



PATTON, MORENO & ASVAT
INTERNATIONAL LAWYERS

PMA SHIPPING GAZETTE



A PMA Group Publication

*LATEST MARITIME AND LEGAL NEWS
FROM PANAMA AND AROUND THE WORLD*

July 2011—VOL 3

In this issue

Maritime and legal news from Panama

Welcome

A new world record: Panama registry surpass 9,000 registered ships

IMO elects a new Secretary General

Panama reaches the PARIS MOU White List

Panama Marine Circulars - This month MM Circular No. 208, 226 and Resolution 144

Panama in the International shipping scenes

- ✓ **Panama Summit – PMA delegation travels to Madrid for conference**

What's new in Panama shipping scenes

- ✓ **Maritime Chamber of Panama opens membership for shipowners and ship managers worldwide**
- ✓ **COCATRAM members meet in Panama**

Maritime Authority of Panama in a nutshell

- ✓ **AMP calls for seafarers to apply for jobs on board**
- ✓ **AMP organises a “Beach Cleanup” on the Pacific Side**
- ✓ **AMP plans to audit doctors issuing Medicals to Seafarers**

Panama Canal Update

- ✓ **Port of Houston Authority and Panama Canal Authority Renew Strategic Alliance**
- ✓ **Maryland Port Administration and Panama Canal Renew Ties**
- ✓ **Proposals for Design of New Bridge Received by Panama Canal Authority**
- ✓ **New Panamax Vessels**
- ✓ **ACP Maritime Regulations Book**

IMO Update

- ✓ **Secretary-General thanks Panama for their support**
- ✓ **Panama Delegation meets the new elected IMO Secretary General**

IMO HOT TOPICS

- ✓ **Piracy and armed robbery against ships**
 - ✓ **Guidance on use of on the use of privately contracted armed security personnel issued by MSC**
 - ✓ **March 2011 earthquake, tsunami and nuclear accident in Japan**
 - ✓ **Reduction of Gas Emissions from ships - EEDI - rational, safe and effective**
 - ✓ **Results of Maritime Safety Committee (MSC) Meeting**
 - **Piracy and armed robbery against ships**
 - **World Maritime Day for 2012**
 - **2011 IMO Award for Exceptional Bravery at Sea to go to piracy survivor**
 - **IMO International Maritime Prize awarded posthumously**
-

WELCOME

With the second half of the year already ticking away and the new Secretary General of the IMO elected, Europe is starting its summer; during the next two months the shipping industry will once again go to a slow motion. In the past it was “shopping time” for ship owners to spend their hard earned cash on ships to add to their fleets. Lately, the cash flow has made the shopping spree a thing of the past, as with the present over tonnage capacity as one of the main concerns for the industry, followed by the increase of marine fuel costs as another common cause of worry.

The worldwide famous shipping accountants Moore Stephens recently published their latest confidence survey where they clearly exposed the critical situation in our industry; natural disasters and political unrest may be two of the factors moving down the level of confidence, and when quoting some of the replies of the survey, the words “survival” “shut down operations” “severely depression of the market for the next 3 years”, “lack of financing” , “surplus of yard tonnage”, “collapse of the freight rates” and last but not least the prospects of” bankruptcy and arrests” where the words and phrases most used by an industry that is surviving while the consumer try to battle with unemployment and tax increase whilst the old European countries face a crisis never seen before.

Despite all those bad news, the Panama registry has announced surpassing 9,000 registered ships, and our local maritime cluster is as busy as ever, showing that our economy continues growing, and the financial and risk indexes have changed for the better.

Our country is fertile to investment, and what a better opportunity that to see and listen next week why investing in Panama makes sense!

We would like you to enjoy our publication, and we look forward to receiving your suggestions for topics to cover in future editions.

Your feedback is always appreciated and you can contact our maritime legal team by email to mdiaz@pmalawyers.com

A new world record: Panama registry surpass 9,000 registered ships mark

The Administrator of the Maritime Authority of Panama, Roberto Linares announced during his last visit to the 106 General Assembly at IMO in London that as of 31 May 2011 Panama registry had 9,121 ships. There has been a tonnage increased over 25m tonnes, approximately a 12.3%. This new record for Panama represents over 229million tonnes of the world tonnage.

Source: www.amp.gob.pa

IMO elects its new Secretary General

Mr. Koji Sekimizu of Japan has been elected as the Secretary-General of the International Maritime Organization (IMO), with effect from 1 January 2012, for an initial term of four years.

The vote took place in London during the 106th session of the 40-Member strong IMO Council, between 27 June to 1 July 2011. The decision of the Council will be submitted to the IMO Assembly, which meets for its 27th session from 21 to 30 November 2011, for approval.

Mr. Sekimizu, 58, is currently Director of IMO's Maritime Safety Division. Mr. Sekimizu studied marine engineering and naval architecture and joined the Ministry of Transport of Japan in 1977, working initially as a ship inspector and moving on to senior positions in both maritime safety and environment related positions within the Ministry. He began attending IMO meetings as part of the Japanese delegation in 1980 and joined the IMO Secretariat in 1989, initially as Technical Officer, Sub-Division for Technology, Maritime Safety Division, becoming Head, Technology Section in 1992, then moving to become Senior Deputy Director, Marine Environment Division in 1997 and Director of that Division in 2000, before moving to his current position in 2004.



Koji Sekimizu of Japan elected as the Secretary-General of the IMO

The other candidates for the post were:

- Mr. Lee Sik Chai (Republic of Korea)
- Mr. Andreas Chrysostomou (Cyprus),
- Mr. Neil Frank Ferrer (Philippines)
- Mr. Jeffrey Lantz (USA),
- Mr. Esteban Pacha Vicente (Spain)

Source: www.amp.gob.pa

Panama reaches the PARIS MOU White List

During the 8385 inspections of Panamanian registered vessels between 2008-2010 there was only 476 ships detained within the Paris MOU jurisdiction.

It has taken several years to clean the Panamanian fleet, the change from the grey list to the white list is going to be welcome by many shipowners that entrust their vessel registration to Panama.

The “White List” represents quality flags with a consistently low detention record. Compared with last year, the number of flags on the “White List” has increased by 3 flags to a total number of 42 flags.

The Paris MoU is an organization consisting of 27 participating maritime Administrations and covers the waters of the European coastal States and the North Atlantic basin from North America to Europe.

Their aim is to eliminate the operation of sub-standard ships through a harmonized system of Port State Control.

Annually more than 24.000 inspections take place on board foreign ships in the Paris MoU ports, ensuring that these ships meet international safety, security and environmental standards, and that crew members have adequate living and working conditions.

Panama has reached the white list status, thanks to the efforts of the AMP ensuring that new and existing ships comply with the regulations dealing with safety, pollution and security.

Source: AMP www.amp.gob.pa, Paris MOU - <http://www.parismou.org/>

Panama Marine Circulars Update-this month MM Circular No. 208, 226 and Resolution 144

Recently the Panama Maritime Authority has revised and published new circulars on line;

Merchant Marine Circular No. 208	Are you sending your ships with armed guards aboard? If so, this is an important announcement:	http://www.segumar.com/HTML%20Merchant%20Marine%20Circulars/208.pdf
Merchant Marine Circular No. 226	Guidelines for the Maintenance, Inspection of Fire-Protection System and Appliances- (This MM Circular supersedes Circular number 122)	http://www.segumar.com/HTML%20Merchant%20Marine%20Circulars/226.pdf
<p>MM Circular No. 208: Are you sending your ships with armed guards aboard? If so, this is an important announcement:</p> <p>Shipowners, security officers and managers sending their ships and crews through the GOA corridor and waters near Somalia, where piracy is a constant threat to most ships sailing in the area have contacted us enquiring about the requirements Panama registry has in place to allow armed guards onboard.</p> <p>In order to have armed guards on board, shipowners have to follow a series of requirements, including providing all kind of evidence from the security company and copies of identity documents of the assigned armed guards to the vessel. Therefore, please do contact our shipping department to ensure your vessels sails with the correct authorisations issued by the Panamanian authorities. Please email with your requirements to mjulio@pmalawyers.com or bporras@pmalawyers.com</p> <p>http://www.segumar.com/HTML%20Merchant%20Marine%20Circulars/208.pdf</p>		

MM Circular No. 226: Guidelines for the Maintenance, Inspection of Fire-Protection System and Appliances- (This MM Circular supersedes Circular number 122)

These guidelines apply to all ships including units under MODU code.

This Merchant Marine Circular establishes new guidelines applicable to inspection, maintenance, testing and survey requirements of all fixed and portable fire protection extinguishers, and other fire-fighting appliances. It should be noted that the general requirements contained in this Circular are not an all inclusive list of maintenance or inspection items for fire protection systems, fire fighting appliances, and emergency equipment. The specific requirements contained in this Circular address areas where the Administration feels there is need for further clarification.

<http://www.segumar.com/HTML%20Merchant%20Marine%20Circulars/226.pdf>

Endorsement of ITC69 by Panama via the ROs – Nota 102-01-60-R of 23.05.2011

Ships registered in Panama need to have their ITC69 endorsed by Segumar via their Classification Society. Until this endorsement is made, permanent registration is not possible.

However, thanks to a new agreement between the association of Panamanian Maritime Lawyers – APADEMAR and the Maritime Authority to simplify procedures, a copy of the ITC69 will be accepted (with the other documents) for permanent registration without the need of endorsement by Segumar . The need to endorse the ITC69 by Segumar is still a requirement, but not for the purpose of obtaining the permanent documents for the vessel, i.e., the Statutory Navigation Patente and Radio License.

By reaching this agreement, the Panamanian lawyers will be saving the owners and managers time and the inconvenience of not obtaining the permanent documents promptly.

Please contact us if you need further assistance on this matter mdiaz@pmalawyers.com

Source – Letter from AMP addressed to the President of APADEMAR

You can download all the Merchant Marine circulars from the webpage of SEGUMAR of the Panama Maritime Authority www.segumar.com

If you wish to receive more information on this topic, please contact Maria Teresa Diaz mdiaz@pmalawyers.com

Source: Panama Maritime Authority – Segumar - Merchant Marine Circulars - www.segumar.com

Panama in the International Shipping Scenes

Panama Summit – PMA delegation travels to Madrid for conference

On July 12th “PANAMA INVEST 2011” took place in Madrid (Spain); the event was organised by the Ministry of Commerce and Industry in Panama together with the Spanish Ministry of Development (Ministerio de Fomento) and the Promotion

Agency of Investments and Exports (la Agencia de Promoción de Inversiones y Exportaciones de Panamá) PROINVEX together with the Embassy of Panama in Spain.

Panama Invest 2011 is a series of conferences for investors on the main capitals worldwide to inform about opportunities and investments in Panama.

The speakers were from the highest rank of our country and the closing speech was done by Panama's President HE Ricardo Martinelli. Attending also were the Administrator of the Panama Canal and a whole team of canal and registry high ranking officers, the Ministry of Commerce and Industry, the Minister of Economy, Minister of Public Works and the Ambassador of Panama in Spain.

Our law firm Patton, Moreno and Asvat were sponsors of the event.

Source PMA lawyers and Invex2011

What's new in Panama Shipping Scenes

Maritime Chamber of Panama opens membership for shipowners and ship managers worldwide.

The Panama Chamber is preparing an international campaign to offer the opportunity for international companies and shipowners to apply for membership.

With Panama's ratification of the Maritime Labour Convention (MLC), the Chamber participates as an active member of the Tripartite Commission that discusses the Convention implementation in every country and at the General Assembly at the ILO headquarters in Geneva. With this new responsibility of representing the Registry's shipowners, the Chamber has created a special international programme to allow International Members to join the Panama Chamber.

The Chamber traces its origins back to the very beginning of the Panama Canal operation, almost 100 years ago.

Traditionally the Maritime Chamber has been a national association serving the local maritime cluster, however the role has evolved to become a listening post, a think-tank, a forum to ensure that the correct legal, regulatory and procedural climate exists, so that businesses may continue to develop and prosper.

In order to become an international member, it is necessary to be a ship owner or ship manager with vessels registered under the Panamanian flag.

If you need more information on how to join, please write to mdiaz@pmalawyers.com so we can help you to apply and complete all the paperwork.

Source: [Cámara Marítima de Panama](#)

[COCATRAM members meet in Panama](#)



The 67th Ordinary meeting of the Directors of the Central American Commission of Maritime Transportation (COCATRAM) met in Panama in June to discuss administrative and operational matters.

The meeting was chaired by the Vice-Minister of Transport and Infrastructure of Nicaragua, Eng F. Sequeria, acting as President Pro Tempore. During the meeting there were representatives from Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica and representing Panama was Ms. Maria Isabel Spiegel, the Secretary General of the Maritime Authority and Ms Migdalia Jaen.

COCATRAM is a regional sub secretariat of the Central American Integration System (SICA) working to strengthen maritime transport, port operation, navigation safety and related environmental issues. The commission serves in an advisory capacity to governments to promote effective and sustainable development in the maritime transport sector in Central America.

COCATRAM has established itself as a small, but specialized institution with established working relations with the ports, and local and national government agencies, with the headquarters in Managua, Nicaragua,

Source: [AMP](#) – www.amp.gob.pa

Maritime Authority of Panama in a nutshell

AMP calls for seafarers to apply for jobs on board

The AMP Directorate of Seafarers invited over 500 youngsters to apply for jobs on board Panamanian registered cruise ships.

So far, of the nearly 600 CVs received, 400 candidates have fulfilled all the requirements and they are pending to be hired. This operation has been conceived and carried out by the AMP and different shipping and recruitment companies aiming to employ directly the young Panamanian professionals.

Ms Ehni Echevarria acting on behalf of Cruiser Job Agency was pleased with the large number of applicants, as she said there were 300 jobs available on board cruise ships bound for the Mediterranean, Baltic and Greece.

The vacancies are mainly in the field of hospitality. The AMP indicated their intention to continue to ensure that Panamanian youngsters have an opportunity to develop their vocation to work on board ships.

Source: AMP– www.amp.gob.pa

AMP organises a “Beach Cleanup” on the Pacific Side



Recently the AMP together with the Mar Viva Foundation and the Maritime Chamber of Panama organised a clean-up campaign on the beaches of Veracruz, near Panama City and of Puerto Armuelles near the border with Costa Rica.

The cleanup managed to collect nearly four (4) tonnes of bottles, broken glass, plastic containers, cans, seaweed, paper, effluent solids, wood, etc.

The Director General of Ports and Ancillaries Industries, Mr Rogelio Barsallo explained that they are trying to protect the ecosystem and to create awareness to the visitors and residents about the importance of maintaining clean beaches.

The AMP will continue their cleanup operation of popular beaches and they aim to target the local schools to attract support of the local residents and the youths.

Source: AMP – www.amp.gob.pa

AMP plans to audit doctors issuing Medicals to Seafarers



During July the AMP will be auditing all the medical doctors authorised to issue Medical Certificates to the seafarers in need of Panamanian certificates, as well as their clinics and private consultations rooms.

One of the points of auditing will be to ensure that records are properly kept. The auditing is ordered under resolution ADM no. 054 of 26.02.2007, article 11, where the AMP is authorised to audit ensuring all the records are kept updated.

Panama Canal Update

Port of Houston Authority and Panama Canal Authority Renew Strategic Alliance



The Panama Canal Authority (ACP) and the Port of Houston Authority have renewed their strategic alliance during an official ceremony in Panama. The partnership, which was originally formed in 2003, is now extended for five years until 2016. It aims to boost trade along the "All-Water Route" between Asia and the U.S. Gulf Coast via the Panama Canal and the Port of Houston Authority.

As a result of the Panama Canal expansion project, the anticipated increase in containerised cargo going to Houston could grow by 15 percent in the next few years, with a projected 150 percent increase to a total of 4.5 million TEUs (twenty-foot equivalent units) by 2030.

With this renewed agreement, the two entities' objective is to foster significant growth in trade and to increase traffic through the Canal with such activities as joint marketing, data sharing, market studies exchange, sharing of information related to modernization and improvement and technological exchange.

Source: ACP – www.panacanal.com

Maryland Port Administration and Panama Canal Renew Ties

A Memorandum of Understanding will help joint activities as Port of Baltimore readies itself for larger ships and more cargo

The Maryland Port Administration (MPA) and Panama Canal Authority (ACP) have renewed their Memorandum of Understanding (MOU) agreement for five additional years as the Panama Canal expansion project continues and the Port of Baltimore anticipates the completion of a 50-foot container berth that is expected to bring larger ships and more cargo to Maryland. The goal of the MOU is to generate new business opportunities between Asia and the Port of Baltimore through the Panama Canal, as well as facilitate information sharing and exchange best practices between the two organizations. The agreement was signed by MPA Administrator James J. White and ACP Administrator/CEO Alberto Alemán Zubieta.

The Port of Baltimore's 50-foot container berth is scheduled to be completed in August 2012. With the completion of the Panama Canal expansion in 2014, it is expected that a larger number of ships, including new supersized ships, will travel to East Coast ports to reach customers quicker and more economically than travelling to West Coast ports and transporting cargo across the country via rail. At the opening of the expanded Panama Canal, Baltimore will be only one of two East Coast ports capable of receiving these large vessels.

Source www.pancanal.com

Proposals for Design of New Bridge Received by Panama Canal Authority

The Panama Canal Authority (ACP) received six proposals for the design of the first-ever bridge on the Atlantic side of the waterway.

Currently, the Bridge of the Americas and the Centennial Bridge, on the Pacific side, provide the only routes for vehicles to cross the Canal.

This new bridge will be the third across the Canal and the first located near the Gatún Locks, spanning the west and east sides of the city of Colon.

The following proposals were presented:

Company	Price
TYPSA Principia	USD \$4,995,150
URS Holdings	USD \$6,150,021
Puente de Colón JV	USD \$7,212,000
ARUP	USD \$8,542,017
China Communications Construction Company / Louis Berger Group	USD \$4,662,352
Ty Lin International	USD \$9,669,231

The contract is for a bridge made of

braced concrete and the access roads for the bridge.

The ACP is currently evaluating the lowest cost proposal, jointly submitted by the China Communications Construction Company and the Louis Berger Group. A

contract will be awarded if it is determined that this proposal meets all project needs

Source: www.pancanal.com

New Panamax Vessels

The Operations Department of the Authority of the Panama Canal issued a booklet titled the Advisory notes to shipping, where all the information about the canal can be found.

One of their comments in the publication is about the several inquiries recently received from the shipping community regarding **the vessel size that the expanded Panama Canal will be able to handle upon completion of the works in 2014.**

When the expansion is completed, the Panama Canal has said that the navigational channels will allow the transit of present post-Panamax containerships; Suezmax liquid-bulk tankers; ships and other vessel types within their established dimensional limits. **The corresponding maximum dimensions for vessels that will transit these locks are 366 meters LOA, 49 meters in beam and 15.2 meters in tropical freshwater (TFW) draft**

These dimensions are being used to define the ***New Panamax*** size vessel.

Details on the Panama Canal Expansion Program are available on the Panama Canal website at www.pancanal.com.

In addition, those requiring technical assistance with vessel dimensions and canal publications may contact OPT@pancanal.com or you can also contact **mdiaz@pmalawyers.com** from our office.

Ms Diaz has been dealing with most of the technical enquiries regarding the new Panama Canal expansion that is taken place.

Source: www.pancanal.com

ACP Maritime Regulations Book

The Panama Canal has issued an updated copy of their Maritime Regulations for the Operation of the Panama Canal.

This publication must be kept on board all transiting vessels. Each transiting vessel is entitled to a complimentary copy of said regulations and requests for these copies must be made in writing to the Transit Operations Division Admeasurement Unit, listing the name(s) of the vessel(s).

Additional copies for the same vessel, albeit under another agent or owner, are available for purchase through the vessel's agent or directly from the Admeasurement Unit at a cost of USD 10.00 each.

If you require further publications, we will be pleased to assist you. Please email mdiaz@pmalawyers.com with your request.

Source: www.pancanal.com

IMO Update



L-R : IMO Secretary-General Efthimios E. Mitropoulos , HE Roberto Linares, Administrator AMP, HE Gilberto Arias, Ambassador of Panama to IMO, and Eng Alfonso Castillero, Director General of the Merchant Marine Directorate in Panama.

During a private meeting at the IMO Headquarters and during the visit of the Panamanian delegation to the 106 meeting, the IMO Secretary-General Efthimios E. Mitropoulos met the Panamanian Delegation, which included His Excellency Roberto Linares, Administrator of the Maritime Authority of Panama, His Excellency Gilberto Arias, Ambassador of Panama to IMO, and Engineer Alfonso Castillero, Director General of the Merchant Marine Directorate of Panama.

Secretary-General Mitropoulos expressed his appreciation for Panama's long-standing support to the work of the Organization and its exemplary record in the ratification of the majority of the numerous treaties developed by the Organization.

Also, Secretary-General Mitropoulos congratulated Panama for entering the White List at the Paris MOU and for increasing the fleet to over nine thousand ships maintaining their place as leaders worldwide

Source: AMP – www.amp.gob.pa

Panama Delegation meets the new elected IMO Secretary General

The Administrator of the Maritime Authority of Panama (AMP) Mr. Roberto Linares met the new elected Secretary General of the IMO Mr. Koji Sekimizu to congratulate him on behalf of the Panamanian Government.

“With our congratulations and wishes of success we also wish to express our support from the AMP and the Government of Panama, and we are confident that the IMO will be in good hands”

Mr. Linares reiterated that Japan was the main user of the Merchant Marine of Panama and there is a lot of interest in strengthening the already good commercial and diplomatic relations maintained by Japan and Panama, in addition to the close relationship with IMO.

The Minister of Transport and infrastructure of Japan, Mr Koichiro Ichimura was present and thanked the Panamanian delegation for the visit to the newly elected Secretary General of the IMO.

Mr. Koji Sekimizu expressed his interest in continuing to work very closely with Panama as one of the major financial sponsors of the organization, “We are very optimistic to work with Panama, as it is a country with a great future due to its economic growth, its robust shipping registry and the impact of the canal expansion” adding that Panama’s port development shows the excellent economic projection in the industry. Mr. Sekimizu offered Panama all the support from his new post as Secretary General of the IMO.

Source: www.amp.gob.pa

IMO HOT TOPICS

- ✓ Piracy and armed robbery against ships
- ✓ Guidance on use of on the use of privately contracted armed security personnel issued by MSC

The Maritime Safety Committee at its eighty-ninth session approved:

1. MSC.1/Circ.1405 on Interim Guidance to shipowners, ship operators, and shipmasters on the use of privately contracted armed security personnel on board ships in the High Risk Area, and
2. MSC.1/Circ.1406 on interim recommendations for flag States on the use of privately contracted armed security personnel on board ships in the High Risk Area.

These Circulars provide interim guidance and recommendations to be taken into account when considering the use of privately contracted armed security personnel if and when a flag State determines that such a measure would be lawful and, following a full risk assessment, appropriate. As stated in the Circulars the interim guidance and recommendations “are not intended to endorse or institutionalize” the use of armed guards. Therefore, they do not represent any fundamental change of policy by the Organization in this regard.

Taking the above into account, the adoption of the above mentioned interim guidance and recommendations should not be interpreted as evidence that the Organization is encouraging or endorsing the use of privately contracted armed security personnel.

March 2011 earthquake, tsunami and nuclear accident in Japan

IAEA Japan Earthquake and Tsunami Nuclear Incident: Information Sheet

<http://www.iaea.org/About/japan-infosheet.html>

Following the earthquake and tsunami, IMO was in contact with the NAVAREA and METAREA coordinators in the immediate region – Japan – and the adjacent regions – Australia, the Russian Federation and the United States.

Subsequently, IMO has engaged with bodies such as the World Meteorological Organization (WMO), the Intergovernmental Oceanographic Commission of UNESCO, the International Hydrographic Organization (IHO) and the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) in order to assess what part we in the international maritime community can play in helping the people of Japan to recover from this catastrophe, within our spheres of competence and interest.

Further information covering all aspects of the response of the Ministry of Land, Infrastructure, Transport and Tourism of Japan, as well as information regarding the radiation dose in Tokyo Bay and at sea in the region can be found on the following websites:

http://www.mlit.go.jp/page/kanbo01_hy_001411.html

http://www.mlit.go.jp/kowan/kowan_fr1_000041.html

http://www.mlit.go.jp/en/maritime/maritime_fr1_000007.html

For updates, travellers visiting Japan by air are advised to consult a dedicated website established by the Japanese Civil Aviation Bureau:

http://www.mlit.go.jp/koku/flyjapan_en/

Reduction of Gas Emissions from ships - EEDI - rational, safe and effective

The Energy Efficiency Design Index is the product of a broad church united around a single objective – the reduction of GHG emissions from ships, as Edmund Hughes of the Air Pollution and Climate Change Section at IMO explains.

A broad church around a single purpose

In recent years, discussions at IMO have resulted in the development of an Energy Efficiency Design Index (EEDI) that has the broad and emphatic support of Governments, industry associations and organizations representing civil society interests. All are united in the same purpose: to ensure that the EEDI delivers environmental effectiveness by generating, through enhanced energy efficiency measures, significant reductions in GHG emissions from ships.

Numerous stakeholders – policy-makers, shipowners, naval architects, class societies, etc. – are contributing to this endeavour, providing technical and other input to the debate. On the eve of adopting the ‘first iteration’ of the EEDI, this broad (but united) church of interests has developed an instrument that is eminently suited for its intended purpose.

Results of Maritime Safety Committee (MSC) Meeting

IMO's Maritime Safety Committee (MSC), which met at the Organization's London Headquarters for its 89th session from 11 to 20 May 2011, completed a packed agenda, including the development of interim guidance on the employment of privately contracted armed security personnel on board ships transiting the high-risk piracy area, the adoption of amendments to the International Convention for the Safety of Life at Sea (SOLAS) concerning lifeboat release hooks, an agreement on the way forward with regard to the implementation of the Torremolinos Protocol on fishing vessel safety and the approval of a number of draft resolutions for submission to the IMO Assembly, to be held in November 2011.

Piracy and armed robbery against ships

The MSC approved Interim Recommendations for flag States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area (MSC.1/Circ.1406) and Interim Guidance to shipowners, ship operators, and shipmasters on the use of privately contracted armed security personnel (PCASP) on board ships in the High Risk Area (MSC.1/Circ.1405). Both sets of guidance are aimed at addressing the complex issue of the employment of private, armed security on board ships. These interim Circulars provide considerations on the use of privately

contracted armed security personnel if and when a flag State determines that such a measure would be appropriate and lawful. They are not intended to endorse or institutionalize their use and do not represent any change of policy by the Organization in this regard. The MSC also approved Guidelines to assist in the investigation of the crimes of piracy and armed robbery against ships, and adopted a resolution on the Implementation of Best Management Practice Guidance.

World Maritime Day for 2012

The IMO Council has endorsed a proposal by IMO Secretary-General Efthimios Mitropoulos to adopt “IMO: One hundred years after the Titanic” as the World Maritime Day theme for 2012. “The time has come for us to return to this Organization’s roots and raison d’être, i.e. safety of life at sea,” Mr. Mitropoulos said.

One of the consequences of the sinking, in 1912, of the Titanic, in which 1,503 people lost their lives, was the adoption, two years later, of the first International Convention for the Safety of Life at Sea (the SOLAS Convention). The 1914 version of the Convention was gradually superseded, respectively, by SOLAS 1929, SOLAS 1948, SOLAS 1960 (the first adopted under the auspices of IMO, then known as IMCO) and SOLAS 1974. SOLAS 1974 is still in force today, amended and updated many times. Mr. Mitropoulos said the selection of the theme proposed would provide an opportunity to:

- take stock of improvements in maritime safety during the 100 years since the sinking of the Titanic;
- pay tribute to the memory of those, who lost their lives in the freezing waters of the North Atlantic on that fatal night of 14 April 1912;
- highlight that the sacrifice of so many of the Titanic (passengers and crew) has not gone in vain;
- examine whether the lessons drawn from amongst the most costly (in human lives lost) accidents of the last 100 years have been learnt to the full;
- examine the safety record of shipping and identify those areas that have contributed the most to its improvement over the years;
- identify the most contributory factors (systems, concepts, mechanisms, etc) in the quest for ever-enhanced safety in shipping;
- examine which areas, within the overall spectrum of maritime safety (constructional, operational, cargo, human element, etc.), should be given priority consideration in the years to come; and
- pay tribute to all those who, in the course of the 100 years, have contributed to improvements in maritime safety.

2011 IMO Award for Exceptional Bravery at Sea to go to piracy survivor

The Council of the International Maritime Organization (IMO) has unanimously endorsed the decision of a Panel of Judges that the 2011 IMO Award for Exceptional Bravery at Sea should go to Captain Seog Hae-gyun of the Republic of Korea, Master of the chemical tanker Samho Jewelry. Captain Seog was nominated by the Government of the Republic of Korea for his heroic actions to keep his vessel and crew safe, while suffering vicious assaults, following a hijack by pirates off the coast of Somalia.

The Council agreed that Captain Seog displayed truly extraordinary bravery and concern for his crew after his ship was hijacked in the Indian Ocean in January 2011, going far beyond the call of duty, at great risk and danger to himself. With the pirates onboard, Captain Seog steered the vessel away from the Somali coast, watered down the fuel to prevent combustion, pretended the steering gear was not working properly and reduced the vessel's speed. He also managed, surreptitiously, to communicate information to naval forces, which facilitated a dramatic raid by commandos from the Republic of Korea's destroyer Choi Young. As a result, all 21 crew members were rescued.

During the hijack, Captain Seog was subject to a number of assaults, causing fractures to his legs and shoulders. He was later shot twice in the abdomen and once in the upper thigh, required several surgical operations and almost lost his life.

The Council also decided that, of the other nominees or groups of nominees, eight should receive Certificates of Commendation and eleven Letters of Commendation.

The Council further agreed that special certificates be awarded to the Maritime Rescue Coordination Centres (MRCCs) Falmouth (United Kingdom) and Stavanger (Norway) for their contribution, on several occasions, to search and rescue operations unfolding in distant areas, far away from their respective countries' SAR regions, and for their dedicated performance over many years.

A total of 38 nominations from 14 Member States and one non-governmental organization in consultative status with IMO were received. They were first considered by an Assessment Panel, which was chaired by the IMO Secretary-General and consisted of experts nominated by various international non-governmental organizations in consultative status with IMO. A Panel of Judges then met, led by the Chairman of the IMO Council, with the participation of the Chairmen of IMO's Maritime Safety, Marine Environment Protection, Legal, Technical Co operation, and Facilitation Committees.

A ceremony for the winner to receive his award will be held on Monday 21 November, the first day of IMO's biennial Assembly meeting.

[IMO International Maritime Prize awarded posthumously](#)

The IMO Council has unanimously agreed to award the prestigious International Maritime Prize for 2010 posthumously to Ms Linda (Lindy) Johnson of the United States of America, for her significant contribution to the work of IMO, in particular with regard to the protection of the marine environment.

Ms Johnson, who passed away in October 2010 after a long illness, joined the Office of General Counsel for International Law of the United States National Oceanic and Atmospheric Administration (NOAA) in 1992 and was a regular member of the United States delegation to meetings of the IMO Marine Environment Protection Committee (MEPC) from 1995 until her retirement in 2010.

Ms Johnson was involved in the negotiation of many international environmental treaty instruments, having served as Chair for a number of important IMO working, drafting and technical groups, as well as acting as coordinator for several correspondence groups.

She played a crucial role in the development of revised procedures for the designation of Particularly Sensitive Sea Areas (PSSAs) and was directly involved in the PSSA designation of the sea around the Florida Keys, United States (2002) and the Papahānaumokuākea Marine National Monument, United States (2007). She also provided technical assistance to Ecuador leading to the designation of the Galapagos Archipelago PSSA in 2005.

Ms Johnson also distinguished herself in IMO's work to protect cetaceans and chaired the IMO working group which led to the adoption of the 2009 Guidance document for minimizing the risk of ship strikes with cetaceans.

She also chaired drafting groups on environmental provisions for the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships, in 1997, and on the revision of MARPOL Annex VI, in 2008.

Ms Johnson will be honoured for her exceptional efforts and achievements and her passion and untiring dedication to marine environmental protection have earned her a very special place within the international maritime community.

Source: www.imo.org

PATTON MORENO & ASVAT
PANAMA - LONDON - - BELICE – MONTEVIDEO – ANGUILLA- VIRGIN ISLANDS
- HONG KONG

All references to 'Patton Moreno & Asvat' and 'the firm' in this publication means Patton Moreno & Asvat a law firm organised under the laws of the Republic of Panama and /or its affiliated undertakings.

Any reference to a 'partner' means a member of Patton Moreno & Asvat, or a member or partner in an affiliated undertaking, or an employee or consultant with equivalent standing and qualification.

Legal Disclaimer The content and the opinions expressed on this publication have been provided for information purposes only. It should not be relied on as a substitute for specific legal advice on any particular topic. If you require advice or have questions or comments on its subject, please speak to your usual contact at Patton Moreno & Asvat.

Copyright and Reproduction Notice Unless otherwise stated, the contents of this website are the property of Patton Moreno & Asvat and copyright © Patton Moreno & Asvat. Reproduction of part or all of the contents of the website pages in any form is prohibited except in accordance with the following exceptions:

License to copy for personal use You may download or print extracts from the website pages ("the material") for your personal use only

License to Recopy for Limited Purposes You may forward or recopy the material to individual third parties for their personal use only provided always that: You acknowledge **Patton Moreno & Asvat** as the source of the material. You must include the acknowledgement and the Patton Moreno & Asvat website address (www.pmalawyers.com) in the forwarded or the copy of the material.

You expressly inform the third parties that these Disclaimer, Copyright and Reproduction Notices apply to them and that they must comply with them. This license to forward or recopy does not permit incorporation of the material or any part of it in any other work or publication, whether in hard copy, electronic or any other form. In particular (but without limitation) no part of the Patton Moreno & Asvat website pages may be distributed or copied for any commercial purpose.



Patton, Moreno & Asvat ©