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Stowaway drama highlights policy and legal vacuum



THE *NAVE ANDROMEDA* incident highlights the policy shortfalls and legal loopholes that make dealing with stowaways or migrants on commercial vessels extremely difficult for any shipowner and crew.

Seven men believed to be from Nigeria remain in custody in the UK after they were arrested when British special forces boarded the vessel on October 25.

There are no guidelines for crew to deal with unauthorised persons who have boarded a ship, said Munro Anderson, a partner at Dryad Global, a UK-based maritime security and intelligence firm.

“Policy is found wanting in this area, with most of the focus on preventative measures within the International Ship and Port Facility Security code,” he said.

“Safety is the primary concern and the master is required to gauge the intent of the unauthorised persons, often in very difficult circumstances.

“If there remains any question as to the hostile intent of such persons then the first priority must be the safety of the crew.”

If no hostile intent is determined, then the preservation of life becomes the first priority, in line with international conventions.

Stowaways are normally found on containerships, ferries and passenger ships, where it is easier to hide.

The Liberia-flagged product tanker, with its 90,000-tonne cargo of crude or refined products, sailed from Nigeria on October 5. Initially, it was at anchor outside the French port of Nantes by October 20.

The *Nave Andromeda* case raises several questions, Mr Anderson said.

“When exactly were the stowaways discovered is unclear,” he said. “Why did the vessel continue to sail to Southampton without informing French authorities?”

“Why was no prior warning given to the UK authorities?”

David Hammond, chief executive of Human Rights at Sea, said it was important that stowaways, as well as suspected criminals, are treated fairly and reasonably when detained on ships.

“We do not know the [*Nave Andromeda*] back story,” Mr Hammond said. “If they got angry [when allegedly threatening to hijack the vessel] then that may be mitigation.”

The non-governmental organisation has released an annex to 2015 guidance that focused mainly on providing independent views on how to treat suspected criminals on board international ships.

“We are laying out the questions that owners, managers, crew and private security guards should asking at the frontline,” said Mr Hammond.

The former Royal Navy lawyer said the voluntary guidance aimed to outline what was fair and reasonable, and how to act lawfully without

Vessel owner praises ‘calm’ crew after security incident

THE operator of a tanker at the centre of a security operation involving British special forces has thanked the UK authorities for their response.

On October 25, the master of the Greek-operated vessel *Nave Andromeda* raised the alarm in connection with a group of stowaways on the vessel.

The ship was near the Isle of Wight, off southern England, when he said he was concerned about the safety of his crew.

UK armed forces were authorised by the UK government to board the ship “to safeguard life and

breaching the human rights of those on board, especially when dealing with suspected criminals.

Examples covered recent cases where the deprivation of liberty was not certain.

“Each lawyer will have their own view,” said Mr Hammond, with assessments on whether human rights are breached always assessed on a case-by-case basis.

The annex provided safeguards so that any individual detained on board a vessel was not handed the ability to successfully defend any subsequent prosecution because proper steps were not followed, he said.

Examples included two men held captive for 20 hours in a passengership cabin in May 2017 in connection with a serious assault. They were then handed over to police.

In July the same year, 12 stowaways from Algeria and Morocco were locked in DFDS ferry cabin after they threatened suicide when they were not able to disembark. They remained there until a diplomatic solution was found and they were flown back to their home countries.

“We live in a democracy where there is a core presumption of innocence in our justice system,” said Mr Hammond.

“The due process of investigation and law must be protected from knee-jerk reactions, conjecture and hearsay, otherwise the rule of law is eroded, as is the long-held requirement for the separation of powers.”

secure a ship that was subject to suspected hijacking”.

Seven people, believed to be from Nigeria, were arrested and are being held by police.

Navios Tanker Management said the UK authorities had been advised by the master that stowaways had been found on board and that he was concerned for the safety of the 22 crew due to their “increasingly hostile behaviour”.

“Happily, no crew members were injured and all are safe and well,” the Athens-based company said

on October 26. “Navios Tanker Management wishes to thank all the UK authorities involved in this operation for their timely and professional response.

“Navios would also like to pay tribute to the master of the *Nave Andromeda* for his exemplary response and calmness and to all the crew for their fortitude in a difficult situation.”

Nave Andromeda is currently docked at the port of Southampton. A port official declined to comment on the case.

Local police said seven men have been arrested on suspicion of seizing or exercising control of a ship by use of threats or force.

“They all remain in custody at police stations,” a police statement said.

The UK Maritime and Coast Guard Agency said that all enquiries about the vessel should be directed to the local police.

Lloyd’s List understands that the vessel may have tried to disembark the stowaways at a French port in the days leading up to the incident, but the request was rejected by French authorities.

Lloyd’s List Intelligence shows the vessel circling offshore Nantes between October 20 and October 21, before heading towards the UK.

A spokesperson for the port of Nantes-Saint Nazaire did not immediately respond to a request for comment.

WHAT TO WATCH

‘Stay positive, think global’ is message of Posidonia panel

SHIPOWNERS have identified current issues that are expected to be solved or accommodated over the coming year or two – such as the coronavirus epidemic and its impact on the crewing crisis.

However, other issues will influence shipping for decades to come, such as decarbonisation, and it is these concerns that trouble shipowners most, the discussion at the Lloyd’s List Posidonia Forum revealed.

Petros Pappas, chief executive of Star Bulk, suggested one of the consequences of the pandemic will be a significant reduction in the number of ships being ordered.

This will lead to strong freight markets, with improved returns on investment that shipowners can plough into the next generation of ships.

Sadan Kaptanoglu, owner of Kaptanoglu Shipping and president of BIMCO, said there was no alternative to a global solution to global issues, and that solution should be focused with the International Maritime Organization.

She said the pandemic had accelerated the uptake of digital solutions, but these would only work if they were co-ordinated with the human element.

Ioanna Procopiou, chief executive of Sea Traders and Prominence Maritime, agreed with her fellow speakers that decarbonisation – as the critical long-term issue – would make entry of new players very difficult, especially into the dry cargo side, where barriers to entry have always been low.

The panel discussed the ongoing crew change issue, urging governments to do more than pay lip service to the designation of seafarers as key workers.

Ms Procopiou called on charterers to become part of the solution by supporting shipowners’ plans to deviate ships away from agreed routes in order to help seafarers get home.

“Shipowning is a commitment, not a one-day job” said Dr Kaptanoglu. “We have to take the average of what we do. Every individual shipowner makes individual decisions, and so should not get depressed looking just at today. Shipping is for yesterday, today, and tomorrow.”

The event, which was moderated by Lloyd’s List Athens Correspondent Nigel Lowry, is part of a week of virtual events being held after the Posidonia conference and exhibition for June was postponed and then cancelled.

ANALYSIS

Scrubber sales fall amid uncertainty, says Wärtsilä

SCRUBBER sales have fallen against the backdrop of the global pandemic and narrowing fuel price spreads, according to ship technology company Wärtsilä.

The Finland-based company's marine systems unit reported a decline in third-quarter net sales of 31% to €169m (\$197m) compared with the year-earlier period. Service sales rose 6% and equipment sales fell by 41% mainly due to fewer scrubber deliveries.

"Although order intake continued to be heavily impacted by reduced fuel spreads lessening the demand for scrubber investments, the third quarter was supported by good development in the Gas Solutions business line," it said.

Tamara de Gruyter, head of the unit, said fuel spreads were not attractive earlier in the year, but since mid-September had improved to over \$60 per tonne, with some forecasts in the medium term for over \$100 per tonne.

"So there is optimism for the future," she said in an interview. "As the economic recovery gathers pace, the spreads will widen."

She added: "There is no issue with newbuildings, but retrofits need to pick up, and there is still interest out there, despite owners sitting on the fence." This hesitancy is due to uncertainty related to the virus and the effect on fuel spreads. Wärtsilä has 15% of the market share.

Overall, the company expects net sales from all its units to decline by about 10% this year, based on its current orderbook.

"Profitability is expected to continue to be burdened by the effects of coronavirus and, while service demand is anticipated to improve, the seasonal pick-up is unlikely to be as strong as in previous years," it said.

Wärtsilä expects the near-term demand in the marine and energy markets to improve from current levels, but visibility remained limited, it added.

The pandemic has affected shipbuilding activity, with only 505 vessels contracted in the first nine months of the year versus 655 in the corresponding period a year earlier as a result of yard closures,

local lockdowns, travel restrictions and supply chain disruptions, according to the company.

However, it noted that the expected increase in offshore wind projects will generate demand for specialised vessels, resulting in opportunities in terms of both newbuildings and retrofits of the existing oil and gas fleet.

It also acknowledged that the pressure on the shipping industry to decarbonise is growing but obstacles remain.

While liquefied natural gas remained the most widely adopted alternative fuel, with 22% of the tonnage contracted since last year set to be equipped with dual-fuel engines, research and development activities and investments were also turning to zero-carbon fuels, such as ammonia and hydrogen, as well as on energy saving technologies.

Head of the company's marine power unit Roger Holm said that dual-fuel and gas-ready ships would help, but green ammonia was one of the most probable solutions in the long term.

"Engine technology is the only way to get to meet decarbonisation goals in a way that we can start moving the whole fleet gradually towards decarbonisation — it is future-proof technology," he told Lloyd's List in an interview.

Investing in new vessels now would also support emissions reductions, he said.

The cruise industry appears to have suffered the most from the lockdown measures.

"It has been a challenging year with a stop to equipment installations, retrofits and service jobs, impacting about a third of our revenue," said Sean Fernback, head of the company's marine voyage unit.

"Yards were closed, but it gave us an opportunity to get closer to customers," he said, adding that the market was starting to recover, with Royal Caribbean, for example, indicating sailings should start next month.

In March, the company, which also builds power plants, divided its marine business into three distinct units each with its own leader.

IMO must do more work on emissions, says industry

LEADING industry associations are warning governments they have more work to do after agreeing to a preliminary short-term measure for greenhouse gas emissions.

The agreement at the International Maritime Organization working group paves the way for the approval of a finalised measure at the Marine Environment Protection Committee, the IMO's highest environmental authority, in mid-November.

The measure combines technical and operational efficiency requirements and is primarily aimed at meeting the IMO's target of reducing ships' carbon intensity by at least 40% by 2030 compared with 2008.

Environmental organisations are among critics warning that this compromise agreement is not ambitious enough and will actually allow emissions to keep rising over the next decade.

The World Shipping Council, the world's largest liner lobby, urged IMO delegates to look beyond the criticism and focus on concluding a deal on a measure.

"While it is easy to criticise the outcome of the intersessional, it is worth remembering that anything short of a global solution represents long-term failure on climate change," council president John Butler said. "We need to stick with this hard work, but the task is urgent, and we must move further, faster."

Mr Butler stressed the most important thing is accelerating the development of zero carbon fuels

and focusing on research and development on this front.

"To halve shipping emissions by 2050, we need zero carbon ships on the water in the early 2030s. We should have started 10 years ago, so there is even more reason to act decisively now," he said.

BIMCO, one of the most influential shipping lobbies, said that it is too early to judge the stringency of the compromise measure because crucial elements have not yet been decided.

While IMO delegates last week agreed that ships should meet individual carbon intensity targets, they left the calculation method for these targets for a later date.

"Some countries and organisations have expressed that the outcome of this week's deliberations fail to meet the ambitions of the IMO initial strategy and the Paris Agreement. To this we can only say: we don't know. Because important elements are still missing, it is impossible to judge the effect," BIMCO deputy secretary general Lars Robert Pedersen said in a statement.

He further acknowledged that depending on the metric that is used, total emissions may not decrease.

"The litmus test of any measure must be to evaluate its ability to reduce total emissions. The initial strategy's 2050 ambition to reduce total emissions by 50% compared to 2008 is the important milestone in shipping's quest to decarbonise," he said.

MARKETS

Box lines add record capacity in fourth quarter

TRANSPACIFIC container capacity is on track to break new records in the fourth quarter, despite fears of growing economic distress and faltering consumer demand.

"The major deepsea trades all see a reversal from capacity contractions in the third quarter to capacity growth in the fourth quarter," said analysts at

Sea-Intelligence. "However, the transpacific trade stands out, with a capacity growth pattern that has not been seen before."

The eight-week rolling average for transpacific capacity for US east and west coasts is set to reach 500,000 teu per week by the year-end, according to Sea-Intelligence figures.

The usual seasonal peaks and troughs, which see capacity reduced after Chinese New Year and reintroduced during the peak season, have been exaggerated this year.

“For 2020, we see a drop in capacity, which in essence brought the market back to 2015 levels, erasing five years of market growth,” it said. “Then we see an extremely sharp injection of capacity, leading to a current level of capacity ranging to the end of 2020, which is at a plateau significantly higher than 2019.”

Capacity was already 20% ahead on a year-on-year basis.

The data shows that container lines have not been holding back capacity to increase rates, and have instead not only been reinstating capacity but are increasing it at a “historically high pace”, Sea-Intelligence said. “It might be that they were not quick enough to ramp up the capacity when demand came back.”

A shortage of vessel capacity was only one among many bottlenecks in the supply chain. This causes an upwards pressure on freight rates, it added.

While the transpacific had seen the most significant changes in capacity, Asia-Europe and Asia-South America were also seeing capacity being re-injected into the market.

“If we assume this capacity growth is commensurate with the underlying demand growth expected in the

fourth quarter, this is a truly unprecedented development,” Sea-Intelligence said.

“For the other trades, demand growth of 7%-10% would be relatively high even in a normal year — and all indicators are still that 2020 is a year of recession in most countries in the world. Not as severe a recession as expected a few months ago, but a recession, nonetheless.”

But Sea-Intelligence cautions about how long the growth in capacity and demand can last.

“We have an uneasy sense that the current cargo bonanza cannot be sustained,” it said. “It does not add up to a sustainable supply and demand equation, to see 20% growth rates in demand in a time of marked recession. While, clearly, this is indeed currently possible in the short term, it is difficult to see a model whereby this is sustainable in the longer term.”

Many analysts have pointed to a lockdown-led shift in consumer spending away from services to goods.

While consumers are unable to spend money on services such as holidays, events and eating out due to lockdown restrictions, they have instead been increasing spending on household goods.

But as government support packages come to an end, and with unemployment rising, there is concern about how long this spending spree on containerised goods can last.

IN OTHER NEWS

Oil transfer starts from stranded Venezuelan floating storage unit

THE operation to pump oil out of the stranded *Nabarima* (IMO: 9316567) floating storage unit onto the sanctioned tanker *Icaro* (IMO: 9038842) is said to have begun.

According to a video posted on the Facebook page of Trinidad and Tobago's Ministry of Energy and Energy Industries, the operation could take up to a month to complete.

Questions have been raised about whether a larger tanker could be used for the operation,

which would only take up to five days, according to media reports.

Armed robbers target three vessels along Singapore Strait

THREE armed robberies involving ships transiting the Singapore Strait have been reported in the past 24 hours.

The attacks targeted *Seajourney*, *A Racer* and *El Matador*. The three bulk carriers were boarded by armed robbers during a two-hour period.

The incidents took place when the carriers were near or sailing

past the Nongsa territory of Batam city, bordering Singapore and Indonesia, the Singapore-based Regional Co-operation Agreement on Combating Piracy said.

Falcon Maritime joins Dania Ship Management

FALCON Maritime, a Danish company active in the handysize bulker segment, has joined Dania Ship Management.

The agreement extends Dania's capabilities to create a compelling platform for Copenhagen-based ship

management solutions, it said in a recent statement.

Dania Ship Management was formed in 2017 as a partnership with V.Group. Clipper Group later joined the duo to include dry cargo vessels.

Hope fades for three missing seafarers after tanker explosion

HOPES are fading for three seafarers reported missing after an explosion on a Russian chemical tanker in the Sea of Azov.

The Russia-flagged, 6,444 dwt chemical and oil tanker *General*

Hazi Aslanov (IMO: 9333577) caught fire on October 24 while travelling from Kavkaz to Rostov-on-Don, according to Lloyd's List Intelligence. Ten seafarers were rescued, with three others still missing.

The tanker, owned by Turkey's Palmali Group, was empty and residual fuel vapour might have caused the explosion, LLI said.

Italy LNG bunkering on track with Toscana green light

THE operator of a floating regasification storage unit at the Toscana terminal in Italy has won

regulatory approval to carry out break-bulk delivery of liquefied natural gas.

The decision will enable bunkering of ships with the super-cooled fuel to take place off Livorno and Pisa.

OLT Offshore LNG, the operator of FSRU *Toscana*, said that it was authorised to provide discharge of LNG to small-scale LNG carriers.

Classified notices follow



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Email: Arundhati.Saha@informa.com

THE “Astor”
ADMIRALTY COURT SALE

Notice is hereby given that the Admiralty Marshal has sold the ship “**Astor**” of the port of Nassau, by the order of the Admiralty High Court in an action in rem against the vessel by Macquarie Euro Ltd in action AD-2020-000086. The gross proceeds of sale of the “**Astor**” in the sum of \$1,836,384.65 has been paid into Court.

The order of priority of the claims against the sale of the ship will not be determined by the Court until after the expiration of 28 days from this notice.

Any person with a claim against the ship or proceeds of sale thereof, should file it before the expiration of the said period.

Such claims should be directed through the Admiralty Court and NOT by way of application to the Admiralty Marshal.

P Farren
26 October 2020

Admiralty Marshal
Business and Property Court
Rolls Building
Rolls Buildings
Fetter Lane
London
EC4A 1NL



THE “Columbus”
ADMIRALTY COURT SALE

Notice is hereby given that the Admiralty Marshal has sold the ship “**Columbus**” of the port of Nassau, by the order of the Admiralty High Court in an action in rem against the vessel by P&O Princess Cruises International Limited in action AD-2020-000121. The gross proceeds of sale of the “**Columbus**” in the sum of \$5,586,503.53 has been paid into Court.

The order of priority of the claims against the sale of the ship will not be determined by the Court until after the expiration of 28 days from this notice.

Any person with a claim against the ship or proceeds of sale thereof, should file it before the expiration of the said period.

Such claims should be directed through the Admiralty Court and NOT by way of application to the Admiralty Marshal.

P Farren
26 October 2020

Admiralty Marshal
Business and Property Court
Rolls Building
Rolls Buildings
Fetter Lane
London
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