional sea-going skills. Today, over 80% of accidents are caused by human error. The International Maritime Organization's (IMO) response is e-Navigation: a digital environment that will improve safety and security at sea and help protect the marine environment. e-Navigation will bring a step-change to maritime operations: as currently envisaged, the system will be based on Global Navigation Satellite Systems (GNSS) with communications and electronic charts integrated on a single screen. The backup system will be radar and physical aids to navigation – lighthouses and buoys.

GNSS will be assumed to be so reliable that mariners will not expect it to fail. They will become even less familiar with the use of backup systems and may be unable to cope safely with a sudden GNSS failure. What is needed is an independent, dissimilar and complementary backup to GNSS that keeps e-Navigation running, taking over seamlessly when GNSS fails.

IALA's input to the IMO Gap Analysis on e-Navigation showed that accurate and reliable positioning is essential to almost every activity identified. The need for resilient positioning to support e-Navigation is recognised by IMO, but there is no consensus on the system or systems to be adopted. IALA is the only international body representing and coordinating those providing position services for maritime purposes. Therefore it has been accepted by the IALA Council that the organisation should take a leading role in trying to reach a solution. However, it is recognised that the need for Resilient PNT is not limited to the maritime sector, indeed it applies to almost every area of human activity, hence this proposal for a Resilient PNT Forum, bringing together all interested parties.



Prof. Jac. Spaans



INTERNATIONAL REGULATIONS AND GUIDELINES FOR MARITIME SPATIAL PLANNING RELATED TO SAFE DISTANCES TO MULTIPLE OFFSHORE STRUCTURES (E.G. WINDFARMS)

Introduction

This is a summary of the most important international regulations that are decisive for the minimum distance from the border of a route to an area with multiple objects, e.g. wind turbines, which can be navigated by vessels.



This document is not applicable to areas with multiple objects in shallow waters, where traffic inside such area is not possible.

It is regarded as a minimum distance as it is the minimum space needed by vessels to comply with collision regulations, and is as follows:

- Starboard side of any route: 0,3 nM + 6 ship lengths + 500 meter
- Portside of any route: 6 ship lengths + 500 meter

The reasons for these minimum distances and other arguments are discussed in the document. This document has been provided by the Shipping Advisory Board North Sea. (SAN)

Comments are welcome.

Contact person: brj.scherpenzeel@portofrotterdam.com

Points of attention when reading this document:

- 1) One should consider that 80% of all disasters at sea are caused by human error. It is therefore realistic to keep certain margins when considering a safe distance.
- 2) When these provisions and regulations were designed, multiple structures such as wind farms did not exist yet. However, also the existing provisions and regulations provide sufficient guidance to argue a safe distance to such objects. Such a paragraph with guidelines related to multiple objects should be added to the General Provisions on Ships' Routeing in the near future.

The following Regulations and Guidelines have been established internationally:

1. General Provisions on Ships' Routeing of International Marine Organization (GPSR)
2. United Nations Convention on the Law of the Sea (UNCLOS)
3. International Regulations for Preventing Collisions at Sea, 1972, as amended: (COLREG)

The relevant Regulations and Guidelines will be discussed, and the relation with the minimum distance to areas with multiple objects explained.

The relevant Regulations and Guidelines can be found on the CESMA website: www.cesma-eu.org



E-COMPLIANCE: NEW EU PROJECT AIMS TO IMPROVE EFFICIENCY OF MARITIME REGULATIONS

A new three year European Research Project, partly funded by the EU has been launched to help increase efficiencies in regulation compliance and enforcement for the maritime sector. E-Compliance will facilitate tighter integration and co-operation in the fragmented field of regulatory compliance. It will closely align with the EU e-Maritime initiative of which a key priority is supporting authorities and shipping operators to collaborate electronically in regulatory information management.

The maritime sector is, by necessity, heavily regulated. International, EU and national authorities create large numbers of rules and regulations; the long lifetime of ships and the different phases of their operation add to the complexity. As a result, practitioners who need to enforce or comply with regulations are often unsure as to which rules apply for a given vessel in a given situation. Building on the success of other EU projects such as FLAGSHIP, e-Compliance will look at creating a model for managing maritime regulations digitally and thus help to harmonise these regulations. The project's consortium comprises representatives of the three main stakeholder groups involved: classification societies (who create class rules), port state control (who enforce regulations) and ships (who need to comply with regulations). This seamless co-operation between the different stakeholder groups will improve the effectiveness of regulations and reduce the burden on practitioners who work with maritime regulations on a daily basis.

Philipp Lohrmann, Project Manager for e-Compliance comments: "Presently, there are numerous disparate initiatives and projects that address specific aspects of the regulatory domain. The e-Compliance project will bring these different approaches together, using their most promising aspects in order to increase coherence and efficiency in the world of maritime regulations." Specific activities within this three year R&D project will include:

- Establishment of a cooperation model between regulation setting and enforcement authorities, both for port state control and IMO regulations, for modelling and interpreting regulations and ensuring harmonisation across national and organisational boundaries.
- Demonstration of automated compliance management by:
 - o Modelling and delivery of regulations in electronic format
 - o Harmonised e-Services for more effective and co-ordinated enforcement controls and inspections
 - o e-Services in support of class requirements, particularly on surveys and for ship risk management in upgraded e-Maritime applications
- Evaluation of the practical implementation of the above in representative networks and the provision of recommendations for e-Maritime policies.

e-Compliance consists of 10 partners, all of which bring their own areas of knowledge and experience of working in the maritime space. They include: BMT Group Ltd, Det Norske Veritas (DNV), Danaos Shipping Co Ltd, INLECOM Systems, The Netherlands Organisation for Applied Scientific Research (TNO), TEMIS, Acciona Infraestructuras, PORTIC Barcelona, Norsk Marinteknisk Forskningsinstitutt AS (MARINTEK) and the Maritime Administration of Latvia.



CESMA VISITS EMSA

On 11th September CESMA president Captain von Pressentin and general secretary Captain van Wijnen visited the European Maritime Safety Agency (EMSA) in Lisbon. The prime reason was to meet the recently appointed new director of EMSA Mr. Markku Mylly and also to see how CESMA could assist EMSA in its efforts to improve European maritime safety.



Mr. Mylly reported on the recent activities of EMSA such as the Blue Belt concept which aims at facilitating custom formalities in EU nations, therewith reducing paperwork, also on board. He also reported on the EMSA team which investigates levels of education and training of seafarers according to the rules of the STCW convention. At the moment the EMSA team is present in the Philippines to investigate whether the national maritime universities are complying and whether Philippine officers are allowed to sail on ships under EU flag.

CESMA reported on its activities and handed Mr. Mylly a copy of the resolutions compiled after the last Annual General Assembly in Nantes this year. Issues such as criminalisation of seafarers, fatigue and safety of ships and equipment, cruise-vessels in particular, were widely discussed. Also the existence and aims of the European Nautical Platform was brought to the attention of Mr. Mylly. It was agreed that CESMA could play a role in the agency by providing practical information from its seafaring members reporting on actual problems in the European maritime industry. (FVW)



CONTAINER WEIGHTS

CESMA has triggered an inquiry among its member associations about the necessity of mandatory weighing of containers before loading them on board vessels. Governments and, in the meantime, IMO are tending to support this regulation while transport and logistic organisations such as EVO are against, mainly because of economic reasons and delays at container terminals to be expected. The issue of containers weights came into light after recent accidents where false container weights caused or could have caused damages to vessels and endanger the lives of seafarers such as with the Dongedijk, MSC Napoli and most recently, the MOL Comfort.

The many reactions from our member associations were much appreciated and will be used to enable us to create a widespread opinion on the subject. A majority of the comments agrees with the proposed CESMA opinion that mandatory weighing of all containers would be a bridge too far as it also concerns shippers and forwarders who have so far always duly declared correct container weights This will be brought to the attention of stakeholders in the European transport and logistics industry. We will revert on the outcome of the inquiry in our next edition of the CESMA NEWS.



On the front page: Mr. Brian Simpson, president of the Transport Committee in the European Parliament, known to have a good heart for the seafarer, the Teatro Moderno in Grosseto where Captain Schettino stands trial and the "Hanseatic" (HapagLloyd), the only five star cruise-liner.

FINAL FAREWELL TO MR. ED SARTON PRESIDENT OF ZEEMANSHOOP



We have been saddened by the sudden death of Mr. Ed Sarton at the age of 66 during a cycling tour in the east of Holland. Mr. Sarton was president of the Royal College Zeemanshoop and as such host to CESMA at the premises of the College in Amsterdam. Mr. Sarton was a master mariner with ten years experience in the merchant navy. After that he joined the maritime union FWZ in the Netherlands.

The CESMA secretary offering the CESMA shield to Mr. Sarton on the occasion of CESMA moving into the premises of the Royal College Zeemanshoop.

Mr. Sarton served in the offices in Rotterdam and Singapore and was one of the initiators of Nautilus International which merged the maritime unions of the United Kingdom and the Netherlands. He also represented seafarers in pension funds and was involved in maritime education and training institutes. Mr. Sarton had a talent to solve conflicts and bring people together, using humour and common sense as ingredients. His presidency of the Royal College Zeemanshoop brought new initiatives in the interest of those who felt close ties with the sea and (former) seafarers. His objective was to transform Zeemanshoop into a centre of maritime activities in the Netherlands. His death leaves an empty space which will be very difficult to occupy. He will be greatly missed not the least by his wife Mieke and two sons. (FVW)



CESMA LOGBOOK (2013 – 3)

We were represented at the following occasions:

03 Jul Cardiff	SIRC symposium
17/18 Jul Grosseto	Costa Concordia trial
11 Sep Lisbon	Visit EMSA
11 Sep Lisbon	Visit SINCOMAR
24 Sep Brussels	SAGMAS
25 Sep The Hague	25 years NL pilots corporation
26 Sep Brussels	NIS platform
03 Oct Breukelen	NVKK environment seminar
7/8 Oct Grosseto	Costa Concordia trial
16 Oct Paris	EMRF forum
22 Oct Amsterdam	Interview AnNA project
29/30 Oct London	Maritime Security Seminar



FROM THE EDITOR

- Three Somali pirates were recently sentenced to life in prison by a federal court in Norfolk, USA for killing four American yachtsmen during a hijacking of their yacht off the coast of East Africa in 2011. Surrounded by US warships, the pirates panicked and shot the Americans. They were convicted of 26 counts including piracy and murder.
- The process in the framework of the disaster with the tanker "Prestige" was completed on 10 July 2013 at A Coruna, Spain after eight months of hearings in order to judge the four accused, including the master, Captain Mangouras. The court has claimed prison sentences of between five and twelve years.
- Lloyd's List, the world's longest (since 1734) continuously published newspaper will be ceasing its print operations and will be going totally digital by the end of the year, after almost 300 years of providing printed news and information for the maritime industry. Many articles in the CESMA News were based on articles in the paper which was provided to us by a friendly shipping company. We have to continue to dig in the digital edition.
- The logbooks of the navy ships which were on an exercise in the area where the French fishing vessel "Bugaled Breizh" sank under mysterious circumstances on 15th January 2004, are mentioned in the judicial dossiers but never came really available. There are still suspicions that the trawler was drawn over and consequently sank within minutes after becoming entangled with its fishing nets by an underwater operating submarine.
- The European Maritime Safety Agency (EMSA) has released a new version of Rule Check on 24th August. As the reference decision support tool for Port State Control officers within the Paris MoU, the system contributes to the standardisation of inspections and uniformity in the enforcement of IMO and ILO instruments.
- After the listing cruise-liner "Costa Concordia" has been put upright on the coast of the Italian island of Giglio, divers found the two missing bodies which were still not accounted for when the vessel had been evacuated after it had hit a rock and nearly capsized.
- Members of the European Parliament have expressed their concern on the issue of working and rest periods of airline pilots which endangers safety in the airline industry. Many in the shipping industry are waiting also for more attention to the same issue in the their industry where fatigue has shown to be the main reason for many accidents.
- Shipping along the Arctic northern sea is set to grow more than 30-fold over the next eight years and could account for a quarter of the cargo traffic between Europe and Asia by 2030. The IMO is preparing a mandatory code for polar navigation which will be operational in 2015 and will probably be implemented in 2016.
- Mr. Patrick Verhoeven has succeeded Mr. Alfons Guinier as general secretary of the European Community Shipowners Association (ECSA) in Brussels. We wish Mr. Verhoeven success in his new position and envisage a continued good cooperation for the benefit of EU shipping.
- Although Ukraine is not yet a NATO member, an Ukrainian navy frigate is soon joining NATO's counter piracy mission "Ocean Shields" after NATO allies gave their final approval to Ukraine's participation in the mission. Ukraine will be the first partner nation to join the international operation.
- The investigation into the accident with the containership "MOL COMFORT" which broke into two parts and sunk in the Indian Ocean has not been completed. As soon as we have more information we shall revert with comments in our next issue of the CESMA NEWS.
- The Portuguese shipmasters association SINCOMAR which was one of the initiators of CESMA in 1995, will re-enter as full member association of CESMA from 2014.
- During security meetings in Brussels, CESMA has again stressed the importance of the EU NAVFOR force in the Indian Ocean to battle against piracy. It has also asked to maintain the EU navy presence in Somalian waters after 2014.



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:



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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