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MSC super-sized boxship orders pending financial negotiation

MEDITERRANEAN SHIPPING CO is said to be close to finalising its newbuilding project for a series of 23,000 teu containership, with a gap to close in financial negotiation.

The world's second-largest container shipping carrier has selected three shipyards in China to place the orders, according to people familiar with the matter.

Shanghai Waigaoqiao Shipbuilding and Jiangnan Shipyard, both part of state-owned China State Shipbuilding Corp, will each build a pair of vessels to be fitted with conventional propulsion systems.

Singapore-listed, privately run Yangzijiang Shipbuilding could win another two of the same type.

However, shipbuilding and financing sources pointed out that the vessel construction contracts have yet to be validated, as the owner and its lenders are still working on their differences to reach a financing agreement.

Several large Chinese leasing lenders are involved in the negotiation, they added.

MSC is trying to gain more favourable terms, including lower borrowing cost, from the lessors, to reflect the current robust recovery in box shipping markets and the company's earnings, Lloyd's List understands.

But the lessors are not willing to give up too much ground. Among the main concerns are MSC's credit risks due to its large exposure in cruiseship market, which is among the hardest hit amid the coronavirus pandemic.

Also, market outlook of container shipping remains unclear, especially with the continued uncertainties about the US-China relationship.

"The chance that MSC will walk away from the yards is small, but you can't say these are 100% done deals until they sort out the funding details," said one source.

MSC did not immediately respond to a request for comment.

The orders for the six super-sized boxships, if finalised, will help the Geneva-based carrier inch closer to surpassing Maersk and becoming the world's largest liner shipping carrier by fleet size.

MSC currently boast a fleet of nearly 4m teu of capacity, including five 23,000 teu vessels being built at Daewoo Shipbuilding & Marine Engineering, according to Alphaliner's data.

That compares with the Danish giant's 4.17m teu, including 54,558 teu on order.

WHAT TO WATCH

Trafigura shipping heads bearish on dry bulk and bet on LPG boom

TRAFIGURA'S shipping heads are bearish on dry bulk and bullish on liquefied petroleum gas.

Talking with Lloyd's List, the commodity trader's new wet freight lead Andrea Olivi said he likes the LPG sector the most at the moment, with very large gas carrier earnings hitting the $95,000–$100,000 per day range.

The market "has a lot of inefficiencies and we think there is space for us to grow and make the market more efficient", he said in an interview.

The commodities trading giant is expecting two newbuilding VLGCs to be delivered next year, with two new mid-sized LPG carriers due in 2022.

"The orders were speculative, not tied to any long-term contracts, but the vessels provide trading support to our fast-growing LPG trading book," he said.

Mr Olivi, who took over from Rasmus Bach Nielsen in August, following the latter's move to Copenhagen to take up a position as global head of fuel decarbonisation, said he felt honoured to be leading the wet freight desk, taking over from his mentor. He joined Trafigura in September 2015.

Tankers have a soft outlook for the next three to nine months, he said, with a turbulent market in the short term. Heavy scrapping needs to take place before any constructive gains can be made.

At the peak in the second quarter of the year, Trafigura controlled a fleet of more than 220 tankers, but that has since dropped, now far-below last year averages of 100 to 120 chartered vessels. It also expects to redeliver more than half of its current fleet, fairly balanced between crude and product tankers, in the coming two quarters.

Trafigura, which does not own any liquefied natural gas carriers, would like to see more liquidity in the LNG derivatives market after having pioneered the first Forward Freight Agreement transaction last December through the Baltic BLNG index.

As decarbonisation and digitalisation are at the forefront of industry discussions, future years will be "particularly interesting", according to Mr Olivi, who has extensive experience in tanker chartering, having worked at Teekay since 2007.

Hydrogen-based fuels are likely to become the solution to solve long-term shipping decarbonisation challenges, he said.

Crew change plea to mark UN Human Rights Day

THE International Maritime Organization and shipping groups issued another plea for seafarers to mark UN Human Rights Day.

The IMO urged governments to class seafarers as key workers to let crew changes happen and relieve the plight of 400,000 seafarers.

"This is a clear human rights issue," secretary general Kitack Lim said in a statement. "This is causing immense strain, fatigue and exhaustion and is unsustainable."

In a harrowing video Captain Hedi Marzougui told the IMO of the mounting fatigue and mental health cost of his months trapped at sea.

"When you're on watch or when you are working, you're not really thinking about your work anymore — you're thinking about all these other problems," he said. "It's very important in our job that you concentrate on what you're doing because things can happen very fast in this industry. People can get hurt or worse very fast."

Chief engineer Matt Forster said seafarers did not sign up to their "unjustified prison sentence".

"It's not that we're heroes, we don't want praise for that," he said. "We just want to be able to go to work and come home again."

Human Rights at Sea chief executive David Hammond said the coronavirus pandemic had stress-tested the Maritime Labour Convention 2006 in ways that were probably not envisaged when the document came into being.

Mr Hammond said the UN and labour groups were more aware of the plight of seafarers. But the industry had to recognise the concept of human rights at sea as important beyond the context of labour negotiations and business risk.

Doing so would pave the way to fix other problems such as piracy, slavery, abandonment, discrimination and bullying, he said.

The IMO also raised the plight of abandoned seafarers, with 65 abandonment cases this year compared with 40 in 2019. Only 18 of the new cases have been resolved so far.

The German Shipowners' Association called for priority vaccinations for seafarers, and for states to enforce recent UN and International Labour Organisation resolutions to help crew changes.

OPINION

Changing systems will not solve 'challenging' cargo crunch, says WSC head

TO SAY that current trade conditions are challenging would be an understatement, particularly in North America, which is experiencing an unprecedented surge in imports from Asia, *writes John Butler, chief executive of the World Shipping Council.*

This coronavirus-related cargo surge was not expected, it is not clear how long it will last, and we must manage our way through it in the short term.

No one could have planned for the type of surges that are stressing the container transportation network today, because the demand swings are unlike anything ever seen.

The port of Los Angeles reported a 27.3% increase in October 2020 imports versus October 2019, with October 2020 volume now being the highest-ever in the port's 114-year history. Similarly, the Port of Long Beach registered a 19.4% increase in imports in October year over year, and in Houston imports rose 22.2% for the same period.

We should expect import volumes to remain at unprecedented levels through January, particularly since China has announced that its shipments to the US increased 46% in November 2020 compared with November 2019.

The cargo surge is occurring while labour shortages are also being reported, including a 4.7% decrease in

the number of truck drivers and shortages of dock workers identified by terminal operators.

If one looks at a display of the vessel traffic in San Pedro Bay (serving the Ports of Los Angeles and Long Beach), it is apparent that there are more ships than there are berths and ships are waiting to dock and unload at already congested terminals. Delays to ships unloading cause corresponding delays in loading export cargo and empties for transport to Asia. In short, the entire system is overloaded due to this Covid-19 cargo crunch.

Since the two most critical assets needed to move cargo — containerships and containers — are largely owned and/or operated by ocean carriers, there is a natural tendency to look to the ocean carriers to solve imbalance-related problems.

The solution suggested by some is for the ocean carrier to provide more assets – ships and containers — to handle the cargo surges. That would be the simplest approach if indeed it were possible, but it isn’t, at least not in the near term.

Vessel capacity is fully utilised, and little excess is available. Weekly liner services require multiple ships of a similar size, and additional vessels to support these services are not available. Equally important, additional vessel capacity without additional containers, which currently do not exist, will only make the situation worse.

The container supply chain is made up of multiple businesses and individuals, each of which are making decisions about steps to take to make sure goods get where they are supposed to.

The numerous actors and hand-offs that are part of this system mean that an action that seems like the best solution to a problem in one part of the supply chain often causes a problem in another part of the chain.

There is nothing nefarious about this; it is simply a reflection that additional stress on an already overloaded system tends to further destabilise the system.

Now is not the time to introduce dramatic change to the systems or processes. The challenge for all parties is to find ways to make the current system work better.

This requires constant communication between service providers and shippers, and ocean carriers recognise the part they must play in that.

It also means avoiding practices that only make the situation worse, such as making phantom bookings or skipping terminal appointments or holding on to loaded containers as a storage solution.

The system will return to better equilibrium, and we must collectively do a better job of managing it through the crunch period.

ANALYSIS

Why Biden will not put the compliance risk genie back in the bottle

CONTRARY to what the conspiracy theorists may believe, the US “Deep State” is surprisingly shallow.

When Donald Trump famously fired the 500-strong staff who should have been tasked with a handover from the Obama administration, he unintentionally exposed the fragile thread of continuity that US institutions enjoy in the handover of political power.

The US system relies on thousands of political appointees to run the state apparatus and institutions. No doubt that comes with advantages of agility but compared with the heavy bureaucracies of civil service in other countries, the US cannot rely on the continuity of expertise that would otherwise run through the short-lived tenure of political leadership.

Given the rampant confusion currently playing out inside US government departments, even political optimists are assuming the handover notes from Trump to Biden will offer little in the way of clarity.

This somewhat chaotic state of affairs may not immediately appear relevant to businesses nervously weighing maritime risk amid so many other macro tipping points, but for those equating the arrival of the Biden administration with any immediate respite in compliance complexity or sanctions relief, think again.

Much has been made in shipping circles of the somewhat mercurial, inconsistent and often ignorant approach to sanctions enforcement that has

been meted out by the US Treasury's Office of Foreign Assets and Control, or "O Fac" as it is known both by acronym and the muttered cries from shipowners caught on their notorious lists.

But less widely appreciated was that the underlying direction stemmed not from Ofac officials, but from their politically appointed colleagues in the State Department.

Back in the Obama era, the sanctions-specific relationships in shipping circles were almost exclusively with Ofac and bureaucratic by nature, but under Trump that changed.

Feathers were ruffled at the highest levels of international shipping as the bellicose rhetoric swamping maritime lawyers, banks, insurers, registries and service providers centred on enforcing Trump's "maximum pressure" campaign.

Arguably an internal changing of the guard earlier this year has ameliorated the worst extremes of this politicised approach, but given the fragile thread of continuity that runs between administrations the inaugurations of a new administration on January 20 offers few guarantees.

Those hoping that the punitive sanctions Trump imposed on Iran and Venezuela that have disrupted global shipping and catalysed an industry-wide upgrade of compliance risk processes will start to be eased are looking hopefully at the headlines and recent precedents.

On average, the Trump administration-imposed sanctions on more than 900 entities or individuals each year for the past four years, nearly 80% more than the annual number of designations imposed by the Obama administration from 2009 to 2016.

Such comparisons should be viewed with caution and appropriate context.

Even as President-elect Joe Biden is promising to move quickly to rejoin the nuclear deal with Iran so long as Iran also comes back into compliance, President Trump is applying more sanctions on Iran amid the dying embers of his presidency. Iran meanwhile is stepping up the volumes of sanctioned oil trading in what will inevitably be seen as a test of the new US administration's resolve.

Biden's campaign promises were easy to make — they will be difficult to deliver and the legacy of Trump's actions will not be undone quickly.

The timescale for unpicking the past four years is, however, not the major issue, nor should we be overly concerned by the obvious foreign policy blockers, notably in the Middle East, that will temper any expectations of immediate changes in US policy.

The reality is that economic and trade sanctions have become a top US foreign policy tool and the simple truth is that this will not change meaningfully under a Biden administration.

Such bald statements could of course be written off as partisan fake news.

But Lloyd's List has been talking to senior figures across marine insurance, financial compliance and law firms over recent weeks, along with several off the record conversations with those directly involved in the sanctions' framework.

The unanimous conclusions across all of these conversations, regardless of political leaning, is that while there is now widespread hope that the Biden administration will usher in a return predictability and offer some political certainties, the shipping sector should not expect any short-term change when it comes to sanctions compliance risk.

As for the long-term forecast, all signs point to increased complexity, not less.

The genie is out of the bottle

While the Trump administration politicised the process, the US-led upgrading of sanctions risk had been in the works for some time, notably from the financial and insurance sectors.

The noose of financial regulation has been tightening for several years in the wake of successive financial crises and the rise of the compliance officer, finance's feared in-house policemen, was only partly related to increasingly politicised sanctions risk.

Banks fined for aiding corruption, money-laundering, and yes, sanctions-busting, have beefed up their compliance, risk, legal and internal-audit teams, even as cutbacks elsewhere were made. And while there may have been some talk in the finance press of banks having reached "peak compliance", staffing and investment are likely to remain well above pre-crisis levels.

For those banks and insurers seeking to apply transparency to the opaquest end of seaborne trade, many are only just realising how far they still need to go in order to mitigate the risk that the Trump era in some way helped expose.

As one head of compliance for a major international bank pointed out to Lloyd's List this week: "We are tracking vessels and monitoring all aspects of deceptive behaviour, so when we see an Automatic Identification System signal turned off, it's not a case of linking that vessel to a specific sanctions regime, it's a case of asking why did you do that? Shipping is now flagged as a risk we have to monitor and that's not going to change simply because there's a potential shift in some aspects of policy on the horizon in the US".

"Nobody is looking at Biden and saying, oh great, we don't need to worry about that now," he continued.

It is also worth noting that 27 individual states are currently sanctioned in some way by the European Union or US. Iran, Syria and North Korea tend to dominate the conversation, but the sheer volume of trade restrictions applicable across world trade is an increasingly complex minefield for the shipping sector to navigate, particularly when enforcement from the US often unpredictable.

Any change in the US stance on Iran will simply be a minor amendment to compliance protocols, rather than a reversal of risk assessment as a priority for shipping stakeholders.

"You can't put the genie back in the bottle," noted one senior insurance figure. "Shipping is not getting any less complicated and compliance risk is not moving down the industry agenda any time soon, regardless of who sits in the Oval Office".

Era of transparency

Perhaps the bigger issue defining this trajectory is not the political application of sanctions at all — as we have noted in Lloyd's List before now — it is simply that shipping has unconsciously sailed into an era of transparency.

Amid a slew of Lloyd's List headlines exposing hidden flows of sanctioned oil cargoes, "dark ship" subterfuge and offshore obfuscation, that may sound a counter-intuitive assertion to make. But a confluence of security, financial and regulatory forces have systematically hoisted the industry's corporate veil and made life increasingly difficult for the persistently private and defiantly dodgy.

Shareholders are demanding robust corporate governance, which is now being measured. Governments are shining a light on sanctions-dodging ships determined to go dark, while deploying increasingly effective measures to wrestle non-co-operative tax regimes to open up.

Cargo interests, banks and society in general are forcing through a new era of environmental, social and governance requirements that is making sure capital does not flow in the direction of those who refuse to step out of the shadows or account for their emissions. And all the while digital efficiencies, smart operation and standardised data requirements for everything from trade finance to predictive analytics are luring ship operations into opening up information as an asset that ultimately can create value.

The past four years has helped expose the persistently nefarious practices of some shipping companies and state actors, but the lasting legacy of the Trump administration will be accountability they managed to impose on the industry to deal with it.

Due diligence, know your customer, compliance risk mitigations — these are all terms that have now been planted firmly into the lexicon of shipping management and no matter how deep or shallow the US state apparatus becomes on January 20 that is not going to change any time soon.

Brexit will bring disruption deal or no deal, shipping warned

SHIPPING and logistics groups have warned there will be trade disruptions surrounding Brexit even if a deal is agreed this week, with much still unknown or in flux.

UK Chamber of Shipping chief executive Bob Sanguinetti told a webinar new customs checks, procedures and systems would be introduced regardless of a deal between the UK and the European Union.

"Clearly the difference is in tariffs, but either way there will be extra things that need to be done at the point of departure and arrival which at the moment are not being done," Mr Sanguinetti said.

"We would like to see pragmatism applied by those enforcing the regulations on both sides of the borders."

Mr Sanguinetti said while EU seafarers could continue to serve on UK-flagged ships with their

qualifications recognised, the reverse was not yet guaranteed.

The chamber would "look at how to maximise opportunities" for the UK industry if state aid rules lapsed. He noted "a considerable number" of UK-flagged vessels have re-registered to the EU because of finance agreements requiring some EU-flagged tonnage.

British Ports Association chief executive Richard Ballantyne said the biggest customs challenges would be at ro-ro ports such as Dover, Portsmouth, Immingham and Holyhead, because of the potential for long truck queues.

Mr Ballantyne said the UK government was working on an IT service to let traders pre-lodge a customs declaration with a shipping line to smooth out traffic. The government's border operating model would not impose full import controls at the border until July except for Northern Ireland, he added.

Ports would also get funding for infrastructure such as truck bays. "There's a lot to do in a short period of time," he said.

The BPA was excited about possible plans for freeports, but the small number of potential candidates meant "there's going to be a few winners and a lot of losers".

Hill Dickinson legal director Tony McDonach said new IT systems would have to be married to old ones and there were questions over legal liability if systems broke down.

Road Haulage Association chief executive Richard Burnett told the webinar businesses were "absolutely not" ready for the Brexit transition because of too many "false dawns" and confusing messages from the government.

He said there were already queues at Dover, Calais and Folkestone as French police had stepped up passport checks, perhaps as a negotiating tactic.

Mr Burnett said the UK would need another 50,000 customs agents and there were questions about hauliers' future EU market access. The industry would have to come to terms with many of the changes in real time, he said.

"This isn't going to be pretty from what we can see," he said.

Piracy ransoms subject to general average, High Court rules

RANSOMS paid by shipping companies to criminals are subject to general average contributions, even where an owner has war risk and kidnap and ransom cover in place, the High Court has ruled.

The decision in *Herculito Maritime v Gunvor International* has been hailed as a rare example of a successful appeal under s.69 of the Arbitration Act 1996 on a point of law, and will have important ramifications for the law on both war risk insurance and general average.

The decision relates to a hijack at the height of the Indian Ocean piracy crisis in 2010, during which 72,825 dwt product tanker *Polar* (IMO 9299563) was captured by Somali pirates.

The vessel and its crew of 23 was held for 10 months, during which time one of the seafarers died from a stroke.

After the ship and those on board were eventually released on payment of a $7.7m ransom, operator Paradise Navigation lamented the inefficacy of international anti-piracy initiatives.

The shipowner sought $4.83m from the cargo interests, which declined to pay after mounting a successful arbitration case.

The appeal from Herculito was based on the wording of the bills of lading and the charter contract with operator Clearlake Shipping, a Gunvor affiliate.

Justice Nigel Teare ruled that while the owner had agreed to rely on war risk, and kidnap and ransom insurance to cover payment, these terms were not written into the bills of lading, leaving cargo interests liable to GA.

Herculito was represented Guy Blackwood QC and Oliver Caplin of Twenty Essex chambers.

"The decision of the court provides a welcome application of the rules concerning incorporation to a novel situation, and clarifies that the trigger for the creation of a joint insurance fund, and thus the

preclusion of a subrogated right of claim, is the obligation on the insured's counterparty to pay the insurance premium for the insurances in question," the law firm said in a statement.

MARKETS

Box shortage to last at least until Chinese New Year

THE pressure on supply chains from the shortage of containers in Asia is likely to extend for at least another six to eight weeks, meaning it will affect shipments during the pre-Chinese New Year demand spike.

Hapag-Lloyd chief executive Rolf Habben Jansen said the Hamburg-based carrier would inject around 250,000 teu of additional equipment this year to accommodate demand but had still faced shortages in recent months.

"We have had too many containers in the wrong places, and we have faced congestion getting containers back out," he told a customer presentation. "Container production has been down but is now being ramped back up again. That will take some time to clear.

"I think that in six to eight weeks before we are in a better position than where we are now and I think we are starting to see some easing of the situation."

The problem had been compounded by congestion in ports and by higher volumes, which combined had caused delays.

"That means that quite a few ships are coming back late, which also results in lower capacity on a weekly basis," said Mr Habben Jansen, who called on shippers to give more accurate information on demand and to honour their volume commitments, to help resolve the situation.

"We have seen the number of bookings go up 80%-90% over the past couple of months," he said. "That is too much as it means the relationship between the bookings we get and the shipments that end up on the vessels becomes more and more distorted. It would be great if we could work together to bring that back to normal."

He also called for a faster return of equipment to reduce turn times.

"We usually use a container five times a year with laden cargo. This year we have been well below 4.5 times. That means that you need 10% or 15% more equipment to move the same amount of cargo. That is why we are pushing to get the boxes back as quickly as we can."

He denied, however, that carriers were contributing to the problem by performing 'cut and runs', where laden cargoes are delivered but empties are left ashore.

"There are not a lot of cut and runs in European ports when we can load the empties," he said. "The problem we have is that there is quite a lot of congestion at terminals and even if the empties are standing around, there are not the moves or the gangs or the crane capacity to get them onboard swiftly. We would wait for any empty that we could get on board quickly. The likelihood that there would be a cut and run is low."

The shortage of containers had contributed to the record high prices the major east-west trade lanes, as customers competed to secure equipment and slots.

Nevertheless, Mr Habben Jansen said the rates spike was likely to be temporary and would fall back when demand eased.

IN OTHER NEWS

MOL to build wind-powered coal carrier
ONE of Japan's first wind-propelled cargo vessel looks set to start operation in the next two years, bringing coal to feed power plants in the country.

On Thursday, Mitsui OSK Lines unveiled a coal transport deal with Tohoku Electric Power for the 99,000 dwt bulk carrier to be built with a hard sail wind power propulsion dubbed the Wind Challenger.

Oshima Shipbuilding will construct the ship, with the target of bringing it online by 2022, a statement from the shipping line said.

US retail experts see containerised imports rising

US containerised imports remain strong after setting new records this autumn as retailers stocked up their stores and warehouses for the holiday season while meeting new demands for quick delivery of online orders, according to retail experts.

But the further expectation is that the US economy will see a "sharp revival", spurred by the introduction of vaccines against coronavirus and by growing consumer confidence that the pandemic is coming under control.

Jonathan Gold, vice-president for supply chain and customs policy of the National Retail Federation, said the pandemic has made the past year one of the most trying the supply chain has ever seen, but that retailers have met the challenge.

Greek shipowners donate ICU beds as infections surge

LEADING Greek shipowners Evangelos Marinakis and Angeliki Frangou have joined hands with local chocolate manufacturer Ion to donate 12 new fully equipped ICU beds to the Intensive Care Unit of the General State Hospital of Nikaia, close to Piraeus.

"This donation is very important," said Greece health minister Vasilis Kikilias, inaugurating the beds. The hospital "covers a large area, with great needs, and these ICU beds will help save lives", he added.

At the low-key inauguration, Navios Group chairman and chief executive Ms Frangou thanked the doctors, nurses and staff at the hospital.

LNG supplies seen at risk from green push

FUTURE supplies of liquefied natural gas would decline by as much as 77% if the world pursues climate change combating policies with hydrogen emerging as a key competitor to gas, consulting firm Wood Mackenzie says.

The decline in new LNG supplies applies to a situation where global temperature increase is limited to 2°C above pre-industrialisation levels and compares to Wood Mackenzie's base case scenario.

Countries committed to the 2015 Paris Agreement have pledged to limit global warming by 2100 to at least 2°C and aim for 1.5°C.

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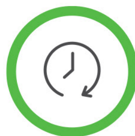

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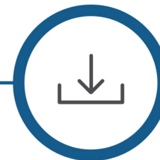

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