

Annual Review 2006



International Chamber of Shipping
International Shipping Federation





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ICS is the principal international trade association for shipowners, concerned with all regulatory, operational and legal issues.

ISF is the international employers' organisation for shipowners, concerned with labour affairs and training issues.

The membership of ICS and ISF comprises national shipowners' associations representing all sectors and trades from 40 countries.



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Introduction

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Mr Rolf Westfal-Larsen *Norway*
ICS Chairman and ISF President

Shipping is the servant of world trade and neither can survive without the other. When there is strong trade growth then shipping will prosper as well. Buoyed up by the burgeoning economic strength of China and India, shipping companies have enjoyed another year of excellent returns, providing the longest sustained period of high profitability for more than a generation. Furthermore, although the peak may be passed, the omens continue to look favourable for at least the coming year, despite the substantial increase in the world fleet resulting from the delivery of new tonnage.

Yet notwithstanding its strong performance, the role played by shipping in international trade is little understood. Who knows that 90% of world trade, in terms of volume, moves by sea? Who appreciates that, without shipping, half the world would starve and the other half would freeze? Populist statistics like these may have almost become industry clichés, but they nonetheless reveal in simple terms the essential contribution of shipping to everyday life.

Looking back over the past eight years as I step down from the chairmanship of ICS and the presidency of ISF, it is the lack of visibility of shipping that seems to me to be the principal unfinished business for the international industry. We cannot expect politicians and regulators to recognise the needs and aspirations of the industry without also knowing what it does and how efficient it is.

Similarly, we cannot expect to attract the best people to join the industry, whether at sea or ashore, if they are unaware of the fascinating and challenging opportunities it provides for young men and women of all nationalities.

ICS and ISF have justly acquired a reputation for representing the industry in a professional and responsible manner. I have enjoyed my years in office, not least the new sense of co-ordinated purpose that the Round Table of international shipping associations – BIMCO, ICS, Intercargo, Intertanko - has injected into the representation of the industry. My successor

ICS/ISF Office Bearers 2005/6

ICS Vice Chairmen

ISF Vice Presidents

will find a dedicated and hard working staff who warmly deserve the support they have consistently received from the committed membership. I wish him every success, and as much satisfaction as I have derived from working with the two organisations during these interesting times.



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Kurz II
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Implementing the ILO 'super convention'

6

23 FEBRUARY 2006 deserves to be remembered, for on that day the new International Maritime Labour Convention was adopted following a special maritime International Labour Conference of the International Labour Organization (ILO), meeting in Geneva. This was the conclusion of more than five years intensive work, in which ISF had been centrally involved following its decision in 1999 to work with the International Transport Workers' Federation (ITF) to develop a new global maritime labour instrument.



*Dierk Lindemann (Germany)
Shipowner Vice President to the
ILO Maritime Conference*

The so called ILO 'super convention' consolidates and updates 67 existing ILO Conventions and recommendations into a single, comprehensive document, covering such issues as conditions of employment, hours of work, food and catering, medical care, repatriation, and accommodation at sea. It will supersede and expand upon the ILO Minimum Standards (Merchant Shipping) Convention 1976 (ILO Convention No 147) and the patchwork of other ILO maritime standards that currently enjoy varying degrees of enforcement worldwide. Critically, the new Convention should prove far easier for governments to ratify and enforce, providing the global level playing field of sound maritime employment standards desired by both employers and seafarers.

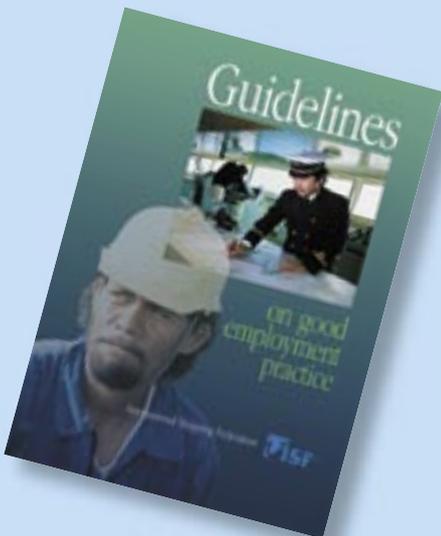
The major implication for shipping companies will be that, for the first time, flag states will issue ships with an international maritime labour certificate, usually following an inspection by a classification society, confirming that employment conditions on board are consistent with minimum global requirements. The vast majority of companies should

have no difficulty with the substance of the new Convention; drawn largely from existing ILO rules, it is already broadly reflected in the current ISF Guidelines on Good Employment Practice. To assist shipping companies, however, during 2006 ISF intends to produce new guidance concerning compliance with ILO standards.

ISF has traditionally been responsible for co-ordinating the views of maritime employers at ILO, and discussions on the new Convention were no exception, with ISF members helping to draft much of the text. Similarly, ITF has co-ordinated seafarers' trade unions throughout the process, culminating in the final tripartite diplomatic conference involving over 1,000 delegates representing shipowners, seafarers and over a hundred governments.

As a result of careful preparation on all sides, the conference itself passed relatively smoothly. Broadly satisfactory outcomes were reached on those remaining major issues needing resolution, such as the definition of a seafarer for the purposes of the Convention, which was settled in such a way that, in cases of doubt, a precise determination can be decided nationally in collaboration with national shipowners' associations and unions.

A major achievement, and a source of great encouragement, was that not a single vote was cast against the Convention at the conference. Indeed, with the shipowners and seafarers voting unanimously in favour, there were just four abstentions, from the governments of Lebanon and Venezuela and for purely formal reasons. This should mean there is every likelihood that the Convention will be ratified widely. To ensure its





Left
The ILO Maritime Labour Conference
in session

Below
ILO Director General, Juan Somavia
(centre) meeting with ITF General
Secretary, David Cockroft (left) and ISF
Secretary General, Chris Horrocks

international credibility, it will not come into force until it has been ratified by at least 30 nations together representing over one third of the world merchant fleet. This should ensure that traditional shipping nations, open registers and labour supply countries are all part of the process.

Fortunately, unlike previous ILO maritime conventions (which were sometimes perceived by maritime administrations to be the result of deals between employers and unions) every effort has been made to ensure that the new Convention has taken full account of the needs and wishes of governments, which, for the first time, in the context of ILO maritime discussions, have co-operated as a group.

The Convention has therefore been produced in a way that should make it practical for governments to ratify. Apart from their shared ownership of the drafting, the new text provides flexibility with regard to how more detailed requirements are to be implemented at national level, both in the seafarer's country of residence and the ship's flag state, using the ILO principle of 'substantial equivalence'.

The new ILO Convention is already being referred to as the fourth pillar of international maritime regulation, together with the International Maritime Organization (IMO)



conventions on safety of life at sea (SOLAS), environmental protection (MARPOL) and seafarer competence (STCW). However, the success of the ILO 'super convention' will only be judged by the extent to which governments live up to their word and implement the new requirements as soon as possible.

The outcome of the ILO negotiations has been applauded on all sides. The high degree of co-operation exhibited by the shipping industry, unions and governments, together with the unique and unprecedented manner in which the work was undertaken, has been described by the ILO Director General, Mr Juan Somavia, as being a model for addressing some of the challenges of globalisation.

The adoption of the new Convention also marks the end of an era in ILO. Because it contains an amendment procedure based on the principle of tacit acceptance, it can be updated fairly simply. It is therefore reasonable to assume that the special ILO maritime conferences, traditionally held every decade or so, are now a thing of the past.

Much now needs to be done to ensure that the new Convention is ratified and implemented. However, its comprehensive scope and its declaration of acceptable working conditions that must be applied globally have gained the shipping industry much credit for its commitment to decent work, and its willingness to take charge of its destiny.

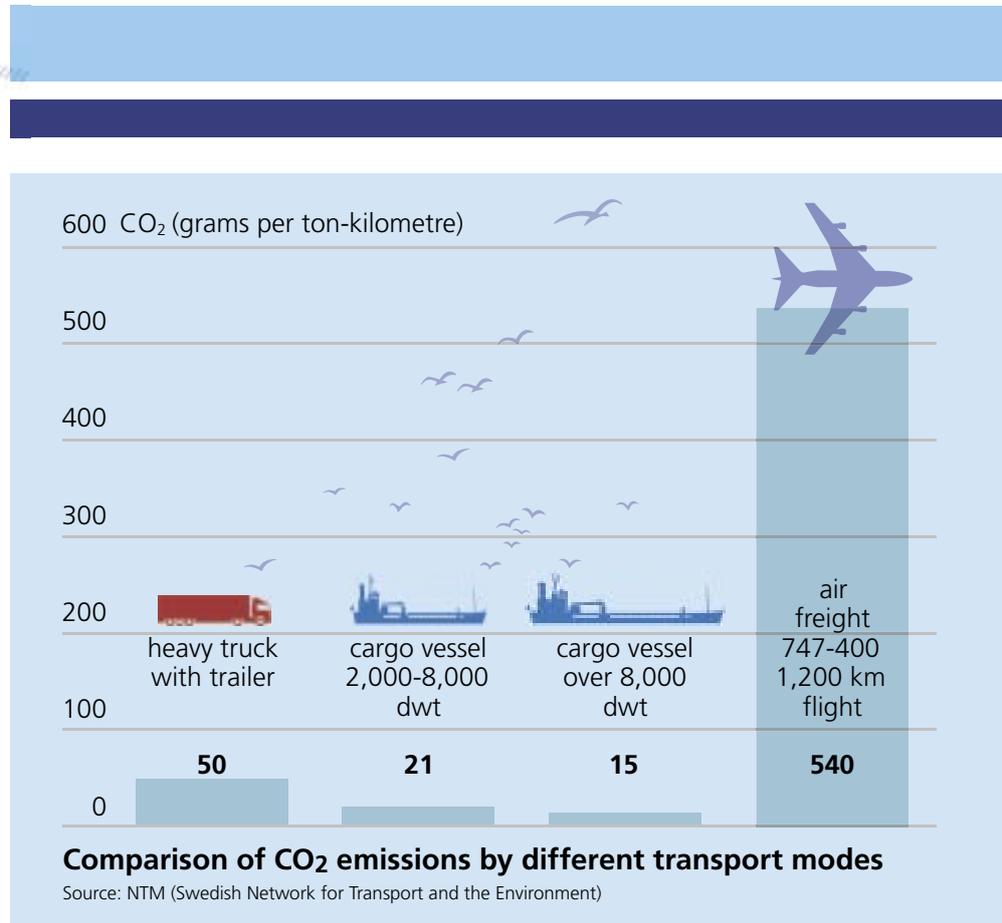


10 Helping to protect the planet

The overall environmental record of shipping is very good compared with most other commercial transport modes and shore based industry. However, shipping is responsible for some 90% of world trade and approximately 5% of global economic activity and, faced with predictions about growth in demand for its services, the world community is understandably keen to ensure that shipping plays its part in combating pollution.

In terms of carbon dioxide emissions, which are believed to be the major cause of global warming, the performance of shipping is impressive, and the transfer of cargo to ships from other forms of transport, where feasible, would help to reduce the 'greenhouse' effect. That said, the industry supports IMO efforts to bring about further emission reductions from ships, on the understanding that agreed standards are applied globally – vital for an industry operating between ports in every nation. It is therefore a matter of regret that the discussions at IMO have been frustrated by several of the emerging economies who argue that an underlying condition of the Kyoto Protocol on climate change, from which IMO authority to address carbon emissions is derived, is that any new IMO CO₂ standards adopted cannot be applied to ships registered under flags of such countries. ICS is working to help ensure that this political obstacle is overcome.

However, assuming that this problem is resolved, the technical means of reducing carbon emissions, through marine engineering and fuel quality improvements, are complicated by the relationship with other forms of



environmental pollution. Measures to effect environmental improvement are never straightforward, and compelling ships to use the very lowest sulphur fuels to mitigate what are essentially local problems could actually increase fuel consumption and carbon emissions. Likewise, a consequence of a previous IMO decision to phase out TBT based anti-fouling paints for ships' hulls may actually be to reduce fuel efficiency, thereby increasing carbon emissions, because of the absence of proven alternatives.

Apart from addressing CO₂, the immediate focus of IMO deliberations on air pollution is how to further reduce emissions of sulphur, nitrogen oxide and particulate matter. MARPOL Annex VI entered into force in May 2005. It has long been accepted that work would then start on more stringent air pollution controls for international shipping, and IMO has indeed already accepted the need for a review of the Annex.

The IMO discussions have been preempted by unhelpful regional EU requirements for a maximum 0.2% sulphur content in fuel for ships at berth from 2010, and Californian legislation demanding a maximum of 0.5% for auxiliary engines up

to 24 nautical miles offshore with effect from 2007. This suggests that pressure might be expected for a lower limit than the current 1.5% cap in IMO Sulphur Emission Control Areas (SECAs). Norway has already proposed that IMO consider a reduced SECA cap of 1%, and far more stringent controls on NO_x emissions, including retrospective requirements on existing engines. It is also likely that the whole of the coastline of Europe, the United States and several other nations may simply become enormous SECAs.

This is a tremendously complicated issue both for the shipping industry and for regulators, and ICS is stressing the need to consider the supply and geographical availability of suitable bunker fuels that can meet any new standards whilst also maintaining quality.

In the longer term, the industry may even need to prepare for what could be a watershed for propulsion system design. Whatever route is taken to reduce air emission levels, there can be expected to be a marked increase in the cost of bunkers, which is already approaching record levels. This would apply whether there is increased demand for low sulphur residual fuel, or future ship designs switch to



alternative fuel types such as distillate. The implications for ships being ordered now must also be considered, in terms of their sustainability as commercial entities throughout their lifespan.

ICS has also been leading the industry input to the discussions on ballast water management. The industry has been disappointed by the slow progress of governments in ratifying the IMO Ballast Water Management Convention, adopted in February 2004, and with developing the detailed technical specifications for new equipment that will be required by ships to comply before 2009.

Throughout the development of the Convention, ICS opposed the use of fixed application dates and the adoption of standards too ambitious to be met by available technology. However, the text adopted was aspirational, with the aim of encouraging scientists and the manufacturing industry to develop new equipment. Work has certainly continued, but it appears that the technology still does not exist. ICS therefore argues that deep water ballast water exchange - which, despite the safety risks, is the only current widespread method - must

continue to be accepted on the basis that more sophisticated ballast water treatment systems cannot be insisted upon until they are generally available.

The shipping industry was amongst the very first to accept its responsibility towards the environment at international level, and MARPOL has been in force for decades. As the pressures on the planet increase, so shipping must continue to play its part in developing measures to reduce the impact on the environment. But common sense dictates that new solutions are far more likely to be successful if they appear practical to those responsible for implementing them, as well as being of benefit to the world in which we live.

Eliminating oil pollution

It is still not really clear how, on a disturbing number of ships, the apparent practice of flagrant infringements of MARPOL requirements concerning the use of oily water separators has been allowed to develop. However, the evidence suggests that a combination of poor equipment design, a lack of environmental awareness, and misguided attempts to save on waste disposal fees are amongst the

root causes. In turn, these imply non-compliance with ISM Code requirements and thus management shortcomings. The problem has become particularly associated with the United States where the size of recent fines imposed on some well-known shipping companies has not only attracted the attention of the entire industry but also, sadly, of the public at large. The continuing lack of adequate waste reception facilities in some ports, despite the obligation of coastal states under MARPOL to provide them, is also a relevant issue, but it cannot be allowed to obscure the fact that these incidents are flagrant breaches of international law.

In an effort to help address this issue, and to demonstrate the industry's 'zero tolerance' with regard to MARPOL violations, ICS and ISF, in co-operation with other industry organisations, have produced a pamphlet on the use of oily water separators, for distribution to companies and their ships. This can be downloaded at www.marisec.org/ows



Notwithstanding the huge increases in the volume of oil carried by sea, the quantity of oil spilt by shipping has reduced dramatically in the last 20 years. Mention must also be made of continuing efforts to prevent the possibility of accidental oil pollution, not least the expected publication in 2006 of a new edition of the International Safety Guide for Oil Tankers and Terminals, produced



jointly by ICS, the Oil Companies International Marine Forum (OCIMF), and the International Association of Ports and Harbors (IAPH). ICS has also played a leading role in deliberations of the European Maritime Safety Authority (EMSA) about the safety implications of the switch to double hull tankers.

Criminal and civil liability

The issue of criminalisation following marine pollution incidents remains both emotive and disturbing. The European Directive on Criminal Sanctions for Ship-Source Pollution, which can subject seafarers and shore based company personnel to large fines and imprisonment for accidental pollution, was formally adopted in July 2005, while broadly similar Canadian legislation was enacted in May 2005.

Roundly criticised by all industry interests, the European and Canadian measures may be seen as symptomatic of a growing political trend towards punishing all pollution, deliberate or otherwise.

Some industry interests, led by Intertanko, are challenging the European Commission through the English High Court, arguing that the Directive is in conflict with EU member states' obligations under the IMO MARPOL Convention. The international shipping industry will be watching this challenge to unacceptable regionalism with sympathy and interest.

The ICS Secretary General participated in the Canadian Senate hearings on amendments to Canada's Migratory Birds Act, which also

introduces ill considered criminal sanctions for accidents. Although widespread industry protestations were unsuccessful, and not helped by the timing of the General Election, Transport Canada did at least indicate that the application of the new law to visiting ships would be in accordance with international practice. However, ICS supports in principle industry interests in Canada which are seeking change to those measures that erode the presumption of innocence in pollution cases.

Also of concern is the section of the European Commission's Third Maritime Safety Package, proposing a new Directive on Civil Liability and the Financial Security of Shipowners, which would also apply to non-EU flag ships trading to Europe. As well as creating a mandate for the EU to negotiate changes to the IMO Convention on Limitation of Liability for Maritime Claims (LLMC) - with a possible ultimate goal of removing shipowners' right to limit liability - it is proposed in the interim that ships using flags not party to LLMC should be subject to a more severe liability regime in Europe, with gross negligence as conduct barring limitation. The Commission also proposes a system of compulsory financial securities for shipowners equivalent to double the limits set by LLMC, and introduction of direct action allowing claims for third party damage to be addressed directly to the P&I Clubs.

With support from the P&I Clubs, ICS and its European counterpart, ECSA, have developed detailed comments to help national associations encourage EU member states to oppose this part of the safety 'package'. ICS is also urging all governments to ratify the



LLMC Convention, if they have not already done so, and thus remove the rationale for measures that will not help global regulatory uniformity and which will undermine the role of IMO.

Another issue relevant to both criminal and civil investigations of maritime accidents is the fair treatment of seafarers detained by investigating officials. The treatment of masters and crews following the trauma of a casualty (such as in the cases of the 'Prestige' and the 'Tasman Spirit', where seafarers were held in custody) led to the formation of a joint IMO/ILO Working Group on the subject, with ISF/ICS providing the official employers' representatives.

At its meeting in March 2006, the Group agreed draft guidelines which will be put to the IMO Legal Committee and the ILO Governing Body for adoption and implementation. The IMO/ILO guidelines address the key responsibilities of detaining states and also deal with the responsibilities of flag states and seafarers' countries of residence. Sections on shipowner and seafarer obligations are also included.

Following their adoption by IMO and ILO, it will be important that the guidelines are promoted widely, by both governments and industry, as the internationally accepted standard for the treatment of seafarers by investigating authorities. While implementation of the guidelines will need to be monitored, it is hoped that they will be successful in protecting the rights of foreign seafarers suspected of safety and pollution offences.



14 Oil pollution compensation

In February 2006, the Assembly of the International Oil Pollution Compensation (IOPC) Fund formally endorsed its welcome decision not to embark on a major review of the oil pollution liability and compensation regimes embodied in the Civil Liability and Fund Conventions, which, with strong encouragement from the oil industry, had been proposed by several governments. In the event, the majority of governments agreed with the shipping industry that a review of the Conventions would be counterproductive to the continuing operation of an effective system, and accepted an industry commitment to develop a mechanism for sharing the overall cost of oil spill compensation equally with oil receivers, outside the scope of the Conventions.

Throughout the discussions, the main goal of ICS had been to keep the current regime intact, given that it has so far been very successful in ensuring that the victims of oil pollution damage have been adequately and quickly compensated in the event of an oil spill, without the need for complex legal arguments.

The industry can feel satisfied with the outcome, which followed a consistent stand by ICS, Intertanko and the International Group of P&I Clubs. The industry must now honour its commitment on sharing the compensation costs. This will involve extending an increased liability limit for smaller ships ('STOPIA') to all nations that belong to the IOPC Fund, together with 'TOPIA', a 50:50 sharing of the highest (third) tier of compensation levels that now apply in many states, up to about US \$1.3 billion for any

incident. This has been guaranteed by a binding agreement between the Clubs and the IOPC Fund, but without any need to rewrite the existing Conventions.

Despite their initial opposition to a voluntary agreement, the oil companies have accepted the outcome gracefully. Together with those governments that originally supported revision, they can perhaps derive comfort from an agreement that involves a further review of contributions after ten years, in order that any imbalance in achieving the principle of equal sharing of compensation can be corrected. However, the industry believes the agreement will continue to provide an equitable 50:50 split.

In the meantime, the discussion about the possible connection between compulsory liability insurance and sub-standard shipping is set to continue, the IOPC Fund having agreed to set up a new working group on such issues. While the industry continues to argue that compensation should not be confused with punishment for causing oil spills, there clearly is a need to ensure that the requirement for compulsory insurance does not allow sub-standard ships to be protected by the mutual insurance system. One particular matter that may need to be looked at is the impact of competition regulation in preventing P&I Clubs from sharing safety information about ships.

Regional developments

A guiding principle of ICS and ISF is to resist national or regional maritime regulatory developments that undermine global uniformity. The European Commission in particular has

come in for justified criticism in recent years in this respect, while the United States is another source of unwelcome local requirements that can conflict with IMO Conventions.



European Union

Tension between the industry and the European Union was particularly high in the aftermath of the 'Erika' and 'Prestige' disasters. Efforts have since been made by industry to improve relations, especially with the Commission and the European Parliament, the latter relatively uninformed about maritime issues. Time will tell if these intensive efforts, including the establishment by industry of a maritime 'Intergroup' within the European Parliament at which topical issues can be discussed, will deliver results.

Notwithstanding industry unhappiness about regional EU regulations on criminal sanctions and competition law, discussed elsewhere in this review, the Commission's Transport Directorate has demonstrated a willingness to be receptive to informed industry input. In close partnership with ECSA, most of whose member national associations also belong to ICS and ISF, much effort has been dedicated to responding in detail to the publication in December 2005 of the Third Maritime Safety Package of proposed EU maritime legislation. This includes measures intended to improve various aspects of the transport chain: flag state performance, port state control



(PSC), the oversight of classification societies, accident investigations, and vessel traffic monitoring (VTM). The package also includes proposals regarding liability for passengers based on the IMO Athens Convention and, most controversially, civil liability, discussed elsewhere.

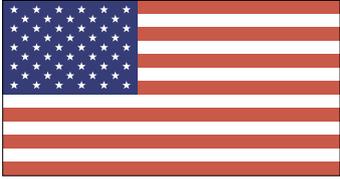
It can be expected to take at least two years for all of these proposals to work their way through the various EU institutions. The PSC proposals in particular are generally welcome. As long requested by industry, they

commit the EU (and by extension the Paris MOU on Port State Control) to dispensing with the requirement for national authorities to inspect 25% of all visiting ships, thereby improving targeting and allowing good ships to experience fewer inspections. However, while these and many of the other proposals will be generally welcome, there will no doubt be legitimate concerns in some EU member states about the increase in competence that they extend to the European Commission at the expense of national authorities.

More generally, ICS remains concerned by European Commission ambitions to increase its influence at IMO, and the clear impact this would have on the quality of IMO decision making. While full EU membership of IMO remains a long term ambition, this has faced resistance from EU member states, and more immediately the Commission is now focusing on efforts to tighten up the co-ordination of national positions at IMO meetings.

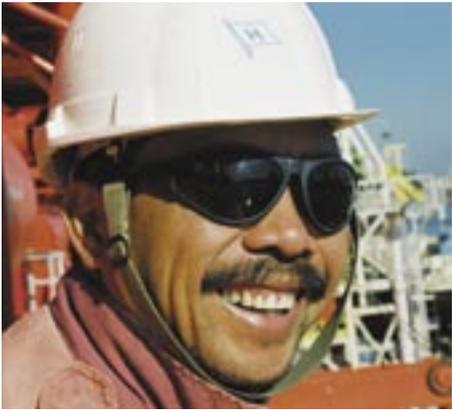
Meanwhile, the so called Borg Review of EU Maritime Policy is well underway.





United States

16



While presenting an opportunity for EU shipowners to influence EU policy on matters that affect their competitiveness, its wide ranging proposals, expected in the first half of 2006, may have implications for EU ambitions at IMO and for the UN Law of the Sea. ICS was therefore quick to provide initial comments to the Review in June 2005.

In the United States, there has been a disturbing increase in the number of measures brought forward by individual US States in conflict with IMO requirements, whether it be air pollution measures, ballast water controls or requirements governing the equipment and operation of tankers. Where such measures are in conflict with Federal Law, the relevant agencies, not least the Coast Guard, have been active in their opposition through the courts. The precedent created by Intertanko's Supreme Court victory in 2000 over the State of Washington's unilateral tanker laws is of great use when US States trespass on the preserve of Federal legislation. In some instances, however, the Federal agencies are limited in what they can do due to the failure of the US to ratify the relevant international Conventions and implement them through Federal law. This was the case with the unilateral air pollution rules

that will probably apply in California in 2007 which require grades of fuel different from those specified by IMO and will therefore be difficult for ships to comply with. ICS endeavoured to stress that California would not be legally entitled to apply these requirements if Congress had already sanctioned the ratification of MARPOL Annex VI, as industry has long been encouraging.

Also of deep concern is the successful case brought by environment groups in a California court which upheld the contention that the US Environment Protection Agency was in breach of its obligations by having failed to require authorisation of ballast water discharges under the terms of the US Clean Water Act. ICS is working with the Chamber of Shipping of America to try to ensure that what is now done by the EPA is consistent with the IMO Ballast Water Management Convention.





Tankers trading to the US have long had to operate a Vessel Response Plan and maintain contracts with oil spill response organisations as part of the Oil Pollution Act of 1990. But from July 2005, and at somewhat short notice, all other types of vessel were also required to submit plans to the Coast Guard. It is unfortunate that the US could not align its requirements more closely with the Shipboard Oil Pollution Emergency Plan required by the MARPOL Convention, complicating the problem for ships trading worldwide. To assist the industry, ICS quickly produced a Model Non-Tank Vessel Response Plan, which is now being widely used by shipping companies operating in the United States.

The need to satisfy the US desire for generally tighter maritime security has

been a challenge for the international shipping industry since 2001, as reported elsewhere. With regard to the longstanding problems created by stricter visa requirements for seafarers, there is still little sign that the US will implement those requirements of the ILO Security of Seafarers' Identity Documents Convention which address the facilitation of seafarers' shore leave and crew transits. This is disappointing since it was the US that initiated the development of the ILO Convention that ISF helped to negotiate in 2003.

ICS and ISF continue to be represented in the United States by the Chamber of Shipping of America, which will be hosting the ICS/ISF Annual General Meetings in May 2006.

Industry image

The image of the industry remains a topical issue, with scarcely a day passing without a conference on some aspect of the subject. But views are mixed on the extent to which it may be a problem, or indeed whether the issue is a negative image or essentially a non-existent one.

What seems indisputable is that there is widespread ignorance of the role of shipping on the part of politicians, the public and the press. While national associations have responsibility for dealing with their respective national media, the international dimension of ICS and ISF has led them to focus on helping the industry demonstrate that it is responsible and transparent. In co-operation with the Round Table of international shipping associations, this has included the development of the Shipping Facts website (www.shippingfacts.com) which is being upgraded during 2006.

In response to demands from its membership, and in addition to the targets of its mainstream lobbying activity, ICS has identified a principal PR audience of policy advisers,





18 politicians and non-maritime media. Some standard messages have been developed for use by members to indicate that, as well as being efficient, low cost and responsible for carrying 90% of world trade, the industry is safe, environmentally sound, and comprehensively regulated. ICS is also currently working on a short DVD/video, 'International Shipping – Life Blood of World Trade', for use by national shipowners' associations during dialogue with policy makers who may have little prior knowledge of shipping or the importance of its international regulatory framework.

ICS has participated in discussions on the establishment of a new Maritime Industry Foundation, initiated by Intertanko and Intercargo, which may enjoy significant funding. The ambition is to create a kind of 'maritime google' - an information database covering all sectors of the maritime industry and a focal point for presenting the industry's role and performance worldwide.

With these endeavours in mind, the industry has greatly welcomed the interest being taken by the IMO Secretary General in promoting

knowledge of shipping's sound performance, and his decision to reinvigorate World Maritime Day in 2005. ICS/ISF and the Round Table organisations produced a special brochure for the occasion explaining the industry's impressive economic and safety record, and the importance of maintaining global regulation for this vital international industry. Some 30,000 copies, plus electronic versions, were circulated to policy makers worldwide.

Ship recycling

The controversy surrounding the recycling of redundant ships gained international press attention in February 2006 by the decision of President Chirac to recall the French warship 'Clemenceau' en route for demolition in India, despite the Indian courts ordering those environmental groups in dispute with the French Navy to stop the spread of false publicity about the safety of the operation. The decision, of course, involved a naval vessel and was clearly influenced by international politics as much as by the facts of the case. Nonetheless, it is an unwelcome distraction from the current practical discussions amongst governments at IMO and ILO on seeking to ensure that merchant ships that have reached the end of their working lives are recycled in yards that are safe for their workers.

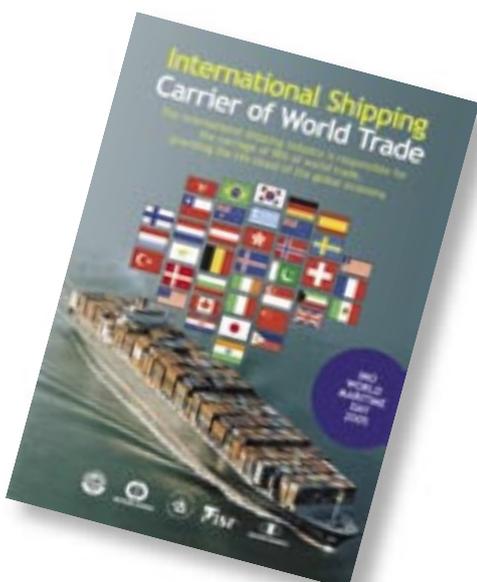
ICS continues to lead the broadly based inter-industry working group on ship recycling, which has developed the industry's position for the debate at IMO about adopting a mandatory Convention on the issue. Industry fully agrees that some areas of the existing IMO Code on ship recycling, which was largely based on guidelines developed by the shipping industry,

should be made mandatory - for example, gas freeing of compartments prior to delivery at recycling yards and the maintenance of inventories of materials that need treating with care. However, not every part of the IMO Code lends itself to mandatory application. Moreover, what will be most important is the establishment of a system of approved recycling yards, demonstrating which facilities meet acceptable safety standards, to which reference can be made when negotiating the disposal of ships.

In December 2005, ICS represented the industry at the second meeting of the IMO/ILO Joint Working Group on ship recycling, which was helpful in that it recognised IMO as being the lead organisation to progress work on this issue and thus reconfirmed the direction it was taking. However, although this position is shared by most EU member states, some European environmental interests continue to promote the concept that ship recycling is subject to the Basel Convention governing the export of hazardous wastes.

Industry is steadfast in maintaining that the Basel Convention was never drafted with ships in mind. Moreover, other considerations aside, there is no indication that Europe in particular would be either willing or able to develop the recycling capacity needed if the export of old ships was restricted, especially given the accelerated phase out of single hull tankers now in progress, which ironically involves the early dismantling of hundreds of ships containing millions of tons of redundant steel.

The undisputed pressure point remains, of course, the working and environmental conditions in







20 the recycling yards in Bangladesh, India and Pakistan, and efforts must continue to ensure that the necessary steps are taken – and perhaps funding provided – to address this problem in a constructive and timely manner.

Safe manning and fatigue prevention

Over the past year, the debate has intensified about manning levels on board certain ships, and the alleged connection with fatigue and maritime accidents. There are claims in some quarters that a few flag administrations may on occasion be 'competing' with regard to the manning levels which they are willing to approve. In 2006, manning will become a major topic for discussion at IMO: all 25 member states of the European Union, with the serious political impetus that that implies, have made a joint submission calling for the IMO Guidelines on Minimum Safe Manning to be reviewed.

To date, the position of ISF and ICS has been that, to the extent such a problem exists, this is only possible because existing international work hour rules and watchkeeping requirements are inadequately enforced. If a ship is insufficiently manned, thereby increasing the potential for fatigue, this should be apparent from its inability to comply with work hour rules, which is one of the main factors which flag states are expected to take into account when approving safe manning levels in accordance with IMO requirements.

ISF, in particular, has been a champion of strict adherence to what in fact are rather complex work hour rules, through the promotion of its Watchkeeper computer software,

which helps ship operators and government inspectors to ensure that ships are indeed operated in compliance with ILO and IMO regulations.

Manning costs, of course, are the single largest variable in ship operations, and crew numbers clearly have an impact on fleet competitiveness. However, there is also a clear concern that the issue of manning and fatigue is casting doubt on the industry's credentials as a safe and quality conscious transport provider. If a large number of governments now appear to believe that the increased workload on board is giving rise to serious fatigue on the part of critical personnel, and that it may be playing an identifiable part in a number of maritime casualties, then industry must be prepared to consider how the problem can be addressed in a constructive manner.

Yet while ISF and ICS recognise that the current IMO Guidelines might at some point need to be reviewed, it will be prudent for IMO to take a broader look at related issues before embarking on what could be a controversial exercise. In addition to questions about the enforcement of existing work hour rules, and whether means might be found to make this easier, account also needs to be taken of the adoption by ILO of the new International Maritime Labour Convention, the relevance of the ISM Code and the introduction of the Voluntary IMO Member State Audit Scheme. Moreover, fatigue is a complex issue and needs to be treated holistically. For example, is the seafarer certification structure required by the STCW Convention sufficiently flexible to accommodate the types of shipboard organisation

that might mitigate fatigue? Should further thought be given to advances in technology, and in particular to the integration of bridge systems and its possible effect on reducing workloads? Also, setting aside the issue of whether the substance of the IMO Guidelines needs to be revised, should consideration be given to clarifying their mandatory status, e.g. by upgrading them to become a Code?

Industry supports the addition of this work item on the IMO work programme to address fatigue and safe manning, but it will be important for IMO to think carefully whether another review of its safe manning Guidelines is necessarily the most effective way to proceed.

Maintaining the global supply of seafarers

In December 2005, ISF and BIMCO published the results of their latest Manpower Update on the Supply and Demand for Seafarers, which was the product of over a year's extensive research, conducted with the assistance of the Institute for Employment Research at Warwick University. Using data collected from maritime administrations and shipping companies around the world, the study has built up a comprehensive picture of the global situation regarding the availability of seafarers for the world's merchant fleet, and updates the previous BIMCO/ISF surveys conducted at five year intervals since 1990.

The Update reveals a continuing shortage of qualified officers of around 10,000, or 2% of the total global officer workforce. There is thus an apparent need to increase training and recruitment, and to improve

BIMCO/ISF Manpower Update 2005

Estimated worldwide SUPPLY of seafarers:

466,000 officers

721,000 ratings

Estimated worldwide DEMAND for seafarers:

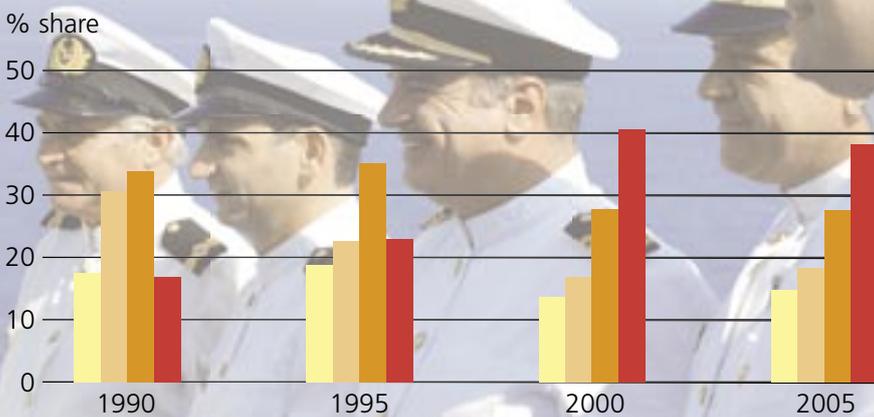
476,000 officers

586,000 ratings

Age Structure for OECD Officers

Source: BIMCO/ISF estimates from company surveys

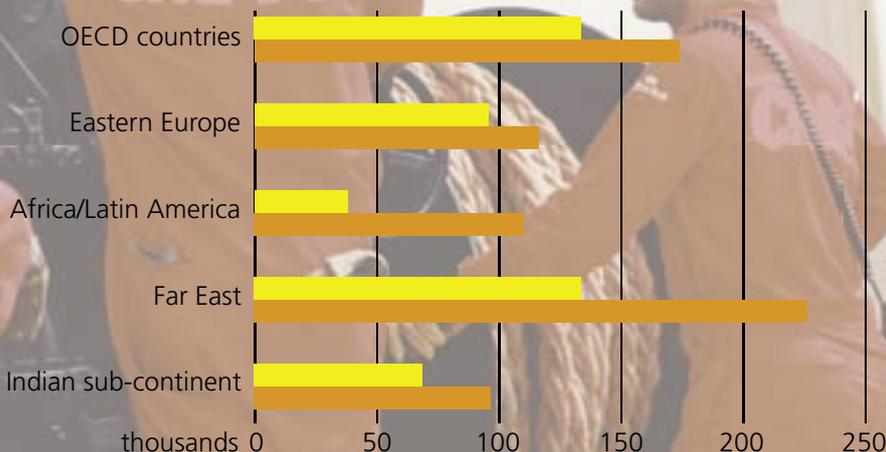
■ Below 31 ■ 41-50
■ 31-40 ■ over 50



Supply by Area of Domicile

(catering and hotel staff excluded) Source: BIMCO/ISF estimates

■ Officers
■ Ratings



retention rates within the industry. At the same time, there is also particular concern about the high age profile of OECD senior officers and the apparent lack of qualified replacements available from elsewhere.

The report also identifies a number of trends: the continuing supply shift from OECD nations to the Far East, South East Asia and Eastern Europe, and an increasing overall demand for seafarers, with particular pressure on certain grades such as engineer officers, and for expanding sectors such as gas carriers, with knock on effects for tanker personnel.

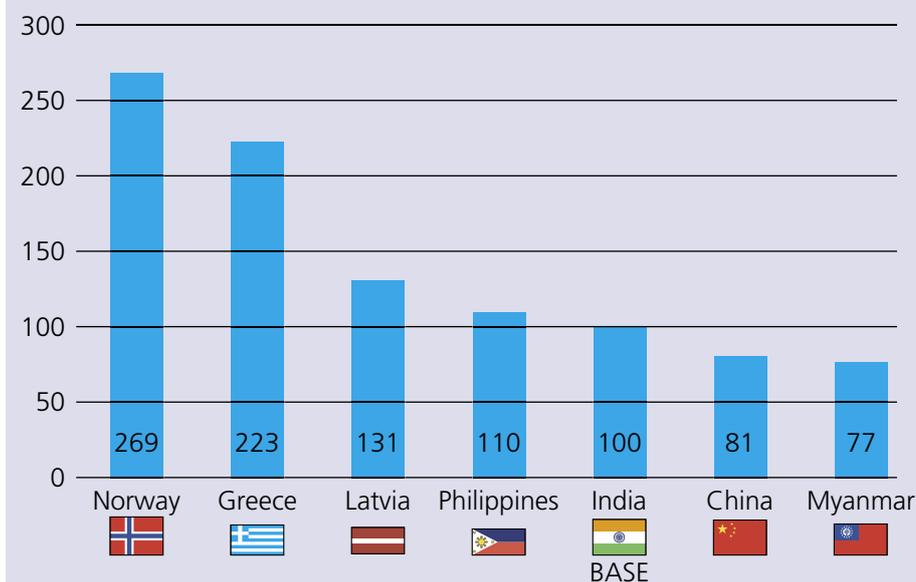
While the overall global shortfall of officers is smaller than predicted by ISF and BIMCO in 2000, certain sectors of the industry are experiencing acute shortages. The expected continuing growth of the world fleet, and likely international pressure to increase manning levels, suggests that the demand for qualified seafarers will continue to increase over the next decade. Such demand can only be met if levels of recruitment are increased, quality training is maintained, and retention rates amongst sea staff are further improved.

The report should once again prove a useful tool for employers and governments concerned with maritime manpower matters, and should next be fully updated in 2010.

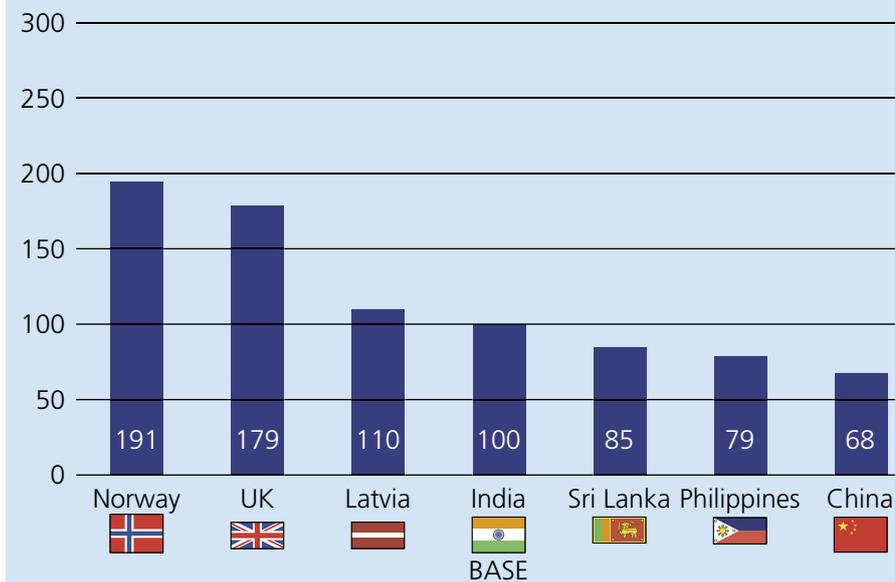




2005 Selective Comparison Wage Costs of Able Seamen



2005 Selective Comparison Wage Costs of Chief Officers



The ILO minimum wage for Able Seamen

ISF, as the international employers' organisation for shipowners, retains responsibility for co-ordinating shipowner representation to the ILO Joint Maritime Commission (JMC) which comprises 20 representatives nominated by national shipowners' associations and an equal number of union representatives co-ordinated by ITF. Although it is an ILO body, uniquely within the ILO system it is bipartite, comprising only shipowners and unions, with no governmental participation.

The most recent JMC meeting was in February 2006, immediately after the ILO Maritime Labour Conference. The JMC elected its new members and decided on its work programme whereupon a sub-group met to agree the revision of the ILO minimum wage for Able Seamen from its current level of \$500 a month to \$515, \$530 and \$545 respectively at the start of 2007, 2008 and 2009, thus providing some certainty for a four year period. Except in developing countries, which can apply a derogation for national flag ships, the new minimum wage has few direct implications for companies in international trade, and is in any case only a recommendation. However, it can have an influence upon other collective bargaining agreements, though ISF does not recognise any direct link between the ILO minimum wage for an AB and any pro rata increases for other grades.

ISF is also closely involved in a discussion at IMO to ensure that the training and competence standards of 'ABs', as opposed to 'Support Level Watchkeepers', are adequately defined within the IMO STCW Convention.



This seemingly arcane discussion, which has been promoted by ITF, is important because it could have implications for wage agreements and the application of the ILO minimum wage.

A review of the STCW training standards

In May 2006, IMO is expected to recommend a wide-ranging review of the IMO Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW). Although the exact parameters of the review have yet to be agreed, and industry has some doubts about the degree of urgency proposed, it seems that most parts of the Convention could potentially be subject to revision. ISF represents maritime employers at IMO and will be making full use of the time available before any detailed work begins to determine which sections of the Convention might actually merit re-examination. STCW was last comprehensively rewritten in the early 1990s, with an unprecedented degree of input from the industry.

The radical amendments to the STCW Convention agreed in 1995 only came into full effect in 2002, and the provisions concerning the need for governments to submit quality standards reports to IMO, concerning their national training and certification systems, were only required to be met as recently as 2004. However, sufficient time has probably elapsed to assess the extent to which the amendments have been a success in fulfilling their underlying objective - restoring confidence in the validity of seafarers' certificates of competence regardless of the country of issue.

STCW 95 appears to have succeeded in establishing the principle that

all maritime administrations have responsibilities for the approval and maintenance of training standards. In addition to labour supply countries, which must approve training institutes and course syllabuses, and ensure that STCW certificates are only issued to seafarers that truly comply with IMO standards, this principle also applies to flag states with regard to foreign seafarers that are permitted to serve on their ships. This is a fundamental change from the days when flag states could simply take the standards of other nations on trust. It is also very important since the majority of the world's seafarers now serve on ships of a different nationality from their own.

A radical feature of the STCW 95 regime was the requirement whereby governments had to submit reports to IMO about the measures they had taken to ensure that international training standards were being met, which led to the publication of the so called 'white list' of nations deemed to be in compliance with STCW. This initial 'white list' was then meant to be augmented by the five-yearly quality standards reports, which, as with the first national reports, were to be carefully scrutinised by panels of experts nominated by other IMO members. The original 'white list' device, and the tacit threat that certificates would not be recognised and jobs might be lost, certainly succeeded in galvanising action by governments to start implementing the new requirements. Anyone visiting training institutes in countries such as the Philippines, India or China cannot fail to be impressed by their overall quality.

However, the fact that virtually all of the countries that submitted the required information to IMO achieved

a place on the 'white list' inevitably attracted some criticism, and there have been questions about the degree of rigour of the scrutiny applied to the five-yearly quality standards reports, and the adequacy of the linkage between the updated 'white list', the continuing recognition of foreign certificates by flag states and their treatment by port state control inspectors.

The fact remains that anecdotal reports about inadequacies in levels of crew competence on the fringes of the industry continue, whilst the supply of high calibre seafarers sought by the majority of companies is getting tighter. Employers have a primary legal and commercial responsibility for ensuring that their multi-million dollar assets are operated by properly qualified seafarers. However, governments also have a responsibility for enforcing the rules. The reality is that in some training institutes, despite approval by their administrations, seafarers are still emerging who do not meet STCW standards. It therefore seems timely that the provisions in the Convention concerning the monitoring and control of enforcement of training standards might be reviewed.

Any such review will also involve a sweep-up of various smaller issues, such as the need to incorporate standards for the grade of Able Seaman, until now governed by an old ILO Convention.

There is no reason to believe that all of the competence standards in STCW will need to be completely overhauled; as stated, the major issue that probably needs addressing is proper enforcement. But a review will provide an opportunity to look at the competence standards for crews on



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tankers and gas carriers, taking full account of the work by the industry, discussed elsewhere in this report, to tackle the need for more uniformly high standards of safety culture on board ships carrying high risk cargoes, as well as the apparent need for greater environmental awareness. Industry led training standards, such as those recently produced by the Society of International Gas Tanker and Terminal Operators (SIGTTO), may also prove relevant to this exercise.

Tanker safety

An Inter-Industry Working Group on Fires and Explosions in Chemical and Small Product Tankers worked throughout 2005 to make recommendations to IMO on the causes of an apparent increase in the number of such incidents. The Group, which has comprised seven industry organisations – CEFIC (chemical industry), IACS, IAPH (ports and harbours), ICS, Intertanko, IPTA (parcel tankers) and OCIMF – reached substantial agreement on its findings. Perhaps disturbingly, the basic conclusion reached was that the most significant contribution to the incidents in question was a failure to follow cargo operation guidelines and procedures at both shipboard and ship management level.

While work has continued in an ICS chaired sub-group on the human element implications of these failures, the Inter-Industry Group has importantly recommended that, as an additional safety measure, IMO should consider amending SOLAS to provide for the application of inert gas to new oil tankers of less than 20,000 dwt and to new chemical tankers. Recognising that this inevitably begs the question of inert

gas in smaller existing tankers, the Group has recommended that any such consideration should include a formal safety assessment study and a cost/benefit analysis.

These are significant recommendations, reflecting the industry's wish to be seen to be acting responsibly following an unacceptable number of operational failures in the sector. The recommendations have been submitted to IMO, for presentation in May 2006.

In the meantime, the US Coast Guard's report on the explosion and loss of the Singapore flag chemical tanker 'Bow Mariner', with major loss of life, was published in January 2006, and included the recommendation that IMO, ICS and Intertanko might form a study group to examine the causes of all tank vessel explosions in the last 5 years involving tank cleaning. It is believed that the analysis of such casualties conducted by the Inter-Industry Group has pre-empted this recommendation and, despite the critical nature of the report in terms of shipboard operating failures, the industry organisations can derive some comfort from the fact that the industry guidance – including the ICS Tanker Safety Guide (Chemicals) – is extensively and approvingly quoted as the authoritative advice on chemical tanker operations.

IACS Common Structural Rules

In November 2005, the International Association of Classification Societies (IACS) published the final version of its new Common Structural Rules (CSRs) governing the construction of tankers and bulk carriers. This has been an important and very ambitious exercise to which ICS and its members



26 have submitted comprehensive and detailed comments throughout the two year development process. IACS implemented the new rules from 1 April 2006.

There has been consensus about the need to improve the robustness of new ships and to ensure that they are fit for purpose throughout their typical 25 year life span. However, there have been real differences of opinion about what precisely this might entail, not least in terms of the extent to which adequate maintenance might be defined, the margins that should be allowed for corrosion, and the precise requirements for extra steel and hull coatings. In a separate development, ICS and other shipowner organisations have been concerned by apparent attempts by shipbuilding interests to water down performance standards for new coatings already agreed by IMO, an issue which ICS hopes will be resolved satisfactorily during 2006.

Throughout the development phase, ICS supported the concept of CSRs as a sensible and probably necessary way of delivering safe ships, and of removing unwelcome competition between class societies, based indirectly upon the differing margins that they were willing to approve. ICS was at the centre of industry discussion with IACS, and with key members of what were in fact two separate exercises: the Joint Tanker Project and the Joint Bulk Carrier Project.

During these discussions, class representatives were receptive to the high level comment from owners, and the process helped to forge stronger links with the industry. The dialogue was also assisted by the continuing round of tripartite discussions involving shipowners' organisations, shipyards

and classification societies, the most recent taking place in Beijing in November 2005. However, IACS had been genuinely surprised at the volume of industry feedback received in reaction to the publication of the first drafts of the CSRs, which resulted in a short postponement to the original planned adoption date.

ICS had always maintained that harmonisation between the tanker and bulk projects was a key goal for the industry, and that both sets of rules should be based upon common design criteria, wherever that was appropriate. Unfortunately, harmonisation came to be viewed as the critical area blocking agreement between IACS members themselves. During the course of 2005, it became apparent that there were differing views between the proponents of the two projects, which were being conducted by different groups of class societies.

However, despite its differences, IACS managed to hold together and, although there are some significant misgivings about the final details of the new CSRs, their adoption is a significant achievement. They are not perfect, and IACS has sensibly indicated that the door remains open for further dialogue with industry about future adjustments to the CSRs, and on a project already announced by IACS to tackle further the question of harmonisation.

IMO Goal Based Standards for ship construction

The debate about the IACS Common Structural Rules has not been taking place in a vacuum, and is closely related to the discussions at IMO about Goal Based Standards for new buildings. Instead of the present situation, whereby broad performance objectives are largely determined by the classification societies, Goal Based Standards were thought to imply a move away from prescriptive regulation towards the achievement of standards based on high level safety and pollution goals set by IMO. Indeed, the original decision by IACS to develop its own CSRs, and its determination to finalise them so quickly, was in part an attempt to influence the IMO discussions.

Progress on Goal Based Standards has undoubtedly been made, and ICS has played an active part in the various IMO working groups that have been established. However, as the discussions have delved more deeply into the technical detail, so the rate of progress has slowed, and there are still differing interpretations amongst governments, class and industry about the exact meaning of some of the essential new terminology. It is still not really clear whether IMO is developing regulations about construction rules or regulations about ships.

ICS had understood that the intention of developing Goal Based Standards was to ensure that IMO had oversight of classification rules. However, much of the debate so far seems to have leaned in the direction of producing prescriptive ship design criteria. Although a prescriptive approach is not necessarily inappropriate, the confusion about terminology, which ICS foresaw





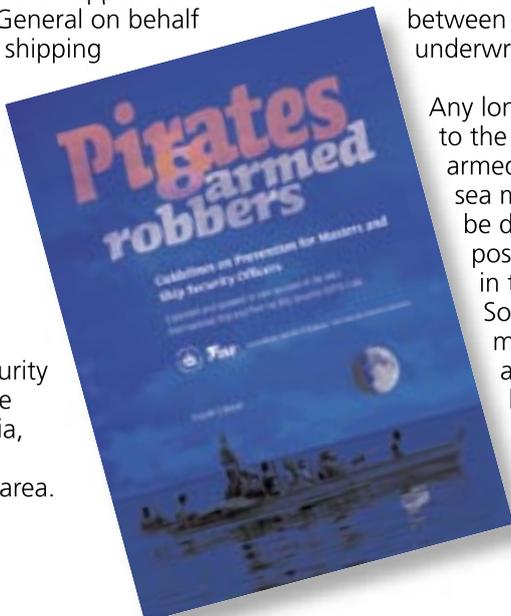
28 at the start of the IMO exercise, has complicated an already difficult topic - the verification of ship designs against the goals to be set by IMO.

ICS believes that IACS cannot be allowed to verify its own rules, which would in effect elevate IACS to becoming a statutory organisation. While this implies that verification could take place at IMO, there is still much uncertainty as to how such a technically complex auditing function might be undertaken by the Organization. These important discussions will continue at IMO throughout 2006.

Armed attacks on shipping

The main focus of current ICS and ISF security activity relates to the perennial scourge of piracy and armed robbery at sea, especially in the vicinity of Indonesia and - a growing problem - off the coast of Somalia.

Concerns about Somalia were brought into focus by the widely reported attack on a United States owned cruise ship in November 2005. This also prompted an ICS/ISF appeal to the IMO Secretary General on behalf of the Round Table shipping organisations and gave momentum to the adoption of an IMO Assembly Resolution in November 2005, which in turn gave rise in March 2006 to the adoption of a resolution by the United Nations Security Council on the issue of piracy off Somalia, encouraging naval intervention in the area.



ICS participated in an important IMO sponsored seminar on problems in the Red Sea region, held in Oman in January 2006, and a similar meeting in Jakarta, in September 2005, that addressed security in the Malacca Strait, where the situation may be improving as a result of increased co-operation between local law enforcement agencies and new air patrols.

There was much unhappiness in the summer of 2005 about the decision by the London insurance market Joint War Committee (JWC) to change its procedure for amending the war risk areas utilised in marine hull war risk contracts, with the Malacca Strait being controversially added due to supposed concerns about the threat of terrorism in the area. ICS was especially disappointed by the lack of consultation with industry. However, in relation to the Malacca Strait, underwriters have subsequently suggested that local governments should provide the JWC with details of security measures recently introduced. In the meantime, the charging of additional premiums has remained a matter for negotiation between companies and underwriters.

Any long term solution to the problem of armed attacks at sea must ultimately be diplomatic (or possibly military in the case of Somalia) and the main thrust of ICS and ISF work has been to help encourage such efforts. Given concern about

international security, the fact that this issue has been taken up at the level of the UN Security Council can only be helpful.

Maritime security

It is around two years since the IMO International Ship and Port Facility Security (ISPS) Code took effect and time has proved it to be less disruptive in terms of control measures than had been feared. This reflects well on the efforts made by companies and their ships to comply with the requirements, and ICS can derive some satisfaction from its contribution in developing industry guidance and a model ship security plan.

A reporting system established by ICS, and its support by Round Table partners, has given ships' masters and security officers a direct route to report problems as they arise, bringing them to the attention of particular port states and flag states, and to the wider international community through IMO. The system is still in operation and it is thankfully evident that fewer problems are now emerging, although new issues may arise as ships have to undertake the intermediate security audits required by ISPS.

It remains the case that port security across the world does not parallel the security measures implemented by most ships. There are many highly secure ports, but in too many others it is impossible to see that much has changed since before the ISPS Code came into force. A particular problem is a continuing unwillingness amongst some officials boarding ships to comply with the ship security plan required by ISPS and to establish their identity. Such a measure is an essential part of keeping the ship



secure, and proving that adequate security is in place at subsequent ports of call.

Elsewhere, and in cooperation with BIMCO, ECSA and the World Shipping Council, ICS remains active in the area of supply chain security, especially at the World Customs Organization in Brussels. As a part of the response to post 9/11 security concerns, the WCO has adopted its 'Framework of Standards to Secure and Facilitate Global Trade'. Work is now underway to finalise the detailed annexes in order to implement the framework. The main concern has been to ensure that there is no unnecessary duplication of measures already covered by the IMO ISPS Code, as well as addressing detailed issues such as new specifications for container seals.

In Europe, ICS has supported the efforts of ECSA to ensure that EU security measures are consistent with those elsewhere, not least in the United States, especially with regard to requiring cargo to be reported to customs authorities 24 hours before loading, in order that suspect cargoes can be identified before they are at sea and are thus very hard to remove.

One particular offshoot of the security debate has been the demand for Long Range International Tracking (LRIT) of ships, promoted by the United States since 2001. Early in the debate, ICS advocated certain principles for the protection of shipowners: that the data should be accorded an appropriate level of protection, that the cost of transmitting tracking data should be borne by the state requiring it, and that the use of existing satellite communication systems would protect the ship from having to interact at all with data transmission. Pleasingly, it

seems that the IMO requirements on LRIT, expected to be adopted in 2006, will embrace these principles.

The advantages to shipping of an internationally organised and administered long range tracking system are obvious. However, there is still a danger that the United States and others could adopt their own tracking systems, which may circumvent the IMO principles on the cost of transmission and on limiting workload for the bridge team.

Also in response to post 9/11 security concerns, in October 2005, IMO adopted amendments to the Convention on the Suppression of Unlawful Acts Against the Safety of Marine Navigation. ICS, ISF and the seafarers' unions co-operated to prevent any erosion of carriers' and seafarers' rights in connection with the possible boarding of ships at sea suspected of transporting weapons of mass destruction. Most industry concerns seem to have been satisfactorily addressed, and any seafarers innocently involved in the suspected transport of bombs or weapons should not end up being treated as terrorists.

UNCITRAL negotiations on cargo liability

ICS has been closely engaged in the negotiations on a new legal instrument on liability for carriage of goods, to modernise the Hague-Visby and Hamburg Rules, under the auspices of the United Nations Commission on International Trade Law (UNCITRAL).

The principal goal of ICS has been to achieve an appropriate balance of risk between carriers and cargo interests.

However, ICS has been frustrated by some of the decisions, for example on liability, at the discussions held in Vienna in December 2005.

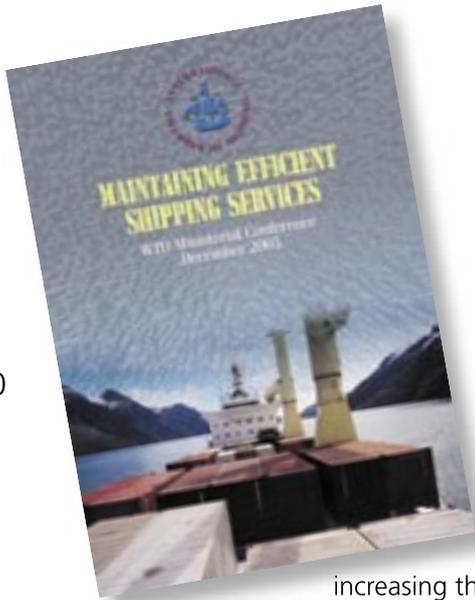
Deliberations have continued at six monthly intervals in New York and Vienna at which ICS, with support from BIMCO and the International Group of P&I Clubs, has been in attendance. Disappointingly, several major governments have elected to be absent from these important discussions, although the United States at least has been actively engaged.

The opportunity to establish international uniformity of regulations that will take account of modern transport developments, including multimodal transport documents and just in time, door-to-door delivery, may not recur for another decade, and ICS is committed to it. However, it is still not apparent at this stage whether an instrument will be developed which will enjoy the broad support of governments and industry worldwide.

Somewhat depressingly, and before the UNCITRAL discussions have even been finalised, the European Commission has already suggested that the EU would be better off developing its own liability regime for the carriage of goods. It is expected that UNCITRAL will conclude its deliberations in 2007.

Maintaining free and efficient maritime trade

The successful completion of a new global trade deal at the World Trade Organization (WTO) is of great importance to shipowners worldwide. New global agreements on trade in products and services should present a major boost to trade, significantly



increasing the demand for maritime transport. Indeed, the recent boom in many shipping sectors has been complemented by China's WTO membership.

Maritime services are but one part of the overall discussions on further global trade liberalisation. But the specific WTO negotiations on maritime services also present a real opportunity to codify the liberal trade practices that already characterise the industry, at least in most international trades.

Shipping (along with aviation) is not covered by the global trade agreement currently in force. Its inclusion in a new WTO accord should therefore help prevent any wholesale return to those negative practices that were far more prevalent prior to the 1990s, although they still persist in places. It is easy to forget that widespread cargo reservation for national shipping companies, and preferential port dues for ships flying different flags, caused serious trade distortions and operational inefficiencies.

ICS has been very encouraged by the efforts of governments in the 'Friends of Maritime Group', including major Asian nations and the European Union (which represents all EU states at WTO), which have been trying to maintain the profile of maritime services in the WTO negotiations by encouraging liberalisation offers from other governments and by making joint requests. In liaison with



the Japanese government, which informally chairs the Friends of Maritime Group, ICS has endeavoured to assist these efforts. To coincide with the WTO Ministerial Conference in Hong Kong, in December 2005, and the working level maritime negotiations that have continued in 2006, ICS produced a special brochure emphasising the importance of liberalised shipping services to the world economy, which was forwarded to WTO trade negotiators by ICS members.

In theory, the controversial WTO negotiations on agriculture are totally distinct from those on shipping. Nevertheless, ICS will continue to encourage governments to recognise that shipping is far too important to be subjected by trade ministers to 'horse trading' during the final stages of the negotiations, possibly sometime in 2007. At the working level, ICS supports the WTO 'model maritime schedule' as the basis for the negotiations.

One cause for concern is the apparent lack of interest displayed by the United States towards serious engagement with the maritime discussions. This

is not helped by a misunderstanding in some quarters that the maritime proposals which most governments (and ICS members) support will somehow affect the US Jones Act and the right of the United States to continue to protect cabotage. At the same time, it is important that others, not least the European Union, recognise the sensitivities on these issues. If the United States does not engage then other nations may also be reluctant to sign up, and there is a danger that there could be no maritime agreement at all.

Present liberal practices in shipping are also protected by a growing number of bilateral maritime agreements between an increasing number of countries, including the United States. Failure to incorporate shipping into the new WTO accord would not therefore be a total disaster, but any subsequent disagreements would not be subject to the WTO's binding dispute resolution system and the industry would lack the legal certainty provided by a multilateral agreement. It will therefore be most important for governments to ensure that this major opportunity is not lost for want of trying.





Competition rules

Liner shipping conferences have existed for over a hundred years and have facilitated the phenomenal success of international container shipping for almost 40 years. They have served to provide stability in what are generally volatile and cyclical markets, helping to guarantee the adequacy and efficiency of maritime services to the shipping industry's customers. In Europe at least, in conflict with accepted practice in the rest of the world, conferences may soon be forced to disband.

In December 2005, the European Commission published its final proposal to repeal the block exemption for liner conferences, as laid down in Council Regulation 4056/86. As expected, the Commission wants liner conferences to be abolished, but suggests that the repeal of the block exemption should not take effect until two years after adoption of the proposal by the Council of Ministers, which will also involve consultation with the European Parliament.

The Commission also intends to issue Guidelines on how to apply competition rules to all forms of co-operation in the maritime transport sector, including such issues as information exchange, publication of price indexes and a common formula for charges and surcharges. It is understood that these Guidelines will be finalised by the end of 2007, before the new regime is implemented, but that an interim guidance paper will be published in Autumn 2006.

ECSA and the European Liner Affairs Association (ELAA) are leading the continuing resistance amongst EU member states and, to the extent

that it has influence, within the EU Parliament. Discussions are also focusing on what might be permitted under any new regime, such as co-operation on statistics and the formulation of surcharges. ICS is assisting on the international front. The EU Competition Directorate has applied a somewhat ideological and legalistic approach to the regulation of liner shipping. Moreover, the Commission has made its proposal without completing any proper analysis of the effects upon its international trading partners.

If the EU proceeds with its plans to make participation in conferences illegal, this will also affect non-EU companies that take part in conferences trading to Europe, despite the fact that conferences may be perfectly legal in the country at the other end of the voyage. Japan has expressed concern to the EU, and ICS is encouraging other non-EU nations to seek clarification from the Commission about a situation which, although possibly not presenting a 'de jure' conflict of regimes, would seem to result in conflicts of practice in Asia, the United States and South America, where liner conferences are explicitly permitted.

Following dialogue between the Singapore competition authorities and the industry, represented by ICS and Asian national shipowners' associations, Singapore announced in 2005 that it also intends to issue a block exemption for liner conferences. This may have significance for the survival of conferences in non-European trades, providing an example to be followed by other nations in the region as they adopt more complex forms of general competition regulation. In Australia, the government's response to the Australian Productivity Commission's

enquiry about maritime competition rules, to which ICS submitted comments, had still not been published at the time of writing. However, Australia is expected to permit the continuation of at least some forms of co-operation between shipping companies in international trades, and some liner conferences may still be permitted on a case by case basis.

ICS is also co-operating with ECSA in order to provide advice to non-EU shipping companies about the new enforcement powers that the EU will soon be able to exercise over all other kinds of shipping. Although the applicable competition rules will be the same, this change, expected in 2009, has prompted questions about whether companies should double check that they comply with the strict letter of the law, especially in the light of hundred million dollar EU fines (subsequently annulled) on some container lines in the 1990s.

However, ECSA and ICS have advised companies to await the informal interim guidance that the European Commission is expected to produce in the course of 2006, before seeking costly legal advice. So far as the vast majority of the industry is concerned, there is no reason to believe that companies should actually have any problems as a result of the Commission's new enforcement powers.

The Consultative Shipping Group of governments

ICS is an enthusiastic supporter of the Consultative Shipping Group (CSG) of maritime administrations, which involves European nations, Japan and the United States, and which may soon be expanded to embrace major maritime nations from Asia, to reflect

the shift in the centre of gravity of maritime interests that has occurred in the last decade or so.

Following the final disbandment of the OECD Maritime Transport Committee in 2005, the potential vacuum created by its absence would be all the more significant without the CSG, which still provides a forum for senior maritime policy makers to exchange information on maritime trade and policy issues. The CSG can help ensure the harmonisation of shipping policy and the maintenance of a healthy competitive environment that will enable the shipping industry to continue meeting the needs of the world economy.

Shipping may now be very liberalised, but there are still occasions when it is helpful to have recourse to a body such as the CSG, which can make representations on shipping issues, as was done in Indonesia in early 2006 in response to government interference with terminal handling charges.

However, the principal ICS interest in the preservation of the CSG relates to longer term considerations. While at present there may be relative harmony on policy issues between the major maritime nations, the situation could easily change, in which event the CSG could provide an invaluable means of helping to resolve differences and misunderstandings on questions which cannot be foreseen.

With encouragement from ICS and the Chamber of Shipping of America, the CSG will be having its next two yearly meeting with the United States in parallel with the ICS/ISF Annual General Meeting in Washington in May 2006.



Canal issues

May 2005 saw the first stage of the introduction of the Panama Canal Authority's new charging mechanism for ships carrying containers. Aimed at correcting an alleged anomaly in the way in which container ships had been charged in the past, the new system marked a changeover from a tonnage based mechanism to one based on container carrying capacity. While ICS had made clear its opposition to the size of the proposed charge (an increase from an equivalent of \$32 per TEU to \$54 by May 2007), the new proposals have taken some account of industry concerns, and the first stages of the two year transition period appear to have taken place without any major problems.

The PCA's main challenge, however, still lies ahead, as the Canal continues to operate increasingly close to capacity. The Panamanian referendum

on the expansion project, expected to take place in November 2005, has been put back and the details of the financing of a third set of locks therefore remain unclear. However, the industry can expect long term Canal 'surcharges' to fund what will undoubtedly prove to be a hugely expensive, if very necessary, project.

Meanwhile, the Suez Canal Authority (SCA) has introduced a 3% toll increase from March 2006, to offset higher fuel prices and recent currency fluctuations. While this comes on top of a similar rise in tolls last year, 2005 marked the first across-the-board increase since 1993. Despite a greater notice period this time around, ICS continues to press for realistic notice periods and to encourage the SCA to consult more widely with Canal customers.



Administrative matters

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Maritime International Secretariat Services Limited (Marisec) continues to be responsible for the employment of staff and the provision of secretariat services to ICS and ISF, whose officers are the ex-officio directors. Marisec also provides services to the International Support Vessel Owners' Association (ISOA) and the International Maritime Employers' Committee (IMEC).

In May 2005, the Annual General Meetings of ICS and ISF were hosted by the Danish Shipowners' Association at their headquarters in Copenhagen, in conjunction with the centenary celebrations of BIMCO. The 2006 AGMs will be held in Washington DC at the kind invitation of the Chamber of Shipping of America.

ICS and ISF have continued to work closely with the leading direct-entry international trade associations - BIMCO, Intercargo and Intertanko. The 'Round Table' adopted a strategic plan in 2005 in order to avoid unhelpful duplication of activities, and to improve co-ordination of representation on those issues on which it is far more effective for the industry to speak with one voice.

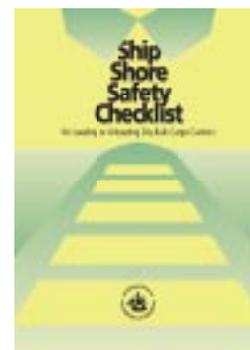
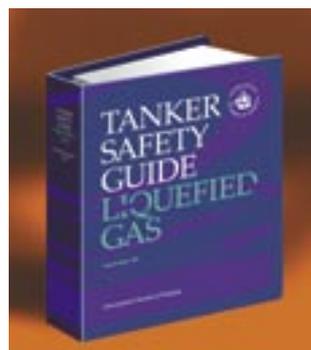
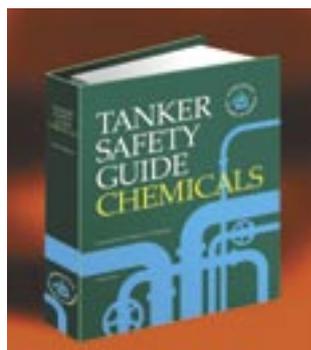
In 2006/2007, ICS will be sponsoring another student at the World Maritime University in Malmö. The previous WMU student sponsored by ICS, Mr Fred Asiedu-Dartey (Ghana), successfully completed his Master's degree in Maritime Administration and was elected 'Student of the Year'.

July 2005 saw the retirement of ICS Trade and Operations Adviser, Brian Parkinson. He was prominent both for his work on ship security post 9/11

and for acting as the principal industry spokesman at IMO and in other agencies on ship recycling. He was also responsible for trade procedures activities on behalf of ICS.

Meanwhile, reflecting the growing importance of publications activities, Clare Hall has been recruited as Publications and Marketing Executive to give new focus to this aspect of ICS and ISF work.

Finally, it is a pleasure to report that ICS/ISF Secretary General, Chris Horrocks, was awarded the CBE (Commander of the British Empire) in the British government's new year's honours list for 2006. In addition to being a considerable personal honour, the award is a welcome reflection of the esteem in which ICS and ISF are held. Having been Secretary General of ICS since 1978, and taking over responsibility for ISF in 1990, Chris Horrocks will be retiring as ICS/ISF Secretary General during the course of 2006.



Publications

The production of publications and guidance for ship operators remains a central activity of ICS and ISF, using the vehicle of 'Marisec Publications'.

The highlight of 2006 will be the publication of the latest and fully revised edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT) in conjunction with the Oil Companies International Marine Forum (OCIMF) and the International Association of Ports and Harbors (IAPH). Publication has been held back slightly to take account of new research on static electricity, and recent lessons and subsequent industry recommendations concerning the use of inert gas. This major revision will also draw on experience gained globally from the operation of the double hull ships that now comprise the majority of the international tanker fleet.

2005 witnessed the publication (with OCIMF) of a new edition of the Ship to Ship Transfer Guide (Petroleum). Also due in 2006 are a revised Model Ballast Water Management Plan and advice on compliance with the new IMO Convention on Ballast Water Management; guidance on the new ILO Maritime Labour Convention; and an update of the ICS Environment Code.

In addition to collaborations with IT Energy on the ISF Watchkeeper work hours software, and Marlins Training on maritime English training products, Marisec Publications is now also marketing material on behalf of the UK P&I Club. Information about these, and the comprehensive range of ICS and ISF publications, can be found at www.marisec.org/pubs

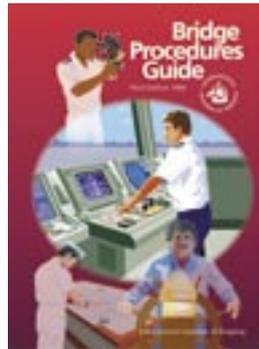
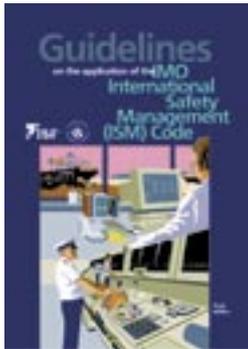
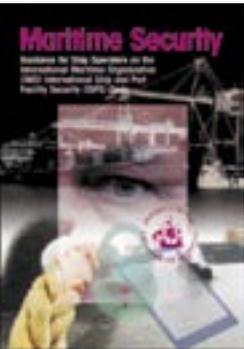
OBITUARIES

Sir Frederic Bolton MC

Sir Frederic (Tim) Bolton was President of ISF from 1973-1982, as well as President of the British Shipping Federation from 1972-1975, becoming the first President of the General Council of British Shipping when it was formed in 1975. He was a director of several British shipping companies, including the BP Tanker Company and the shipping arm of British Railways.

James Rice-Oxley CBE

James (Jim) Rice-Oxley became Director of ISF in 1967 and led the maritime employers' group at the 1976 ILO Maritime Conference which developed the Merchant Navy (Minimum Standards) Convention, ILO No 147. He was also a Deputy Director General at the General Council of British Shipping, before his retirement in 1980, but continued to serve as Chairman of the UK Merchant Navy Training Board until 1997.



ICS Executive Committee

- Mr Rolf Westfal-Larsen *Chairman*
- Mr David Sterrett *Australia*
- Mr Andreas Droussiotis *Cyprus*
- Mr Torben Janholt *Denmark*
- Mr Spyros M Polemis *Greece*
- Mr Robert Ho *Hong Kong*
- Mr Minoru Sato *Japan*
- Mr Samuel Cooperman *Liberia*
- Mr Silverio Di Costanzo *Mexico*
- Mr Harry Heijst *Netherlands*
- Mr Terje Andersen *Norway*
- Mr Håkan Larsson *Sweden*
- Mr Michael Everard *United Kingdom*
- Mr Charles Kurz II *United States*

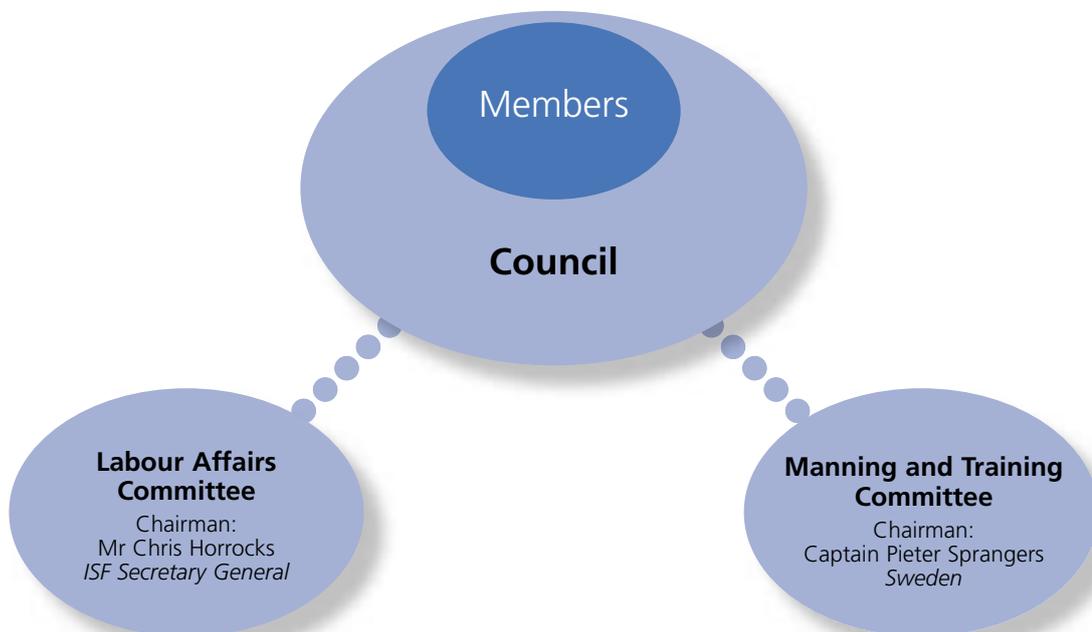
ISF Council

- Mr Rolf Westfal-Larsen *President*
- Mr Lachlan Payne *Australia*
- Mr Hans-Georg Wurmböck *Austria*
- Mr Nicolas Saverys *Belgium*
- Mr P S de Mello Cotta *Brazil*
- Capt Gueno Guernov *Bulgaria*
- Mr Don Morrison *Canada*
- Mr E Strelow Castillo *Chile*
- Mr Cheng Zhongbiao *China*
- Mr Andreas Droussiotis *Cyprus*
- Mr Leif Kristian Nielsen *Denmark*
- Mr J Laaksovirta *Finland*
- Mr Patrick Decavele *France*
- Dr Hans-Heinrich Noll *Germany*
- Mr Spyros M Polemis *Greece*
- Mr Arthur Bowring *Hong Kong*
- Mr Sabyasachi Hajara *India*

- Capt Eddie Keane *Ireland*
- Capt Frank Preece *Isle of Man*
- Dr Giovanni Delle Piane *Italy*
- Mr Yasuhide Sakinaga *Japan*
- Mr C J Park *Korea*
- Capt Saad Al-Matouq *Kuwait*
- Mr Joe Ludwiczak *Liberia*
- Mr Luis Ocejo *Mexico*
- Mr Harry Heijst *Netherlands*
- Mr Paul Nicholas *New Zealand*
- Mr Terje Andersen *Norway*
- Mr Syed Mahmood Ali *Pakistan*
- Mr Carlos Salinas *Philippines*
- Mr Manuel Carlier *Spain*
- Mr Håkan Larsson *Sweden*
- Mr Mark Brownrigg *United Kingdom*
- Mr Joseph Cox *United States*



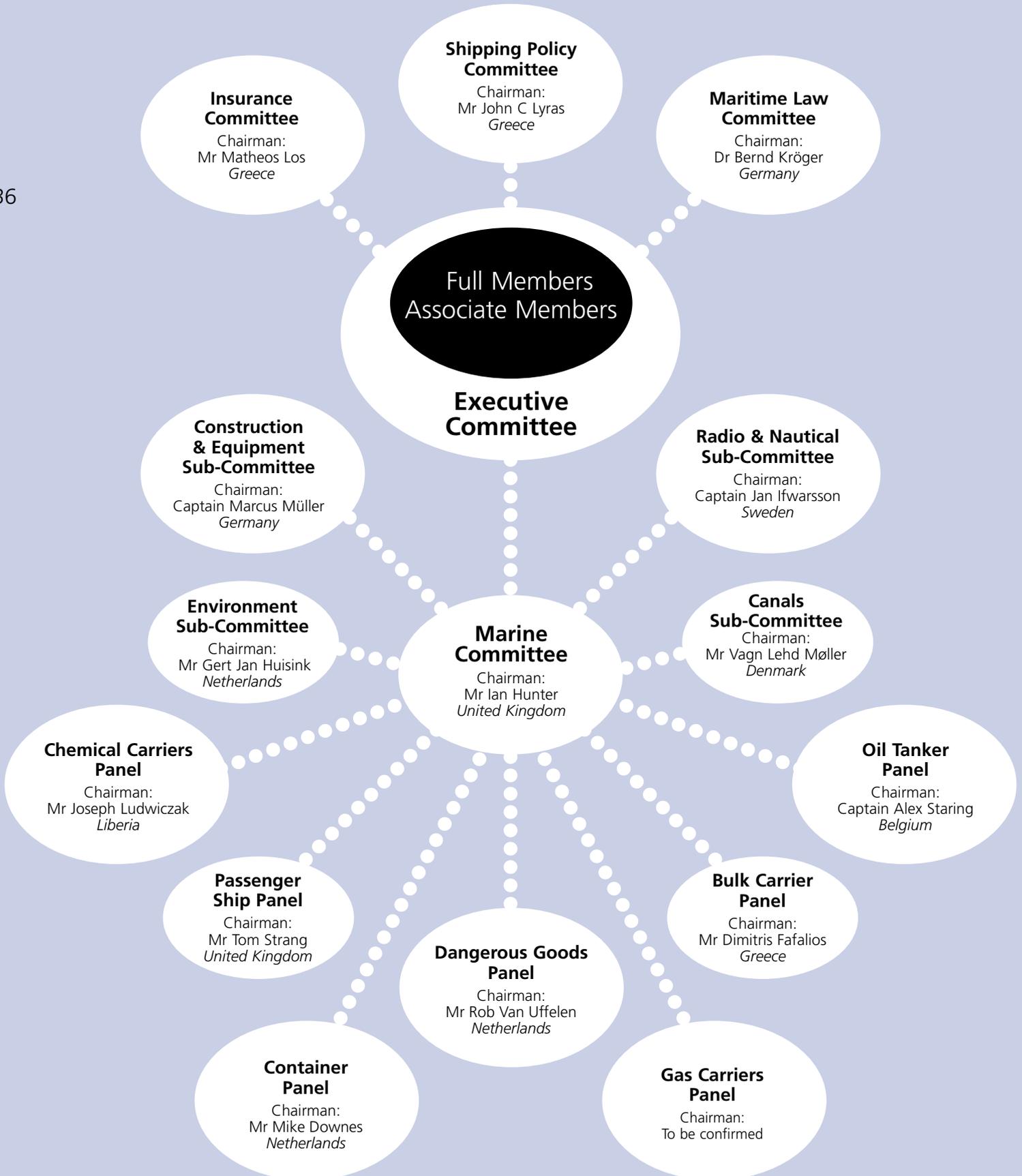
Organisational Structure





ICS Organisational Structure

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