

**LEAD STORY:**

The Top 100: Homage to Covid's forgotten heroes

**WHAT TO WATCH:**

The Seafarer

No easy answers for ONE Apus investigation

EU emissions trading move could spark wider trade conflicts, ICS warns

**ANALYSIS:**

Ambrey head says armed guards industry needs better oversight

**MARKETS:**

Asia-Europe freight rates surge to new highs

Depressed capesize market trails other bulker segments

**IN OTHER NEWS:**

Shell shipping chief Grahaeme Henderson to retire in 2021

Declaring Brexit-related force majeure 'horrendously difficult', lawyer warns

Estonia was a casualty of 'organisational culture' failings

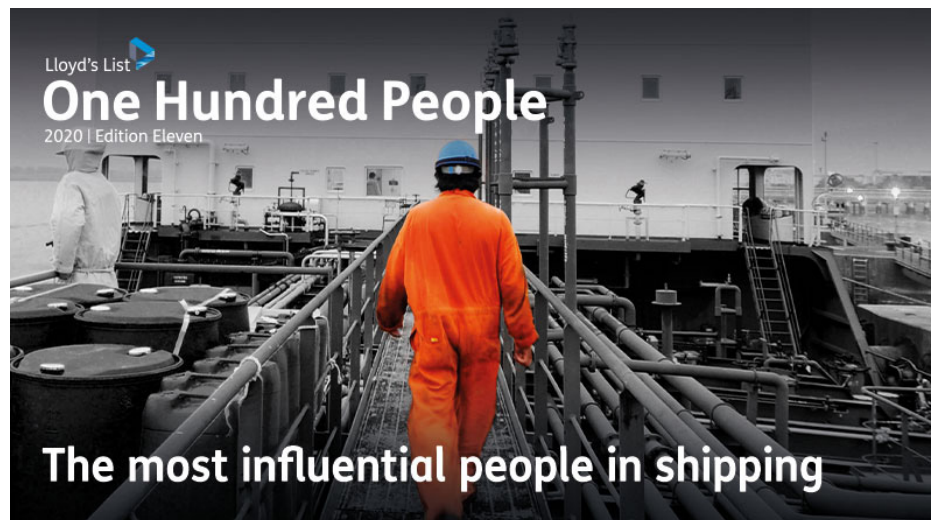
Australia's Port Kembla ships first grains cargo in two years

Cosco sells stake in non-shipping leasing unit to focus on core business

MOL appoints new president to speed up structural reforms

Novatek eyes hydrogen for decarbonising LNG

## The Top 100: Homage to Covid's forgotten heroes



2020 WILL BE a year that many will want to forget, but everyone will remember.

The coronavirus tsunami of crashed through lives and economies, wrecking 'business as usual' in its path.

For shipping, as with all other sectors, the past 12 months have witnessed a story of tragedy, resilience and ultimately transformation.

Volatility and swings in demand have been evident across all sectors, rewriting the rulebook almost on a weekly basis, turning forward planning into the proverbial minefield.

Office closures have forced shipping executives to manage and operate fleets remotely from kitchen and dining room tables. Key business decisions have been reached via Zoom and Teams. This is the new normal.

Yet amid all the upheaval, one constant has remained. Ships and cargo have continued to move.

The world has been fed, vital supplies and PPE have reached those that need it most and global energy demands have been fulfilled. Even shipments to cope with a surge in Amazon Prime orders have been met with little fuss.

This was an industry-wide effort, but it was those at the coal face of shipping that deserve the utmost praise. Step forward the seafarer.

Despite not receiving the same public recognition or government support that healthcare workers and others on the front line have had

for treating those infected with the virus, make no mistake: they too have been heroes in the fight to save lives.

Yet sadly, the wellbeing of hundreds of seafarers has been put at risk, due to countless examples of crew being unable to disembark vessels when contracts expire. Unable to reach dry land, many have been left with little choice but to continue working for weeks or even months on end.

If the supply chain is to continue moving – and efficiently – ships must be restocked, refuelled, inspected and given fresh crews. The lack of governmental support in some countries has been nothing other than shameful.

Understandably, the plight of seafarers has gained plenty of column inches in Lloyd's List throughout 2020 – and with some justification.

So, when considering who should receive the prestigious crown of number one in our Top 100 for 2020, the decision was a no-brainer. This is testament to the hard work, bravery and commitment of the seafarer to the benefit of all. Covid's forgotten hero is a worthy winner, if ever there was one.

### **Bridging the gap**

The outbreak of the virus may have been 2020's defining event and one that will continue to dominate short-term industry thinking, but the core issues on shipping's long-term agenda remain.

Shipping's decarbonisation tops the bill, as the industry looks increasingly to lower emissions and increase efficiency. Yet the pathway to a truly net-zero carbon future is far from clear.

Decisions on newbuilds over the next few years will be crucial, when considering a ship's lifespan is 20 to 25 years minimum. A certain level of flexibility in procurement choices is therefore a must.

However, as shipping sits in this state of flux, it is the cargo owners – and, to a lesser extent, the financiers – rather than the shipowners who are increasingly setting the agenda.

Trading giants, such as Shell, Trafigura and Cargill, have become the driving force behind a growing coalition of the willing in recent years, fortified by urgent decarbonisation demands and the emergence of bodies like the Global Maritime Forum, who are also pioneering ESG criteria.

Poseidon Principles, Get to Zero and now the Sea Cargo Charter are all part of the same movement, creating a more transparent and consistent approach to tracking emissions and bridging the gap to shipping's zero-carbon, sustainable future.

If shipping is serious about reaching its emissions targets, the argument being driven home by the cargo owners is that collaboration holds the key to creating the new business models required to reaching its end goal. Operating in silos to gain first-mover advantages on new fuels and propulsion methods will do little to aid shipping's cause.

Unsurprisingly, these cargo interests feature prominently in our latest rankings, in recognition of their growing influence and an industry voice increasingly calling the shots.

Cargill's Jan Dieleman climbs up to fifth place in our listing, having emerged as one of shipping's most forceful advocates for ESG changes. His elevation comes off the back of not only his lead role in the launch of the Sea Cargo Charter, but also the group's investment in Maersk Tankers' digital spin-off ZeroNorth – committing its 650-strong operating fleet to the low-emission programme – as well as a host of other initiatives aimed at making shipping cleaner, greener and more transparent.

Trafigura, too, represented by Rasmus Bach Nielsen in his new role as global head of fuel decarbonisation, moves up several rungs to gain a deserved top 10 spot, having shaken the industry in its call for a solid proposal for a carbon levy on marine fuels.

Shell's Grahaeme Henderson also heads north in our rankings, in acknowledgement of his continued public leadership in decarbonisation, but also in improving shipping safety – another area in which the cargo owners appear to be taking the initiative.

Indeed, the trio serve as a proxy for the giant strides taken alongside their cargo counterparts in steering shipping in a timely new direction.

Similarly – and in keeping with the theme of the cargo owners – is our inclusion of e-commerce giants Alibaba and Amazon, which preserve their top 20 status.

The pair, acting as our regular association and nod to the shipper community, continue to have a

profound impact on container shipping, driving new levels of efficiency and transparency to the sector.

The rise to prominence of the cargo owners comes as the traditional shipowner's influence is arguably diminishing.

Several high-profile names have descended the rankings, however, having chosen to remain mere bystanders amid the tectonic shift shaping shipping's future, whether decarbonisation, alternative fuels or, indeed, digitalisation.

---

## WHAT TO WATCH

# The Seafarer

SOMETHING must be done, the industry cried as one. Yet very little was – at least at the level of meaningful action.

A full nine months after the emergence of lockdown as a widespread response to the coronavirus pandemic, an estimated 400,000 seafarers remained stranded on board ships scattered throughout the world.

This was due to local quarantine rules, visa restrictions, a lack of flights, or numerous other obstacles that prevented them from disembarking and heading home.

Yet these are the key workers who have kept global supply chains functioning to ensure medical supplies were delivered, supermarket shelves remained stocked, and other essentials reached consumers amid one of the most difficult years the global economy as ever encountered.

Ships' crews also went to the rescue of huge numbers of migrants who found themselves in difficulties as they tried to reach European shores, at times getting caught up in political stand-offs as governments squabbled about where the refugees should be taken.

Covid-19 is, indeed, a cruel enemy. For the luckier ones, the worst impact will have been the need to work from home.

Imagine, then, what it must be like when 'home' is not a well-appointed house or apartment, but a small cabin on a merchant vessel, without even the reduced access to entertainments and diversions sporadically available to the rest of us in between lockdowns.

In many cases, tours of duty have now extended well beyond a year, which brings owners into a legal grey area. Contrary to popular misapprehension, the Maritime Labour Convention does not actually specify an explicit cap on the maximum length of a tour.

What it does set down are explicit provisions on annual paid leave, shore leave and a right to repatriation at the expiration of a contract. In many cases, these provisions will have been breached, ultimately leaving open the possibility of legal challenge.

Yet whatever the ambiguities in terms of law, in terms of morality, the matter is clear cut. Put briefly, this is not what the seafarers signed up for. Continued isolation and removal from family and society must be taking a deleterious toll on mental wellbeing.

There has even been serious speculation that the 'coronavirus blues' will have a measurable impact on casualty statistics once the data are compiled.

The rub is that the solution to the problem lies largely outside the hands of shipping. While the will to get seafarers home has largely been there – even at substantial excess cost – government-imposed restrictions on movement and a lack of flights have been getting in the way.

At one stage, politicians promised to intervene. In July, the UK government organised what was billed as a 'virtual summit' on the situation. The two-hour event culminated in 13 countries signing a pledge to cut through the red tape.

However, the language of the declaration was couched in terms of 'deeply concerned', 'requires concerted action', 'encourage', 'consider', 'engage in discussions', 'review', 'possibility of allowing exemptions', 'explore', 'urge'.

It did not contain a single commitment to a single concrete measure. Unsurprisingly, mere moral exhortation has failed to have the desired impact.

Meanwhile, four major shipping organisations have penned an open letter to the world's richest man, Amazon chief executive Jeff Bezos, arguing that his

standing as perhaps the ultimate beneficiary of the supply chain obliges him to speak out.

Amazon, of course, has been widely criticised for the labour practices in its own distribution warehouses; at the time of writing, Mr Bezos had yet to respond.

Fortunately, other less important individuals – such as Pope Frances and Her Royal Highness the Princess Royal – have gone public with expressions of support for the victims of this crisis.

It might seem tokenistic for a publication such as Lloyd's List to hail the seafarer as the most important person in the industry in 2020. After all, the contention that 'people are our most important asset' is one of the dullest staple clichés of senior management-speak.

And is it not a truism that the seafarer is the most important person in the industry, whatever the year in question? Well, yes ... but this is not a message that is universally understood.

While employment rights are generally much improved on the scandalous standards that commonly obtained a decade or two ago, episodes of alleged underpayment and crew abandonment are still too frequent to permit complacency.

The same can be said of safety standards. The secular improvement in the trend is beyond dispute. However, as incidents such as *Sanchi* and *Maersk Honam* remind us, casualties with substantial loss of life still happen.

Meanwhile, new risks to life and limb have emerged,

## No easy answers for ONE Apus investigation

THE full story of the *ONE Apus* (IMO 9806079) casualty is unlikely to emerge for some time.

The immediate focus is on securing and salvaging the remaining containers on board the vessel in Kobe, Japan, before ascertaining what damage may have been done to the vessel itself, sending on the recoverable containers and sorting out the inevitable insurance claims. Then the flag state, Japan, will need to investigate what happened.

Nevertheless, speculation is rife over how a large, nearly new containership could lose close to 2,000 containers overboard during a single event.

Lloyd's List has canvassed opinions from several senior industry figures with backgrounds in

most prominently the threat from modern piracy. Armed attacks are in abeyance in the Indian Ocean, but are rapidly becoming entrenched on the other side of Africa, particularly in the Gulf of Guinea region.

Yet many young people – especially from major labour supply countries including the Philippines, China, Indonesia, Russia and Ukraine – are attracted to the profession each year, as both cadets and trainee ratings.

While the opportunity to see the world enjoyed by generations past has been obliterated by the acceleration in transit times, the chances for early responsibility and for pay packets that are generous by domestic standards continue to hold allure.

However, it does look as if the industry is standing on the cusp of major change. Thanks to the emergence of autonomous and unmanned shipping, the future of seafaring as a career is uncertain as never before.

The scale of employment at sea in the decades to come will be determined by technological advance as much as anything else.

It is not beyond conjecture that, even within the lifetime of some young professionals reading this article, life at sea as it has been known for thousands of years will be completely or largely a thing of the past, rendered obsolete by the forward march of artificial intelligence.

In the meantime, the message to human officers and ratings, both serving and retired, is a simple, heartfelt thank you.

container shipping and class who have offered a range of insight into what could have gone wrong.

The main theme that emerges is that it is likely a combination of factors caused the incident. None on their own were devastating, but together resulted in the loss of the containers and damage to a huge number of those not sent overboard.

Early reports indicated poor weather conditions in the vicinity of *ONE Apus* at the time it lost its containers. But the ship's owner and manager also said the prevailing weather and sea conditions were Force 4 northwesterly, with a long, high swell and waves of 5 m to 6 m.

These would not be pleasant conditions, but are in no way dangerous to a ship of this size.

On the other hand, the North Pacific is known for generating fierce conditions, especially at this time of year. Localised weather conditions could have been far worse than the prevailing patterns.

But ships and crew have come through many a storm in the past without a scratch, which has turned attention to how the vessel performed in these conditions.

One relatively new phenomenon being considered is that of parametric rolling. This is a behaviour that can occur even in moderate conditions if the length and period of wave the train coincides with the ship's natural roll period.

In the wrong set of circumstances, the motion of the waves can exaggerate and increase the roll of the ship to the point that its righting moment decreases. In the worst case scenario this can continue right through to capsize, but even moderately severe conditions can push a vessel to swing sharply up to 30 degrees from port to starboard and back.

There were also suggestions that the ship itself may have aggravated the situation if a parametric rolling event got underway. The hull shape of a modern boxship, with flared bows and a wide beam, is known to be at risk of rolling in these conditions.

One thing that is unlikely to have been behind the collapse of the stacks is poorly loaded or overweight

containers. There were simply too many for this to have been a consideration. Nevertheless, the condition of the lashings and how well the containers were secured will come into the scope of the investigation.

As one source put it, the incident has "certainly raised questions over the safety of eight-high on deck stowage".

The performance of the master and crew, will also naturally fall into the remit of an investigation. It would be unfair to prejudge that, but questions will be raised over routing, how the conditions were tackled and whether the consequences of various actions to counteract the rolling were understood.

Disasters at sea are virtually never down to one single cause. The purpose of an investigation will be to investigate what combination of events led to this outcome and to learn how to avoid a repeat occurrence.

In a statement following the casualty, shipowner Chidori Ship Holding and manager NYK Shipmanagement said the vessel's equipment gear and propulsion were in good condition and the officers and rating experienced and well trained.

"The root cause analysis and full investigation will look at all aspects of the situation, including the vessel's routing, loading, equipment and fitness for purpose in very extreme weather. We must ensure no such loss occurs again."

## EU emissions trading move could spark wider trade conflicts, ICS warns

INTERNATIONAL shipping has warned that the European Commission's intention to include the industry in the bloc's Emissions Trading System may be a recipe for wider trade wars.

The fear is among a slew of potential negative consequences that may stem from extending the ETS to shipping, according to the International Chamber of Shipping, which has noted its "total opposition" to the move.

The "primary concern" of the ICS, that represents more than 80% of the world fleet through its membership of national shipowner associations across the world, remains its apprehension that inclusion of shipping in the ETS will strike a blow to the authority of the International Maritime

Organization and derail the efforts of IMO states to eliminate CO2 emissions from the industry globally.

However, in preliminary comments on the proposal, the ICS said it was also very concerned about an apparent lack of understanding of the "wider ramifications for the EU's relationships with its trading partners".

Concerns over the EU's consideration of wider carbon border taxes are already rife outside the EU and could impact shipping if they lead to spats that curb seaborne trade.

"We anticipate that non-EU governments will have serious concerns about this unilateral proposal

which they are likely to view as an extraterritorial tax on international trade,” the ICS said.

It noted that the commission has previously declared it could use the billions of euros raised from the sale of carbon allowances to shipping companies to finance EU recovery from the economic slump induced by the coronavirus pandemic.

“Other nations around the world might feel entitled to emulate this unwelcome precedent, applying their own ‘carbon charges’ to international voyages,” the ICS said.

It warned that “chaos and fragmentation” of the global regulatory framework for the maritime industry could result.

The EC is due to unveil its full proposal for applying the ETS to shipping in mid-2021 while the European Parliament has drafted its own proposal to apply from 2022.

According to the ICS, data from the EU’s own monitoring, reporting and verification (MRV) system

suggest that only about 15% of global shipping emissions “might be affected, but not necessarily reduced” by inclusion of shipping in the ETS.

About half the affected shipping companies would be based in third countries, according to the current scope of the EU MRV, it said.

Meanwhile, more than 60% of the revenue raised would come from third-country voyages as, for example, ships coming from China may have to purchase carbon allowances for emissions over the entire course of the voyage.

About 67% of the fleet affected would be registered outside Europe, the ICS noted, citing data from the EU MRV.

“If the EU is serious about helping the shipping industry transition to zero-carbon technologies it should not pursue this unilateral proposal,” it said.

The money that the industry would spend on carbon allowances would be “far better spent”, said the ICS, on research and development to make zero-carbon technologies a reality for shipping.

---

## ANALYSIS

# Ambrey head says armed guards industry needs better oversight

THE co-founder of Ambrey, the biggest supplier of armed guards to the maritime sector, says the industry needs better oversight.

Asked if the private maritime security company market and the vessel-based (floating) armoury system was in “substantive need of regulatory oversight”, John Thompson said: “that’s exactly what clients should be demanding.”

The comment was in response to the hijacking in July of the Eagle Bulk supramax *Jaeger* (IMO 9284843) by a disgruntled armed guard who had reportedly not been paid for several months.

The guard, who had not surrendered his weapon to the captain, took control of the ship and changed its course as he demanded money and repatriation.

The stand-off took three days to resolve before he surrendered his weapon and disembarked. Video

footage shows a man throwing rifles overboard. Mr Thompson told a webinar the PMSC industry worked in multiple jurisdictions and “oversight is critical to make sure that incidents like that don’t occur”.

He said the certification regime for armed guards companies, known as ISO 28007, was only as good as its audits – which were paid for by the PMSCs being audited.

Auditors were under commercial pressure from clients to deliver these audits as cheaply as possible. “So within the current framework there is an issue,” he said.

UK-based Ambrey operates a 30-strong fleet of floating armouries, escort vessels and support craft. It has a shipyard in Southampton and a marine insurance brokerage in London.

Mr Thompson said the PMSC market operated in different environments around the world, such

as the Indian Ocean, West Africa's Gulf of Guinea, and emerging risk areas such as Mozambique.

"The fragmented nature of the markets, the offshore and international waters elements of it, and the cost challenges... all lead to failures," he said.

The ISO28007 regime does not extend to the Gulf of Guinea. Mr Thompson said it was "probably best to work within the framework we've got, give it more teeth, do it to a better standard".

Auditors should visit floating armouries regularly, and not just those that were easy to get to. "It comes

down to PMSCs pushing for the right standards," Mr Thompson said.

But Mr Thompson told the webinar the industry had been effective at protecting ships since it sprang up in response to Somali piracy a decade ago, and pirates had never successfully attacked a ship with armed guards on board.

Neil Dulling, security officer at MOL LNG Transport (Europe), said there had to be a clear international framework for putting armed guards on ships,

He said such a framework would cut costs and make it simpler and easier to protect people at sea.

---

## MARKETS

# Asia-Europe freight rates surge to new highs

SPOT rates on the Asia-Europe trades soared to record highs again this week as surging demand and equipment shortages continued to add pressure to shippers.

Figures from the Shanghai Shipping Exchange show rates from Asia to northern Europe this week surged to \$2,948 per teu, the highest level since the index launched in 2009.

The \$574 per teu rise in rates represented a hike of 24.2% over the past week, which itself was up 13.5% on the previous week, and rates are up by more than 130% since the beginning of November alone.

On the Asia-Mediterranean trade, the rises were even larger, with a \$689 per teu price rise taking rates up to break the \$3,000 per teu level for the first time. The price of shifting a container rose by 28.9% during in the week to reach \$3,073 per teu.

With scrutiny from regulators increasing on both sides of the Pacific, Asia-US west coast rates were flat and remained just under the \$4,000 per feu level. Asia-US east coast rates rose only 2.2% to \$4,804 per feu.

The strength of the Asia-Europe trades, however, saw the wider Shanghai Containerised Freight Index gain another 8.6%.

Meanwhile, Drewry's World Container Index for the year-to-date stands at \$2,044 per 40ft container, which is \$530 higher than the five-year average of \$1,514 per 40ft container.

The index inched up 0.5% or \$16 to \$3,451.32 for a 40ft container, taking it to 127.8% higher than the same period in 2019.

"Freight rates on Shanghai-Genoa increased by \$55 to \$4,401 per feu and those on Shanghai-New York grew \$38 to stand at \$4,998 for a 40 ft container," Drewry said.

"Similarly, rates from Shanghai to Los Angeles gained \$29 to \$4,110 for a 40 ft box. Freight rates on the backhaul leg of Shanghai-Rotterdam inched up \$6 to \$1,313 per feu."

Drewry expect rates will continue to be on the higher side.

# Depressed capesize market trails other bulker segments

THE depressed capesize market is keeping spot earnings for the largest of bulkers behind the smaller sized dry bulk vessels, at least for now.

Brokerage Fearnleys said that levels for the big ships were "still depressed as major Brazilian iron ore miners remain far behind production/export targets".

Brazil's mining giant Vale lowered its production guidance for the full-year to 300m–305m tonnes from a previous estimate of 310m–330m tonnes. The revised estimate was due to heavy rains, according to the company's head of ferrous minerals Marcello Spinelli.

He added that production would be in the vicinity of 315m–335m tonnes in 2021, which was a conservative figure given it was targeting a capacity ramp-up to 350m tonnes, aiming for 400m tonnes by the end of 2022.

The capesize average weighted time charter on the Baltic Exchange was at \$11,889 per day at the close on December 11, making a slight recovery from the six-month low figure of \$10,607 on December 9.

The average weighted time charter for panamax was at \$13,183 on December 11, up from \$11,924 on December 7, while supramaxes were at \$11,337, a 2% gain over the same period, Baltic data shows. Handysizes, meanwhile, reached the highest since October 18, 2019, quoted at \$12,024.

While capesizes trailed the other segments in recent days, spot earnings have averaged \$13,011 per day in the year to date, the highest of all bulker segments

amid extreme volatility, followed by supramaxes at \$10,592 per day.

Panamaxes averaged \$9,821 per day, while handysizes managed an average of \$7,848 per day this year through to December 11.

While China's boycott of Australian coal was providing added weakness to the capesize market, it was partly offset by alternative sources, including increased appetite from Indian utilities, according to Fearnleys.

Candidates for the period market were aplenty, although conclusions were limited, it said, as the forward curve gave little direction.

Braemar ACM said it expected to see a decline in the capesize forward freight agreement market in coming days, following "the first wave of a short cover frenzy" while panamax "turned a positive leaf" with FFA rates moving from strength to strength. The first quarter of the year was the most popular contract in the panamax segment, while Calendar '21 seemed to be the focus for the supramax segment, which saw the emergence of buyers across the curve.

FFA's trading volumes have surged this year, with a total of 1.5m lots traded.

---

## IN OTHER NEWS

### Shell shipping chief Grahaeme Henderson to retire in 2021

SHELL's shipping operations will be under new management from mid-2021 when industry veteran Grahaeme Henderson will retire, handing over the reins to Shell's current head of shipping and maritime in the US, Karrie Trauth.

While the succession planning has not officially been announced by Shell, an internal staff announcement earlier this week confirmed that Ms Trauth, who is currently based in Houston Texas, will succeed Dr Henderson in August 2021.

Ms Trauth has worked closely with Dr Henderson for several years.

Dr Henderson has been a member of the Shell Trading Executive Committee and a director of Shell International Trading and Shipping Company since April 2011. His work spans Shell's entire business across upstream, downstream, projects and construction, but his team also manages Shell's oil tanker, liquefied petroleum gas and liquefied natural gas vessel portfolio, which currently consists of about 2,000 floating assets.

News of Dr Henderson's retirement came as Shell made a series of management changes elsewhere in the business.

According to a report from Bloomberg, Shell's head of crude trading will be replaced by Stacie

Pitts while Alice Acuna will become the new head of liquefied natural gas trading.

Promoting three women to lead key business units is in line with Shell's stated ambition to have 35% female senior leaders in place by 2025.

Dr Henderson's role within Shell together with his industry leadership focus on shipping safety has seen him appear in the annual Lloyd's List Top 100 most influential people in shipping every year since 2011. Dr Henderson appears in the list, published today ranked at number 14.

Dr Henderson was honoured in the UK by the Queen earlier this



year with an OBE for service to the international shipping industry. He was also on the panel for the Lloyd's List 2021 Shipping Outlook Forum earlier this month.

### **Declaring Brexit-related force majeure 'horrendously difficult', lawyer warns**

SHIPPING companies should think twice before invoking force majeure when faced with the threat of port congestion and Brexit disruptions, a lawyer has warned.

Hill Dickinson partner Beth Bradley told a webinar delays and congestion could see people "open Pandora's Box" and declare force majeure to excuse their inability to perform contracts because of unforeseeable events.

But Ms Bradley said it was "horrendously difficult to succeed on force majeure as a defence".

Force majeure is not a standalone doctrine under English law-governed contracts and companies should check to see if they had a force majeure provision, she said.

Such clauses tended to list specific events such as hurricanes, storms or fire – but not congestion, since this was deemed a follow-on event or a consequence of one of the specified events.

It remained to be seen whether Brexit itself would fall within a force majeure clause, perhaps as an act of government, or whether English courts would be prepared to widen the existing definitions or case law.

"It may not be that straightforward to identify an event that permits force majeure even if you have a contractual clause," Ms Bradley said.

English courts construed such clauses narrowly, so the facts relied on had to come within the definition listed in the clause.

There also had to be a causal link between the event and the inability to perform. Britain's port congestion has many causes – box and staff shortages, Christmas and Brexit stocking, to list a few – which makes it hard to choose one to rely on.

Force majeure events could have to be unforeseeable before the contract was made. But with Brexit, with its four-year lag between the 2016 vote and the end of the transition, this could be hard to prove.

The right to terminate a contract was not there by default; it had to be in a clause. "If it's not there, you can't terminate."

Those seeking to trigger force majeure need to have taken mitigating steps and to have documented that there was no alternative to performing their obligations. There were also strict notice requirements to consider.

Ms Bradley said parties could also turn to the similar doctrine of "frustration", but warned this was also incredibly difficult. Frustration did not apply where the event made a contract merely less profitable.

The bar to clear is so high that even the closure of the Suez Canal had not qualified. "It was absolutely fine as far as the courts were concerned for the shipowners to take the vessels all the way around."

### **Estonia was a casualty of 'organisational culture' failings**

A FRESH review of the September 1994 sinking of the ro-ro ferry *Estonia* (IMO 7921033), in which

852 lives were lost, has revealed that the tragedy followed more of a typical pattern of major accidents than had been acknowledged.

Further, the review led by Dr Torkel Soma, partner at SAFYR, the Norwegian safety consultancy, believes the official investigation failed to establish the facts that would have ruled out alternative scenarios.

Investigations into the casualties of *European Gateway* (1982), *Herald of Free Enterprise* (1987), *Scandinavian Star* (1990), *Jan Hewelius* (IMO 7527904) (1993), and a close call involving *Diana II* (IMO 5327477) (also 1993) found a common thread linking them all.

In the official accident investigation, it was stated that the locking system of the *Estonia's* bow visor was defective, flooding the car deck and causing the vessel to roll over and sink. Hence, the high-risk design combined with a critical technical failure was the reason for the accident.

However, failure to share the lessons of the *Diana II* incident was a contributing factor. "*Diana II* was not 'one of a kind'," Dr Soma reports. "She was very similar to another vessel, which could almost be considered her sister vessel – *Estonia*. This 'sister' had practically the same bow visor as *Diana II* but was owned and operated by another company.

"The crew of *Estonia* were therefore unaware of the problems experienced on board *Diana II* when they sailed into a heavy storm."

Dr Soma believes a categorisation of failures as

'human' or 'technical' is not always sufficient.

### **Australia's Port Kembla ships first grains cargo in two years**

PORT Kembla on Australia's east coast is gearing up for a record grains export season, with its first shipment of wheat.

Departure of the bulk carrier *Ince Tokyo* (IMO 9730438), which is carrying more than 50,000 tonnes of wheat from GrainCorp sites across New South Wales, is heading for the Middle East.

The vessel, which was due to leave the port on Friday, will spend 25 days at sea.

The grains shipment marks the first major export volume from the region in more than two years following a prolonged drought, according to a statement by the port authority.

"New South Wales is on track for a strong harvest season," said NSW Ports chief executive Marika Calfas.

"This is great news for our farmers and it's fantastic to see grain flowing back into Port Kembla, ready for export to international markets," she said.

GrainCorp operates the Port Kembla Grain Terminal, which is the largest grain export terminal on the east coast of Australia.

Following the departure of *Ince Tokyo*, GrainCorp has at least three more shipments booked to the end of the year, with capacity reserved until May 2021.

Qube-owned Quattro Ports also operates a bulk grain handling facility in the Inner Harbour of Port Kembla.

Its first shipment of 36,000 tonnes of wheat is expected to load in mid-December on *Funing* (IMO 9690913), with an anticipated two to three vessel bookings per month to the middle of next year.

### **Cosco sells stake in non-shipping leasing unit to focus on core business**

COSCO Shipping Development plans to raise Yuan1.8bn (\$275m) by way of disposal of a large stake in a non-shipping leasing subsidiary and will use the funds to strengthen its core business.

Shanghai and Hong Kong-listed CSD, the financial and leasing arm of state conglomerate China Cosco Shipping Corp, said in an exchange filing that it is to sell 35.2% of equity interests in its wholly owned Cosco Shipping Leasing to Chengtong Fund Management.

CFM represents the Mixed Ownership Reform Fund established under Beijing's drive to reform the country's state-owned enterprises.

CSL is mainly engaged in leasing and financing services to sectors, including car manufacturing, healthcare and energy.

### **MOL appoints new president to speed up structural reforms**

MITSUI OSK Lines has named Takeshi Hashimoto as the new president and chief executive, making him the de facto

commander in chief of the Japanese shipping giant, which runs about 800 vessels across many segments.

The change in top management comes as MOL prepares to consolidate its dry bulker business.

Mr Hashimoto will replace Junichiro Ikeda from April 1, 2021. The latter will become the chairman of the company.

An executive vice-president before the latest appointment, the 63-year-old has been with MOL since 1982 after he graduated from the Kyoto University, and has held various senior positions, including the general manager of the liquefied natural gas carrier division.

### **Novatek eyes hydrogen for decarbonising LNG**

RUSSIA'S largest private-owned outfit in the oil and gas sector is looking to embrace hydrogen to decarbonise its liquefied natural gas production.

On Thursday, the owner-operator of the Yamal and Arctic 2 LNG projects, Novatek, unveiled a decarbonisation partnership with the energy arm of Germany-based engineering group Siemens.

The two parties will begin a project to replace natural gas derived from fossil sources, which is then traditionally used in producing electricity and LNG, with carbon-neutral hydrogen.

# Classified notices



مِيبْرُوكُ لِلتَّنْقَلِ الْبِحْرِي

**HYPROC SHIPPING COMPANY** spa

AU CAPITAL SOCIAL DE 40.000.000.000 DA

NIF 0999 3101 03669 77

## NATIONAL AND INTERNATIONAL CALL FOR

**TENDER N°. 01 /HYPROC S.C/PMD/2020**

### SALE OF ONE LNG VESSEL

HYPROC SHIPPING COMPANY SPA, located at ZHUN/USTO, Rond point cité Djamel, BP 7200 Es Seddikia 31025 Oran, Algeria, is seeking through this National and International call for tender, purchasers for is briefly described here below:

<b>Designation</b>		<b>VESSEL CHARACTERISTICS</b>
Name of the vessel		RAMDANE ABANE
Type		LNG Carrier
IMO No		7411961
Year Built		July 1981
Shipyard		Chantiers de l'Atlantique, Saint Nazaire (France)
Gross Tonnage	(tx)	81 265
Net Tonnage	(tx)	29 615
Capacity	{m3}	126 190
Deadweight	{tons}	83 228
Propulsion		Turbine STAL LAVAL 34 000 HP
LOA/ Bearn/ Draft	{M}	274, 422 x 42, 0 x 11, 250
Speed	{kn}	16, 5
Vessel Classification Society		Bureau Veritas
Class Notation		I, HULL, MACH, Liquefied gas carrier, Unrestricted navigation, AUT-IMS, MON-SHAFT

Interested Bidders are invited to get a copy of the tender documents from the following address:

**HYPROC SHIPPING COMPANY**

**Cellule Centrale des Marchés**

**ZHUN/USTO, Rond point cité Djamel, BP 7200 Es Seddikia 31025 Oran, Algeria**

**TEL: +213 41 42 62 62/63 63**

**FAX: +213 41 42 32 75**

**E-mail: [ccme@hyproc.dz](mailto:ccme@hyproc.dz)**

Tender documents can either be handed out by bidders themselves or mailed to them.

Vessel was operating in worldwide waters. Vessel will be on Sale in accordance with the following condition: «AS IS, WHERE IS ».

Delivery of the vessel will take place at the mooring pier, at Arzew Port, in Algeria.

The tender process will consist of ONE (01) step. The interested Bidders will be requested to submit their technical and price offers in separate envelopes in accordance with the general terms and conditions of the tendering procedure.

The technical proposal should include all the documents required in the tendering procedure, but no reference whatsoever to price, otherwise the Bidder's proposal will be rejected.

After the evaluation of the technical offer, if found compliant with the said requirements, the corresponding price offer will be opened and evaluated.

Before submitting the offer, Bidders can at their convenience, carry out, together with an Owner's representative, a visit on board of the vessel.

Owner will ease up and facilitate access to the vessel to all potential buyer who wish to do so, after signing the **Letter of interest (see appendix 1)** and who have dully signed the **letter of indemnity (see appendix 2)**.

A complete day will be dedicated for this visit.

Proposals have to be in a double sealed envelope. In addition to the above mentioned address, the external envelope would have to be anonymous and contain only the following indications:

**NATIONAL AND INTERNATIONAL CALL FOR TENDER**

**N°/HYPROC S.C/PMD/2020**

**TECHNICAL PROPOSAL**

**DO NOT OPEN**

The tender closing date of the call will be on January 18th, 2021 at 9:30am local time, any proposals received after this date and time will be rejected.

The only date of reception of proposals to be considered is the one with the official seal set by Hyproc's Mail office (BOG) located at the head office.

After evaluation of technical offers by Hyproc's Tender opening and evaluation committee, only Bidders whose technical proposals are fully compliant with the tendering procedure will see their financial offers opened and evaluated by the Hyproc's Tender committee.

The financial proposal should contain the complete specified list of documents requested in the tendering procedure.

All remitted proposals will be recorded Hyproc's Main Office (BOG), opened in a none public seance and examined with the presence of a court bailiff.

---

Siège Social : ZHUN USTO - B.P 7200 Es-Seddikia 31025 Oran - ALGERIE - Tél : 213.41.82.15.15/82.16.16

Fax : 213.41.82.18.18 Télex : 21824 / 21826 / 21827 / 21828

Divisions Opérationnelles : BP 60 Zone Industrielle Arzew – Oran 31200 – ALGERIE - Tél : 213.41.79.38.55

Fax : 213.41.79.34.45 Télex : 12933 / 12935 / 12938 / 12944

R.C 010 3669/B /99 - E-mail : hyproc@hyproc.com



## Port Of Workington Manager

**Salary:** £57,024 - £59,621

Cumbria County Council has an exciting opportunity for a Port Manager to provide leadership and operational management for the Council owned Port of Workington.

For those looking for a new position, Cumbria has so much to offer. The Port of Workington is strategically located at the mouth of the River Derwent, on the south side of the Solway Firth and at the edge of the beautiful Lake District National Park. There is no better place to work and live.

The ideal candidate will have extensive management experience in a Port (or similar) environment and have strong operational, health and safety and commercial acumen. The Port Manager has overall responsibility for the general management of the port operations and safety, working closely with the Place and Enterprise Team and Commercial Development Lead to maintain the working relationship with existing Port users and proactively attract business. We have ambitious plans for the Port of Workington to become a key centre for growth, technology and innovation within the UK's growing offshore and energy sector to help us achieve a Zero Carbon Cumbria.

The Port Manager reports directly to the Port Duty Holder – the Executive Director for Economy and Infrastructure.

If you are looking for a career that inspires and are ready for a diverse and challenging role, then come and join us here in Cumbria. Please contact Angela Jones, Executive Director Economy and Infrastructure on 07917882992 for more information.

To find out more about this the Port of Workington and about this fantastic opportunity, please watch this short recruitment video:

<https://youtu.be/3rO6kc0xpDA>

### Interview Information

Closing date – 24 December 2020

Interview date – 7 January 2021

Due to the coronavirus, we are operating virtual interviews. This will preferably be undertaken using the Microsoft Teams software, which is currently free for new users, however if there are any issues with accessing this technology, we are happy to discuss alternative arrangements prior to the interviews.

Options will be discussed with candidates once they have been invited to the interview stage of the process, and if you have any concerns or adjustments are needed, we are happy to discuss.

What we can offer you

Cumbria County Council is a modern, vibrant place to work offering a range of staff benefits, including:

- \*Excellent training and development offers
- \*Flexible working opportunities
- \*Opportunity to join the Local Government Pension Scheme
- \*Various perks and discounts schemes, including money off your phone contract and local gyms
- \*Competitive rates of pay

'Like' Cumbria County Council Jobs on [facebook](#) to keep up to date with the latest job searching tips, news and opportunities.



Navratna Company  
(ISO 9001:2015, ISO  
14001:2015 & ISO 45001:2018  
Certified)

## **The Shipping Corporation Of India Ltd.**

(A Government of India Enterprise)

T&OS Division, 5th Floor, Shipping House, Madam Cama Road,  
Mumbai-400021 (India) • Tel. No. 91-22-22772182

Fax : 91-22-22854790 • Email: [dirtos.sect@sci.co.in](mailto:dirtos.sect@sci.co.in)

Website: [www.shipindia.com](http://www.shipindia.com) • CIN No.: L63030MH1950G0I008033

### **TENDER NOTICE - ACQUISITION OF SECONDHAND VLGC SIZE LPG CARRIERS**

The Shipping Corporation of India Ltd. (SCI) is interested in acquiring Secondhand VLGC size LPG Carrier(s). Interested parties must submit their vessel offer(s) aging between 10 to 15 years. Bidders are requested to visit our website [www.shipindia.com](http://www.shipindia.com), or [www.eprocure.gov.in](http://www.eprocure.gov.in) for further details.

The participating bidders would have to submit their Vessel Offer(s) latest by 1700 hrs. (IST) of **January 4, 2021** to the Director (T&OS) at the above address.



**TRANSPORTING GOODS. TRANSFORMING LIVES.**



VIRTUAL  
EDITION

# GREEK SHIPPING AWARDS 2020

## CONGRATULATIONS TO ALL OUR WINNERS!

Dry Cargo Company of the Year **Atlantic Bulk Carriers**  
Shipbroker of the Year **Seaborne Shipbrokers**  
International Personality of the Year **Guy Platten**  
Next Generation Shipping Award **Suzanna Laskaridis**  
Shipping Financier of the Year **Alpha Bank**  
Passenger Line of the Year **Attica Group**  
Technical Achievement Award **Psyctotherm**  
The Safety Award **Venlys Maritime Specialisation Services**  
Seafarer of the Year **Capt. Apostolos Apostolakis**  
Piraeus International Centre Award **Onex Shipyards**  
Achievement in Education or Training **National Technical University, Athens**  
Tanker Company of the Year **Okeanis Eco Tankers**  
Ship of the Year **"Excelerate Sequoia"**  
Greek Shipping Newsmaker of the Year **Michalis Sakellis**  
Lloyd's List Intelligence Big Data Award **Metis Cyberspace Technology**  
The Sustainability Award **Typhoon Project**  
Lloyd's List/Propeller Club Lifetime Achievement Award **Athanasios Martinos**  
Greek Shipping Personality of the Year **Anna Angelicoussi**

*Thank you to all our Viewers, Sponsors, Supporting Organisations and Members of the Judging Panel for your contribution to the success of the 17th Annual Greek Shipping Awards.*

Event Sponsor:

# ClassNK

Champagne Toast Sponsor:



Welcome Reception Sponsor



ExxonMobil



RIGHTSHIP

MARICHEM WORLDWIDE MARIGASES SERVICES







**Looking to publish a judicial sale, public notice,  
court orders and recruitment?**

For EMEA please contact **Maxwell Harvey** on **+44 (0) 20 7017 5752**

**or E-mail: [maxwell.harvey@informa.com](mailto:maxwell.harvey@informa.com)**

For APAC contact **Arundhati Saha - Mobile: +65 9088 3628**

**Email: [Arundhati.Saha@informa.com](mailto:Arundhati.Saha@informa.com)**