

出國報告（出國類別：其他）

## 參加第 27 屆亞洲船東論壇會議報告

服務機關：交通部航港局

姓名職稱：陳副局長賓權、謝宗翰科員

派赴國家：香港

出國期間：107 年 5 月 14 日至 16 日

報告日期：107 年 6 月 15 日

## 行政院及所屬各機關出國報告提要

出國報告名稱：

參加第 27 屆亞洲船東論壇會議報告

頁數 50 含附件：是否

出國計畫主辦機關/聯絡人/電話

交通部航港局/謝宗翰/02-89788087

出國人員

陳賓權/交通部航港局/副局長/02-89782999

謝宗翰/交通部航港局/科員/02-89788087

出國類別：1 考察2 進修3 研究4 實習5 其他

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出國地區：

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報告日期：

107.06.15

分類號/目

H3/航運港埠管理

關鍵詞：

亞洲船東論壇(Asian Shipowners' Forum ; ASF)、亞洲船東協會(Asian Shipowners' Association ; ASA)

內容摘要：

根據聯合國貿易和發展會議 (UNCTAD) 2017 年海運市場回顧報告指出，亞洲港口貨櫃吞吐量占全球 64%，全球一半以上貨櫃經由亞洲運輸，且亞洲船東協會(ASA)代表的船隊佔世界商船噸位的 50%以上，論壇的「聯合聲明」已成為亞洲航運界很有見解之呼聲，對制定各國際航運法規產生積極影響。亞洲船東協會(ASA)是由 8 個會員(含我國之中華民國輪船商業同業公會全國聯合會)組成，其宗旨係為亞洲船東建構溝通、合作平臺，協調亞洲船東的訴求，辦理「亞洲船東論壇」，俾促進亞洲海運產業的利益；為此，各船東協會依地理位置，由北至南每年輪值 ASA 主席一年，除辦理年會之各項活動外，該協會下設「海運政策」、「船舶資源回收」、「船員」、「航行安全與環保」及「船舶保險與責任」等 5 個常設專業委員會，討論各項海運議題，尋求亞洲船東一致的共識。

今年第 27 屆年會，輪由香港船東協會主辦，論壇邀請亞洲防止海盜威脅合作組織資訊中心 (ReCAAP ISC)、香港船東協會(HKSA)、香港東方海外公司(OOCL)、中國工商銀行(ICBCL)、挪威船級社(DNV GL)及波羅的海國際航運協會(BIMCO)等就海盜及武裝劫持、智慧-自動化航運之「技術面、科技面、財務面、營運面」及 2020 年實施低硫油之未來挑戰等議題，進行演講討論，加強亞洲船東與國際航運組織交流，創造合作機會。

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## 壹、目的

亞洲船東協會成立宗旨為亞洲船東建構溝通、合作平臺，協調亞洲船東的訴求，據以發出一致的聲音，辦理「亞洲船東論壇」，俾促進亞洲海運產業的利益。會員計有中華民國輪船商業同業公會全國聯合會、澳洲船東協會、大陸船東協會、東南亞國協船東協會(含菲律賓船東協會、印尼船東協會、馬來西亞船東協會、新加坡船東協會、泰國船東協會、越南船東協會、緬甸船東協會)、香港船東協會、印度船東協會、日本船東協會、韓國船東協會等 8 個會員計 13 個國家(香港為特別行政區)。

根據聯合國貿易和發展會議 (UNCTAD) 2017 年海運市場回顧報告指出，亞洲港口貨櫃吞吐量占全球 64%，全球一半以上貨櫃經由亞洲運輸，且亞洲船東論壇代表的船隊佔世界商船噸位的 50%以上，論壇的「聯合聲明」已成為亞洲航運界很有見解之呼聲，對制定各國際航運法規產生積極影響。

本次年會我國由中華民國輪船商業同業公會全國聯合會(以下簡稱「全國船聯會」)林理事長文博擔任團長，成員有光明海運公司葉董事長陳輝、萬海航運公司陳副董事長力及陳董事致超、陽明海運公司董協理加亭、長榮海運公司李副協理華龍、交通部航港局陳副局長賓權及謝宗翰科員、全國船聯會許洪烈秘書長及林沛樵副秘書長等 10 員，自 107 年 5 月 14 日至 16 日止，主要目的係瞭解國際海運最新資訊，並與亞洲船東協會各主要成員國交流創造合作機會。

## 貳、行程

本次行程依預定計畫於 107 年 5 月 14 日自桃園機場出發，相關行程如下表：

日期	行程
第一天 5月14日(星期一)	<ul style="list-style-type: none"><li>● 搭機前往香港 (桃園國際機場→香港)</li></ul> <p><u>下午 2 時第 27 屆亞洲船東年會開始</u></p> <ul style="list-style-type: none"><li>● 亞洲船東主席會議(ASA Chairmen' s Meeting)</li><li>● 新聞稿起草會議(Press Release Drafting Meeting)</li><li>● 歡迎晚宴(Welcome Dinner)</li></ul>
第二天 5月15日(星期二)	<ul style="list-style-type: none"><li>● 委員會分組會議(5 Standing Committee Meeting) (計「海運政策委員會」、「船舶資源回收委員會」、「船員委員會」、 「航行安全與環保委員會」及「船舶保險與責任委員會」)</li><li>● 亞洲船東年會(ASA Annual General Meeting)</li><li>● 新聞稿定稿會議(Press Release Finalisation Meeting)</li><li>● 亞洲船東年會論壇(ASA Shipping Forum)</li><li>● 大會晚宴</li></ul>
第三天 5月16日(星期三)	<ul style="list-style-type: none"><li>● 參訪行程暨頒獎典禮</li><li>● 搭機返國(香港→桃園國際機場)</li></ul>

## 參、論壇紀要

### 一、亞洲船東主席會議(107年5月14日；14:00-16:00)

新加坡 ASA 永久秘書處與中華民國輪船商業同業公會全國聯合會、澳洲船東協會、大陸船東協會、東南亞國協船東協會、香港船東協會、印度船東協會、日本船東協會、韓國船東協會等 8 個協會主席及秘書長等人舉行閉門會議。

### 二、聯合聲明起草會議(107年5月15日 16:00-17:00)

由 ASA 秘書長主持，亞洲船東協會 5 個常設專業委員會委員代表出席，討論本屆亞洲船東年會「聯合聲明」新聞稿草案，草案係由 5 個常設專業委員會於年度中分別召開會議，將關鍵議題提送 ASA 秘書處彙整，於年會前召開會議研議。

### 三、專業委員會分組會議(107年5月15日；8:30-9:30)

亞洲船東協會下設 5 個常設專業委員會，討論各項海運議題(如圖一、圖二)，並尋求一致的共識：

(一) 海運政策委員會(Shipping Policy Committee；SPC):由日本船東協會擔任主席，關注海運產業相關政策發展，為亞洲船東提供建議，本屆報告議題如下：

#### 1. 國際海運政策之發展

##### (1) 美國貿易政策:

A. 自 2018 年 3 月 23 日起美國對進口鐵製品及鋁製品分別徵收 25%及 10%的關稅，引起大陸於同年 4 月 2 日起針對美國進口之各項產品(如豬肉製品、水果、堅果產品、鋼製品及鋁製品等)加徵關稅，間接影響鄰近國家。

B. 歐洲船東協會(ECSA)於 3 月發布新聞稿聲明反對美國加徵關稅引發大規模的貿易戰，並呼籲美國及同行應遵守海運長久以來的自由貿易原則。

##### (2) 多邊貿易協定：

A. 世界貿易組織 WTO 貿易協議與服務貿易協定(Trade in Service

Agreement ,TiSA)協商目前進度暫緩。

B. 跨太平洋夥伴協定(Trans Pacific Partnership,TPP11)於 2018 年 3 月 8 日由澳洲、加拿大、日本、馬來西亞、墨西哥、紐西蘭、新加坡、越南、汶萊、智利及秘魯等 11 個國家簽署，英國脫歐後有興趣加入。

(3) 反壟斷豁免：

A. 印度對船舶共享協定(VSA)豁免暫時延期至 2018 年 6 月、馬來西亞對船舶共享協定(VSA)及限制性自願協議(VDA)豁免延長至 2019 年 7 月、歐盟對聯盟豁免延長至 2020 年 4 月。

B. 囿於託運人對前開各豁免表達反對立場，國際航運委員會(World Shipping Council, WSC)、國際航運協會(ICS)及歐洲船東協會(ECSA)要求更進一步的展延。

2. 各國保護法規

(1) 美國：自 2020 年至 2024 年，15%液化天然氣 LNG 及原油出口必需由美國籍船舶載運；2025 年後提升至 30%。

(2) 俄羅斯：限制於俄羅斯境內生產的原物料(如油、天然氣、煤等)，如在北海航線的水域運輸，必需由該國船舶載運。

(3) 印尼：

A. 措施-出口煤及棕櫚油必需由印尼籍船舶運送業及保險公司服務，政府採購進口之米或商品亦需由本國籍船舶運送業運送。

B. 國際上包括國際航運協會(ICS)、歐洲船東協會(ECSA)、日本官方等對印尼實施前開保護政策均提出反對立場。

C. ASA 亦於 2018 年 3 月 15 日發表立場聲明，略以：印尼發布之貨物保護規則影響國際海運貿易秩序，不但與長期以來自由貿易原則相違悖，且違反了印尼參加國際服務貿易總協定(GATS)之義務，因此期望印尼政府能重新檢討該規則之實施。



圖一 海運政策委員會分組會議



圖二 海運政策委員會分組會議-陳副局長發言

- (二) 船舶資源回收委員會(Ship Recycling Committee ; SRC):由我國全國船聯會擔任主席，關注世界拆船業的動態，以及各國對拆船業的新規定。
- (三) 船員委員會(Seafarers Committee ; SC):由大陸船東協會擔任主席，關注世界船員發展及保障。



(四) 航行安全與環保委員會(Safe Navigation & Environment Committee ; SNEC):由東南亞國協船東協會擔任主席，關注 IMO 和其他組織以及各國在航行和環境保護的最新動態。

(五) 船舶保險與責任委員會(Ship Insurance & Liability Committee ; SILC):由香港船東協會擔任主席，研究船舶保險有關事宜，關注油污賠償責任的最新動態。

#### 四、亞洲船東年會大會(107年5月15日；9:45-11:45)

(一) 大會主席及人數:由輪值 ASA 主席香港船東協會 Jack Hsu 會長主持，與會人數計 151 人，如圖三、圖四。

(二) 主席致詞:近年航運業充滿挑戰性，亞洲船東協會提供絕佳的機會，讓亞洲船東能就航運界最新議題交換彼此觀點並建立共識，透過每年舉辦論壇，亞洲船東齊聚一堂，針對國際上海運最新議題相互協調討論，確立亞洲船東同一立場，據以公開呼籲，對各國際航運業界發生一定之影響力。

(三) 會議程序為 ASA 秘書長報告、5 個常設專業委員會主席報告、財務報告、下屆主席與副主席選舉、下屆年會舉辦時間與地點。



圖三 亞洲船東年會大會

(四) 各委員會主席報告摘要如下：

1. 船員委員會：

- (1) 2017 年 11 月聯合國安全理事會(United Nations Security Council) 指出一年後將授權海軍參與對抗索馬利亞海盜。
- (2) 為保障船員權益，亞洲船東協會敦促海事勞工公約(MLC)2014 年修正案有關遺棄船員之賠償金保證機制應儘速生效。
- (3) IMO 海事安全委員會(Maritime Safety Committee, MSC) 呼籲各港口國密切注意 IMO 之最新通告，如船舶符合最低安全船員配置文件(Minimum Safe Manning Document, MSMD)，則港口國官員不應要求其其他文件。
- (4) 2017 年 6 月 IMO 海事安全委員會(MSC)採用海事網路風險管理指導原則及安全管理系統加入海事網路風險管理之決議案。
- (5) 目前仍有一些港口無法克服船員簽證問題及 IMO 將進行未來自動化船舶營運之法規檢討，恐影響船員發展等。

2. 海運政策委員會：

- (1) 美國及大陸貿易戰對各國之影響。
- (2) 服務貿易協定(Trade in Service Agreement ,TiSA)及跨太平洋夥伴協定(Trans Pacific Partnership, TPP11)等多邊貿易協定近期發展。
- (3) 低硫燃油及二氧化碳數據蒐集系統等環境議題。
- (4) 美國、俄羅斯及印尼提出保護政策。
- (5) 各國對航運產業反壟斷豁免之規定。
- (6) 反貪污收賄議題。

3. 船舶保險與責任委員會：

- (1) 西班牙高等法院對聲望(Prestige)號油輪案之判決，違反油污損害民事責任公約(International Convention on Civil Liability for Oil Pollution ,CLC)及國際油污補償基金(The International Oil Pollution Compensation Funds ,IOPC Funds)之責任賠償機制。
- (2) 法國通過之環境污染法案，對污染採無限責任亦與國際公約之規定有扞格。
- (3) IOPC Funds 2017 年採用新的指導原則。

(4) 歐盟環境責任指令。

(5) 我國海洋污染法修正及有毒有害物質污染國際公約(HNS Convention) 等。

4. 航行安全與環保委員會:如 2020 年實施低硫燃油、國際壓艙水管理公約及減少排放溫室氣體等議題；其中，

(1)IMO 環境保護委員會 MEPC 72 批准自 2020 年 3 月 1 日起禁止船舶載運含硫量超過 5%之燃油。

(2)修訂壓艙水管理系統規則(BWMS Code)。

(3)提出減少溫室氣體三階段策略：

A. 透過能源效率指數 EEDI 更進一步減少碳排放量。

B. 2030 年減少 2008 年二氧化碳排放量的 40%。

C. 2030 年減少 2008 年溫室氣體排放量的 50%。

5. 船舶資源回收委員會：

(1)船舶回收需求趨勢，長期來說，由於嚴格的環保要求及新型船舶設計等因素造成船舶回收需求呈現穩定成長。

(2)亞洲西南方的拆船廠在船舶回收部分扮演重要的角色。

(3)拆船產業發展地移轉及印度近期積極改善拆船廠之設備，對周邊國家有正面影響等。

(4)「國際安全與無害環境船舶資源回收公約，又稱香港公約(Hong Kong Convention；HKC)」目前已有 6 個國家簽署，距生效尚需 9 個國家簽署，目前已有日本及印度正進行簽署前開公約之法律程序中，為此，ASA 呼籲會員鼓勵政府簽署香港公約(HKC)，期待儘速生效。



圖四 亞洲船東年會-我國代表團會後合影

## 五、新聞稿定稿會議(107年5月15日；12:15-12:45)

- (一) 與會者:由輪值 ASA 主席香港船東協會 Jack Hsu 會長主持，ASA 秘書長與各會員船東協會主席及秘書長出席。
- (二) 目的:討論本屆亞洲船東論壇「聯合聲明」新聞稿定稿內容。
- (三) 內容:
  1. 訂定今年論壇主題為「One Asia, Unity in Diversity」。
  2. 對海事勞工公約(MLC)2014年修正案要求航商建立賠償金保證機制。
  3. 鑒於2020年船舶使用低硫燃油生效在即，說明IMO針對實施本項措施之後續發展。
  4. 就西班牙之判決及法國新法案違反油污損害民事責任公約(CLC)及國際油污染補償基金公約(Fund)、印尼貨物運輸保護政策違反海上自由貿易原則、促進香港公約(HKC)生效等議題發表亞洲船東之立場。
  5. 宣告年會通過東南亞國協船東協會(泰國)理事長 Mr. Bhumindr 當選 ASA 第28屆主席，下屆年會將於曼谷舉行，時間為2019年5月。

## 六、亞洲船東論壇(107年5月15日；14:00-16:30)

- (一) 報告單位:亞洲防止海盜威脅合作組織資訊中心(ReCAAP ISC)、香港船東協會(HKSA)、香港東方海外公司(OOCL)、中國工商銀行(ICBCL)、挪威船級社(DNV GL)及波羅的海國際航運協會(BIMCO),如圖五。
- (二) 議題:海盜及武裝劫持、智慧-自動化航運之「技術面、科技面、財務面、營運面」及2020年實施低硫油之未來挑戰等議題進行演講,俾加強亞洲船東與國際航運組織交流及創造合作機會,如圖六。
- (三) 亞洲防止海盜威脅合作組織(ReCAAP)係區域政府間共同簽署對抗海盜及武裝劫持之合作協議,截至2017年止,計有20個國家加入,透過與各國海岸防衛隊、海軍、海事警察及海運或港口管理機關之聯繫合作,以最快的時間掌握事件發生,並由鄰近政府進行救援及執法。
1. ReCAAP 依據海盜威脅事件嚴重程度,從大到小分為CAT1~CAT4等四個等級。
  2. 2017年總共發生101起海盜威脅事件,相較於2016年上升16%,主要發生在孟加拉、菲律賓、南中國海及麻六甲海峽等地區,所幸CAT1等級之事件數已有下降趨勢。
  3. 2018年1~4月共計生發21起海盜威脅事件,相較於2017年下降32%,主要為船舶靠泊錨區或港口時,發生小規模的偷竊事件。
  4. 菲律賓附近蘇祿海及西里伯斯海域,自2016年起至今發生36起綁架船員事件,經統計以拖船、漁船及散裝船發生次數最高。
  5. ReCAAP 建議航商再次檢視重新安排船舶航行路線之可能性,並與各國主管機關維持良好的關係,建立迅速通報事件之管道。
- (四) 本屆論壇主題「智慧-自動化航運»:發展智慧化船舶,是為創造效能更佳的船舶,輔以數位技術連結,達到提升船舶航行效率、節省貨物裝卸時間、減少燃油消耗及提升船舶操作安全之目標:
1. 技術面:採用流體動力學進行船體設計,進行無數次的測試及改善,發展

出一種減少阻力、增加浮力的船體形式，並考慮到貨艙、船上安全、能源消耗等面向進行相關設計及配置，隨著未來智慧化船舶營運之實現，船員亦需適應趨勢改變，學習新科技的操作技巧及數據分析概念，成為適任之智慧船員。

## 2. 科技面:

(1) 勞氏驗船協會(Lloyd' s Register)將船舶網路連接分成 AL0 至 AL5 等 6 個級別(Accessibility Level, AL):

A. AL0 由人工操作。

B. AL1-2 由人員操作，輔以自動化系統進行監視及控制。

C. AL3-4 透過網路連接遙控、監視及控制船舶，自動判斷最好的行動方案。

D. AL5 則完全由遠端遙控船舶，自動化判斷及行動。

(2) 智慧化船舶營運係運用虛實整合系統(Cyber Physical Systems)連結船舶及整體運送環節，以定期貨櫃運輸為例，從訂艙、文件、帳款、貨櫃管理、運送安排、船期規劃、船速管理等流程，透過人工智慧(AI)、資通訊(IoT)、大數據(Big Data)等技術，串連運送網路，分析即時資訊與模擬解決方案，提出較佳決策以優化海上運送服務。

3. 財務面:中國工商銀行提供營運租賃(operating lease)、股權合作架構(equity cooperation structure)、長期契約服務(COA service)、聯合營運(joint venture)等四種合作創新租(購)船架構，透過市場調查及分析各種船舶，對租賃部門提供強而有力的支持，同時創立資產應用管理計畫，監控市場上每種船型之營運風險，並發展電子航運資產管理系統成就 e 化管理，造就商業船舶管理能力。

## 4. 營運面:

(1) 挪威船級社提出採用自動化程度及績效來衡量其智慧程度，其中需包含數個智慧系統相互作用，如航行系統、機械設備系統、船體系統、貨物處理系統等，整合成船舶營運之管理。

(2) 未來自動化船舶之營運仍需面臨國際公約及海運實務運作上的挑戰，STCW、SOLAS、MARPOL 等國際海事組織訂定之公約，皆因應人力操作船舶而規定，短時間內自動化船舶之營運尚未合法，仍需時間討論。

(五) 波羅的海國際航運協會(BIMCO)針對 2020 年即將實施之強制船舶使用低硫燃油規定，提出可能面臨之挑戰：

1. 燃油品質及供應量：船舶混合使用不同供應商提供之燃油及一旦強制實施，燃油市場是否能供應足夠的低硫燃油。
2. 公平的競爭環境：航商可能會以使用低硫燃油為由，提高運費，惟若船舶未使用符合標準之低硫燃油，則對貨主加收費用是不公平的。
3. 過渡時期：2020 年 1 月 1 日起，船舶改用符合標準的低硫燃油前，應先處理船上剩餘之高硫燃油並清潔油艙。
4. 強制實施：各國港口管理機關需對進出港船舶查驗燃油，如不合標準之燃油該如何處置？



圖五 亞洲船東年會論壇





圖六 論壇與會代表意見交流

## 七、歡迎及大會晚宴(107年5月14、15日；18:30-21:30)

主辦單位於各會員代表報到當日晚上舉辦歡迎晚宴，於年會當天晚上舉辦大會晚宴，係嚴肅之年會及論壇會議外之正式國際交流場合，主辦單位藉此機會讓與會嘉賓瞭解主辦國歷史與文化，期望讓各會員代表留下深刻印象之飲食與文化饗宴，如圖七。



圖七 大會晚宴



## 八、參訪行程及聯誼活動(107年5月16日；09:00-15:30)

為促進亞洲船東間交流，亞洲船東年會每年均於大會期間，利用此難得聚集上百位會員國代表之場合，安排餐敘、頒獎、文化表演、高爾夫球競賽及參訪行程等聯誼活動，有別於會議嚴肅型態的討論，藉由各種活動的參與，以較輕鬆的方式進行互動，增進會員間友誼，留下難忘回憶。另於亞洲船東論壇會議當天安排眷屬一天參訪行程，讓眷屬彼此也有機會交流認識。



圖八 第 27 屆亞洲船東協會團體照

## 肆、心得與建議

### 一、心得：

此次行程最大的收穫，乃藉由參與國際會議，拓展業務視野，瞭解國際相關海運國家之航運概況、掌握國際公約發展最新資訊，心得如下：

- (一) 我國進出口貿易量 99%以上仰賴海運，可見海運對我國經濟發展之重要性，惟我國並非國際海事組織(IMO)成員，藉由參與亞洲船東協會之年度論壇活動是瞭解國際海運最新資訊及法規發展的重要管道，亦可透過 5 個常設委員會瞭解海運各面向近期關切之議題，掌握亞洲航商共同立場及意見。
- (二) 亞洲船東協會成立至今 27 年來，一年一次舉辦亞洲船東年會，除針對國際議題相互協調討論外，更促進航商間進一步合作，擴大亞洲航商經營實力，經統計亞洲船東協會代表的船隊，佔世界商船噸位的 50%以上，對制定國際海運規則具相當影響力，促使亞洲船東在全球航運領域上發揮更大作用，更與歐美等傳統海運強權地區船東協會產生一定之制衡作用。
- (三) 本次大會除凝聚亞洲船東共識外，邀請國際航運協會(ICS)、波羅的海國際航運協會(BIMCO) 及挪威船級社等國際航運組織代表參與論壇，針對本次大會議題「智慧-自動化船舶」進行近期發展報告及分享專業觀點，強化亞洲船東與國際航運組織之連結力，增加雙方之交流互動。

## 二、建議：

- (一) 鑒於海上運輸具有高度特殊性及國際性，為使我國法規得與國際公約接軌，並掌握最新航運資訊，建議能持續派員赴國外參加國際會議或非政府組織(NGO)召開之會議，蒐集業界關注議題及近期發展方向，並建立業務上之聯繫管道；平時應與國外駐台經貿辦事處保持聯繫並維持良好關係。
- (二) 參與亞洲船東協會舉辦之年會，除瞭解最新海運發展議題外，亦可藉此機會與鄰近亞洲各國航商代表建立良好關係，蒐集各國航運發展策略、商情、港口狀況等資訊，建議政府單位仍持續派員參加，對我國新南向政策之推動及與亞洲各國之交流等，必有所助益。
- (三) 為提升公部門海運專業知能及瞭解國際經貿態勢，建議能邀請熟悉國際海運的航運專家、機關團體、國際航運顧問公司，定期舉辦專題演講、主題研討及訓練等，俾利訂定政策方向與法規時，貼近國際海運經貿實務。

## 附錄、論壇資料

Asian  
Shipowners'  
Association



The 27<sup>th</sup> Asian Shipowners Association  
Hong Kong, 14-16 May 2018

### ASA SEAFARERS COMMITTEE

#### Chairman's Report to the 27<sup>th</sup> ASA

##### Events held during the year.

The 23<sup>rd</sup> Interim meeting of the Committee was held in Nanjing, China on 23<sup>rd</sup> October 2017. Attending the meeting were delegates representing the Shipowners' Associations of China, Chinese Taipei, Hong Kong, Japan, and the Federation of ASEAN Shipowners' Associations (FASA), as represented by delegates from the Shipowners Associations of Indonesia, the Philippines, Thailand and Vietnam. An attendance list of the 23<sup>rd</sup> interim meeting is attached as Addendum 1.

##### An update of the major issues handled by the Committee at its interim meeting.

###### List of Issues:

1. Local Seafarer Development
2. Piracy and Armed Robbery
3. ILO Maritime Labour Convention
4. STCW 2010
5. Connection to Internet on Board and Cyber Security
6. Seafarers Facilitation
7. Autonomous Ships and the Impact on Seafarer Development
8. Any Other Business

##### **1. Local Seafarer Developments**

The Committee is pleased to note that administrations of ASA members are continuing their efforts as ever before to attract more young people to join the sea-going career, which will greatly assist in the continued promotion of the steady supply and employment of Asian seafarers. Please refer to the attached Minutes of the 23<sup>rd</sup> interim meeting in Nanjing for more details regarding the active cooperation between the governments, training institutions and shipowners in the region in training and employment of seafarers.

##### **2. Piracy and Armed Robbery**

The Committee notes that, according to reports received by the International Maritime Organization, there were 203 incidents worldwide in 2017, compared to 221 incidents reported in 2016. This confirms the current downward year on year trend, with a reduction of

about 8% at the global level. In Asia, a total of 101 incidents (comprising 89 actual incidents and 12 attempted incidents) were reported in 2017 compared to 87 incidents in 2016. This accounts for a 16% increase in the number of incidents reported in 2017 compared to 2016. Recent incidents during the last months of 2017 where pirates have come very close to hijackings of ships serve as a timely reminder that piracy has been suppressed, but not eradicated.

Asian shipowners appreciate that, in November 2017, the United Nations Security Council renewed, for another year, its authorization for international naval forces to join in fighting piracy off Somalia's coast. The Committee further notes that the effective implementation of IMO guidance and Best Management Practices (BMP), the presence of privately contracted armed security personnel (PCASP) and the continued presence of international naval forces remain of utmost importance in fighting piracy and armed robbery, and encourages member companies and seafarers to maintain their best practices as ever before.

### **3. ILO Maritime Labour Convention, 2006**

To date, 86 ILO member States, including ASA countries of Australia, China, India, Indonesia, Japan, Korea, Malaysia, Philippines, Singapore, Thailand and Viet Nam, representing around 80 per cent of global gross shipping tonnage, have ratified the Convention.

As far as the implementation of MLC 2006 is concerned, the Committee notes with appreciation that ASA member companies in general are able to satisfy its requirements fully and effectively, including the requirements of the 2014 amendments relating to financial securities for seafarers in cases of abandonment and contractual claims for compensation.

However, the Committee is concerned that shipowners still complain that different interpretations on MLC provisions by port state control officers of different countries have caused difficulties to shipowners and seafarers in complying with MLC 2006. On the other hand, their seafarers face difficulties arising from the requirements on recording rest hours, which has become a new administrative burden on seafarers.

### **4. STCW 2010**

The transitional period for the 2010 Manila Amendments to STCW Convention came to an end on 31 December 2016. The Committee is pleased to note that maritime administrations of member associations have satisfied the amended requirements by approving special updating courses for seafarers and making necessary arrangements for the issue and revalidation of seafarers' certificates.

The 2010 Manila Amendments provided new standards of training and certification for able seafarers deck and engine, electro-technical officers and electro-technical ratings, some port State control officers (PSCOs) thereby require a ship to provide corresponding certificates of proficiency or certificates of competency, though those personnel are not all included in the Minimum Safe Manning Document (MSMD) of the ship.

IMO Maritime Safety Committee, at its 98<sup>th</sup> session, approved the new Circular of "Guidance for Parties, Administrations, port State control authorities, recognized organizations and other relevant parties on the requirements of the STCW Convention, 1978", which has made clear

that this is wrong, and that if a ship is manned in accordance with a Minimum Safe Manning Document by the flag State, the port State control officers should accept that the ship is safely manned and should not require further certificates that are not included in the Minimum Safe Manning Document.

However, the Seafarers Committee has received reports that some port State control officers still require additional certificates in breach of the above Circular. Therefore, the Committee urges port States to pay close attention to the Circular and should not require additional documents from ships beyond those duly required, and reminds shipowners of the importance of the Circular which should be carried on board to present to port State control officers when necessary.

#### **5. Connection to internet on board and cyber security**

The Committee notes that, last year, the Facilitation Committee, at its 41<sup>st</sup> session, and the Maritime Safety Committee, at its 98<sup>th</sup> session, having considered the urgent need to raise awareness on cyber risk threats, approved the “Guidelines on maritime cyber risk management” (MSC-FAL.1/Circ.3).

The Committee also notes the Maritime Safety Committee, at its 98<sup>th</sup> session, adopted Resolution (MSC.428(98)) on “Maritime Cyber Risk Management in Safety Management Systems”, which affirms that the safety management system should take into account cyber risk management in accordance with the objectives and functional requirements of the ISM Code, encourages Administrations to ensure that cyber risks are appropriately addressed in safety management systems no later than the first annual verification of the company’s Document of Compliance after 1 January 2021, and acknowledges the necessary precautions that could be needed to preserve the confidentiality of certain aspects of cyber risk management.

Both the Resolution and the Guidelines are not mandatory at present, however, the Committee urges member associations to pay due attention to them, as they are providing high-level recommendations on maritime cyber risk management to safeguard shipping from current and emerging cyber threats.

#### **6. Seafarers Facilitation**

The Committee received reports from member associations that shipping companies are facing difficulties in some ports when owners are arranging seafarers signing off there, transit visas as locally required are impossible in some ports due to the fact that there are no visa offices available locally. The ILO Convention 185 – Seafarers’ Identification Documents Convention (revised), entered into force on 9th February 2005. However, up to now there are only 33 countries that have ratified the Convention. It is expected that such difficulties cannot be overcome in near future.

#### **7. Autonomous ships and the impact on seafarer development**

The Committee notes that autonomous ship is a very popular topic in shipping industry recently. SC members believe that with the development of artificial intelligence and driverless technology, the core technologies of autonomous ships, including sensing technology, control technology, communication technology and power technology, have become relatively mature, therefore, autonomous ship is not just a concept any more, it is becoming a reality, especially for the ships that are of small tonnage, sailing inside the harbor or along the coast.

The Committee also notes that, IMO, the regulatory body for the shipping industry, is conducting comprehensive review of its conventions and regulations in order to have them revised to allow the operation of autonomous ships. On 16<sup>th</sup> May 2018, the 99<sup>th</sup> session of the IMO Maritime Safety Committee will be open in London to discuss more than 20 agenda items, among which, the Seafarers Committee believes, the agenda item on autonomous ships is the most important one.

At the 98<sup>th</sup> session of the IMO Maritime Safety Committee held last year, the delegation of the Philippines stated that “Automation of surface ships raises the potential of a reduction of cargo ships complement to 5-6 highly technical crews within the next 10 years”. The Committee believes that this is the general trend of the manning requirement in future. The Committee is watching closely the impact of autonomous ships on seafarers development.

#### **8. Next meeting**

The hosting association of the 24<sup>th</sup> interim meeting of the Committee to be held in the autumn of 2018, will be discussed during the 27<sup>th</sup> ASA annual general meeting.

Fu Xiangyang  
Chairman, Seafarers Committee  
May 2018





# Shipping Policy Committee (SPC)

Report by  
Yuji Isoda, Chairman of SPC

15 May 2018  
27th ASA AGM in Hong Kong

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## 30th Interim Meeting of the SPC

- 15 March 2018, Tokyo, Japan, attended by 15 delegates.
- Agenda:
  1. Name and Activity of the Committee
  2. Developments of international maritime policy
  3. Protectionist Measures in the World
  4. Canal Issues
  5. Antitrust Immunity
  6. Anti- Corruption Issues
- At morning session today, SPC members were further updated on the current situation regarding some items from the above-mentioned agenda.

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## 1. Name and Activity of the Committee

### Shipping Policy Committee

Renamed from Shipping Economics Review Committee

As ASA SPC, we will continue focusing on policy matters, relate to shipping industry.

- Regulation, Taxation, Trade policy, Customs, Canals, Infrastructures, Macro Economy, Policy Public Relations.

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## 2. Developments of International Maritime Policy

### Trade War ?



### Multilateral Trade Deals

#### Trade in Service Agreement (TiSA)

- by 23 countries and regions
- Negotiation has been halted since 2016

#### Trans Pacific Partnership (TPP)

- TPP11 (US left in 2017) was signed on 8 March 2018.
- UK indicated an interest for post Brexit.

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## 2. Developments of International Maritime Policy

### Environmental Issues

SO<sub>x</sub>

- Global Cap 2020
- Low sulphur fuel availability

CO<sub>2</sub>

- MBM ?
- CO<sub>2</sub> Data Collection System



Global Regulation



Unilateral / Regional Regulation

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## 3. Protectionist Measures in the World



Protectionism Under Nationalism

North Sea Route: Cabotage or not?



Cargo Reservation

-ASA SPC adopted the Position Paper which pointed out that Indonesian cargo reservation would be opposed to the maritime free trade principles.

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## 4. Canal Issues



### Panama Canal

- New Locks : opened on 26 June 2016
- 1st Dialogue Meeting was held in Panama City on 13 Nov. 2017.
- 2<sup>nd</sup> Dialogue meeting is to be held in 2018.
- LNG transportation from US to Asia via Panama Canal will continue to increase, while toll appreciation and congestion risks may affect.

### Suez Canal

- Dialogue meeting between SCA and Shipping industry is necessary.



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## 5. Antitrust Immunity

### ASA's long-standing policy

*Anti-trust immunity for cooperative shipping agreements is indispensable for shipping and entire trading industry.*

### Recent developments on antitrust immunity



-Final "Block Exemption Order" (BEO), which includes block exemption, only for VSA, had been issued in 8 August 2017.



- Exemption extended until July 2019, and will be reviewed in late 2018.

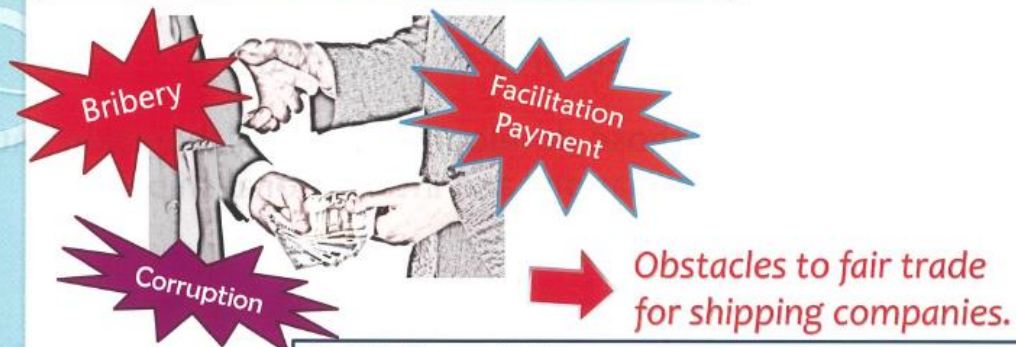


-VSA exemption temporally extended until June 2018, but application for long-term renewal had been failed.

Shipping industry is seeking to renew and extend the exemption

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## 6. Anti-Corruption Issues



### Anti-Bribery Actions

- ❖ U. S. Foreign Corrupt Practices Act (FCPA)
- ❖ OECD Anti-Bribery Convention
- ❖ APEC Anti-Corruption and Transparency WG
- ❖ Marine Anti-Corruption Network (MACN)

➔ ***Important Agenda for SPC to promote good practices in shipping industry to address all forms of corruption***

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## Major Agenda for SPC Activities in 2018(I)

### ➤ *Protectionist Measures in the World*

➔ Observing those developments in collaboration with member associations and international shipping organisations such as ICS.

➔ A letter based on the adopted Position Paper regarding Indonesian cargo reservation to be sent to Indonesian Government from ASA.

Members are also encouraged to communicate with their own government about this issue, utilising the Position Paper.

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## Major Agenda for SPC Activities in 2018(2)

### ➤ *Panama / Suez Canal Issues*

#### ➔ Importance of regular dialogue mechanism with the Canal Authorities towards:

- Securing safe and smooth transit, especially in the new locks of the Panama Canal.
- Preventing a recurrence of sudden and irrational toll increases, and to ensure a safe transit environment.

#### ➔ 2nd Dialogue meeting with the Panama Canal Authority is to be held in 2018.

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## Major Agenda for SPC Activities in 2018(3)

### ➤ *Antitrust Immunities*

#### ➔ Observing developments in various countries and, if necessary, submitting our comments on the importance of antitrust immunity for cooperative shipping agreements.

### ➤ *Environmental Regulations, Bribery*

#### ➔ Observing those developments in collaboration with other ASA committees and if necessary, trying to coordinate and disseminate ASA opinions on these issues.

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*Thank you for your kind attention!*



**ASIAN SHIPOWNERS' ASSOCIATION  
SHIP INSURANCE AND LIABILITY COMMITTEE**

c/o Hong Kong Shipowners Association  
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**Report of the Chairman**  
of the  
**ASA Ship Insurance and Liability Committee**  
to the  
**27<sup>th</sup> Annual Meeting**  
of the  
**Asian Shipowners Association**  
**Renaissance Harbour View Hotel**  
**Thursday, 15<sup>th</sup> May 2018**

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**A. Events held during the year**

The ASA Ship Insurance and Liability Committee met for its 23<sup>rd</sup> Interim Meeting on Tuesday, 19 March 2018 in Hong Kong. Mr. Robert A. Ho, SILC Chairman, chaired the meeting. Attending the meeting were the ASA Secretary-General, and delegates from China, Chinese Taipei, Hong Kong, Japan, Korea and FASA, as represented by Malaysia, Thailand and Vietnam.

**B. An Update of the Issues Discussed by the Committee**

**1. Environmental Damage**

**a. *Prestige* Judgement and effect on P&I**

The agenda notes of the Interim meeting of the Ship Insurance and Liability Committee held in 2016 contained a report of the two judgements of the Spanish Supreme Court dated 14 January 2016, which in part revoked the judgement given in the first instance in 2013 by the Provincial Court of La Coruña in respect of the criminal and civil responsibility for the sinking of the M/T "*Prestige*" off the Spanish coast in November 2002 and subsequent pollution. The Supreme Court held that the master was guilty of the crime of reckless damage to the environment and as a result the master and shipowner were not entitled to limit their liability under the CLC. The Supreme Court also established that the shipowner's insurer, the London P&I Club, was liable for the damages to the environment as a result of the incident and could not limit its liability for the damages caused as a result of the spill under the 1992 CLC.

In November 2017, the Court in La Coruña (Audiencia Provincial) delivered a judgment on the quantification of the losses resulting from the *Prestige* incident. It confirmed that the 1992 Fund is liable for damages resulting from the spill in accordance with the 1992 Fund Convention. The Court recognised moral and environmental damages and has awarded over €1.6 billion in compensation. This amount includes €1.57 billion payable to the Spanish Government, €61 million to the French Government as well as various amounts to individual claimants. The judgment asserted that the London P&I Club had civil liability up to the limit of its insurance policy of US\$1,000 million. The 1992 Fund is examining the judgment, which will be discussed at the April 2018 session of the 1992 Fund Executive Committee.

At a recent meeting in London, the representative of the London P&I Club reported that the Club was now considering its options. The Club was likely to appeal the judgement on the grounds of several obvious errors and was also considering a possible counterclaim. In addition, the Club was considering whether a negotiated settlement with the State claimants might be worth exploring as the case reduces in political profile within Spain. The Club recognised that it had to carefully consider the wider implications of any



settlement discussions because of the desirability of reducing the prospects for a reoccurrence of the deviation from the proper application of the CLC.

The Club had submitted the case of the Master, Captain Mangouras, to the European Court of Human Rights on the grounds that the legal process during the second hearing had been unfair, because it had taken place in the absence of the accused and the Spanish Government had withheld important evidence. The Club, however, has been told that the case had been dismissed as inadmissible on a preliminary review. This was a disappointing result, not least because the choice of the judge for the admissibility review gave grounds for doubt as to his impartiality. The Club has subsequently made an application to the President of the Court.

While it appears that Spanish political considerations remained a factor in the discussions, the momentum of the work has to be continued, not least to promote the consistent application of the Conventions. This issue is discussed under Agenda item 1.c.i below.

#### **b. France – Environmental Damage**

A bill to introduce liability for environmental damage into the French Civil Code, following the French Supreme Court's decision in the *Erika* case, was adopted by the French Parliament on 8 August 2016. An English translation of the new law is attached at Annex 01. The new law is broadly framed: "Any person liable for an environmental damage must compensate (repair) it". There is no provision for exemption for the shipping industry, or for any limitation of liability.

At the IOPC Funds meeting in April 2017, the French delegation confirmed that the IMO Conventions would prevail over the new French law in the event of environmental damage from a shipping incident. While this was felt to be helpful, it would be best if the law itself was amended or implementation guidance was developed. A legal declaration does not seem to be possible, however.

The French shipowners' association, Armateurs de France (AdF), has sent a letter to the French Ministry of Justice setting out the industry's interpretation of how the law was intended to interact with the international conventions, requesting the Ministry's confirmation that this interpretation was correct. A response is awaited.

#### **c. IOPC Funds**

##### **i. Consistent Application**

The ICS and IG submitted a paper to the April 2017 meeting of the IOPC Funds on the wider implications of the Spanish Supreme Court judgement. The paper provoked debate during which concerns were expressed that courts in Member States were taking decisions that were not consistent with the intended application of the 1992 CLC and 1992 Fund Convention. A number of delegations stated that Member States had a collective responsibility to ensure the correct interpretation and application of the Conventions, noting that the success of the compensation regime depended on uniformity and that this would only be achieved if there was consistency. The Director of the IOPC Funds was requested to submit a document to the October 2017 meeting to progress matters further in relation to the consistent application of the 1992 Conventions amongst other issues.

The discussions at the October 2017 meeting, however, did not go as expected for a number of reasons. Vocal opposition from France and Spain and seemingly short memories of other delegates created sufficient confusion to stall the work. The matter had been left open for discussion. In the meantime, the most beneficial approach for industry appear to be to take the matter to the IMO with the aim of obtaining a Unified Interpretation of the key provisions of CLC. While time was too short to make a detailed presentation to the April meeting of the Legal Committee, it was important to keep the matter on the table. It appears that the political aspects of the discussion were much more important than the legal aspects.

In the meantime, it is felt important to encourage much wider ratification of the 2003 Supplementary Fund Protocol (attached at Annex 02), and to establish the reasoning behind the decision of major States not to ratify. ASA States that have ratified the protocol are Australia, Japan and Korea.

#### **ii. Guidelines on Environmental Damage Claims**

Revised "Guidelines on Presenting Claims for Environmental Damage" were adopted by the 1992 Fund Assembly in October 2017. The IOPC Funds Director has confirmed that the Secretariat does intend to develop a shorter version of the document in due course. It will be important that the shortened Guidelines make it clear that all claims must be within the parameters of the 1992 CLC and Fund Conventions.

Items 1.a) through 1.c) are closely related. ICS has reached out to the French Shipowners Association to request the French government to provide written confirmation that the provisions of International Conventions override local regulations. Verbal confirmation has been given to this, however the French Government has declined to provide written agreement. The Committee agreed to follow the developments to the cases closely.

In the ASA SILC interim meeting held, members were invited to explore reasons why major states were apprehensive of ratifying the Supplementary Fund Protocol. The members of the ASA associations are asked to encourage their member states to ratify the Protocol.

#### **d. EU Environmental Liability Directive**

As reported at the last Interim meeting, Directive 2004/35/EC, the Environmental Liability Directive (ELD), entered into force on 30 April 2004, and the completion of its transposition into domestic law by July 2010. The Directive was amended three times, through Directive 2006/21/EC, Directive 2009/31/EC and Directive 2013/30/EU. Attached at the Annex 03 is a summary of the ELD.

On the basis of national reports submitted in 2013 by EU Member States to the Commission and of other relevant information, the Commission had to report in 2014 on the experience gained in the application of the Directive. The report included a review and REFIT (Regulatory Fitness and Performance Programme) evaluation of the Directive, which, due to various delays, was only adopted in April 2016.

The report and evaluation were generally positive from the shipping industry's perspective, in that the Commission proposed to maintain the exemptions for

environmental damage from shipping incidents that are covered by the IMO liability and compensation conventions (as listed in Annex IV of ELD). The report, however, expressed concern that the Directive and the IMO conventions have different remediation standards and proposed that this should be addressed by non-legislative means, for example through the IOPC Funds claims manual. The industry has been encouraged to assist with this work, and we understand that ECSA is currently meeting with Commission staff in this regard.

Concern was also expressed about the slow uptake of the HNS Convention, and that this Convention should be excluded from the list of Conventions in Annex IV unless there is clear evidence of EU Member States' commitment to conclude the Convention. While it was very unlikely that the HNS convention would be in force by the time of the next review of the ELD in 2020/21, clear evidence of commitment by EU member States would appear to be sufficient to prevent the Convention being excluded.

The European Parliament had also decided to prepare an 'own initiative' report. While this report is not binding on the Commission, there is some careful lobbying underway to remind MEPs of the industry position.

In the ASA SILC interim meeting, the committee took note of the situation.

#### **e. Chinese Taipei Pollution Law**

In June 2017, the Chinese Taipei Environmental Protection Agency announced plans to amend the national Marine Pollution Control Act and invited comments on the proposals. The initial proposals could have had serious consequences for shipowners and their insurers, and so with the assistance of the HKSOA, the IG and ICS submitted joint comments on the proposals.

The Chinese Taipei Environmental Protection Agency would appear to have taken the ICS/IG comments seriously, and it was expected that further consultation sessions would take place before the proposals are made into law.

## **2. HNS Convention**

The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention) was adopted by an international conference in 1996 and is based on the highly successful model of the Civil Liability and Fund Conventions which cover pollution damage caused by spills of persistent oil from tankers. As with the original oil pollution compensation regime, the HNS Convention will establish a two-tier system for compensation to be paid in the event of accidents at sea, in this case, involving hazardous and noxious substances such as chemicals. However, it goes further in that it covers not only pollution damage but also the risks of fire and explosion, including loss of life or personal injury as well as loss of or damage to property.

Tier one will be covered by compulsory insurance taken out by shipowners, who would be able to limit their liability. In those cases where the insurance does not cover an incident, or is insufficient to satisfy the claim, a second tier of compensation will be paid from a fund, made up of contributions from the receivers of HNS. Contributions will be calculated according to the amount of HNS received in each Party in the preceding calendar year.



This Convention was always going to be a difficult Convention to be ratified. In recognition of this, the original Convention was superseded by the 2010 Protocol which was designed to address practical problems that had prevented many States from ratifying the original Convention.

The industry is keen to see the Convention come into effect. The International Group has therefore established an inter-industry group in order to monitor the progress of States as they worked towards ratification, and to coordinate industry outreach work.

ICS, ECSA and BIMCO have all confirmed participation in the liaison group. The ASA has been invited to join, and although support has been expressed for the group's activities, confirmation of participation has not yet been given. The IG, however, is keeping the ASA SILC on for copy of the group's work.

The Japanese Government held a meeting on the implementation of the HNS Convention on 13 March, to which the Japan P&I Club and JSA had been invited to attend. Attached at the Annex 04, is a paper that the group has prepared.

The committee noted that the IG has sought the support of the ASA, by joining the inter-industry liaison group.

The committee noted the "HNS Questions" listed in the IG's email, and it was suggested that the ASA should pass the same its member States.

In the ASA SILC Interim Meeting, it was agreed by the Committee to make a recommendation to the ASA Chairmen's Committee that ASA joins the inter-industry liaison group.

### **3. Ports of Refuge – Asian response**

This issue has been on the agenda of the Committee for some time, not because there have been incidents in Asia that require ports of refuge, but because it is always easier (politically) to obtain support for initiatives in 'peace' time.

The EU Operational Guidelines on Places of Refuge, which gained wide industry participation during their development, were finalized in November 2015 as "VTMIS Places of Refuge – EU Operational Guidelines". The Guidelines were officially launched at a European Parliament event in January 2016. The purpose of the Guidelines is to ensure better co-ordination and exchange of information among the relevant authorities and industry stakeholders involved should a ship require assistance.

In May 2016, with industry support, the European Commission submitted the Guidelines to the IMO Maritime Safety Committee as a model approach that might be adopted by other IMO Member States. In response to a recent 'table top' exercise, the Guidelines have been revised – version 4 is attached at Annex 05.

As reported at the last Interim meeting, under the Cooperative Mechanism between the littoral States in the Singapore and Malacca Straits, Malaysia has embarked on a project to develop regional Places of Refuge Guidelines.

#### **FASA Malaysia updated the Committee (via email) on the progress of the project.**

At the last Interim meeting, this Committee agreed that ASA should become more involved in promoting the use of the EU Guidelines in Asia. No opportunities have arisen for this

work, and the absence of major incidents requiring Places of Refuge has meant that this issue has slipped from immediate notice.

In the ASA SILC Interim Meeting, the Committee agreed, that the matter be taken up in the ASA member associations to further, take up with their member states.

#### 4. Ocean Governance

The United Nations has started high level negotiations on a new UNCLOS implementing agreement concerning Biodiversity in Areas Beyond National Jurisdiction (BBNJ). The work is likely to lead to the establishment of Marine Protected Areas on the high seas, which could affect the routing of shipping. The UN General Assembly has considered a Preparatory Committee report and has agreed to convene a diplomatic conference to elaborate the text of a legally binding instrument on BBNJ. Organisational meetings will take place in April, and the first of four planned negotiating sessions is likely to be held in the second half of 2018.

The industry, led by ICS, has been concerned to ensure that IMO remains the primary regulator for international shipping, and is working with the IMO secretariat in this regard. The planned meetings, however, will take place over periods of 10 days, and unfortunately the IMO has already made it clear that its budget for the meetings will be very limited.

It will therefore be important for the entire maritime sector to engage with their maritime administrations about the work, and to keep abreast of the more general international discussion on ocean governance.

The Committee discussed the matter and agreed to monitor the developments.

#### 5. MLC, 2006 – 2014 Amendments

The amendments to the Maritime Labour Convention, 2006 (MLC) that were adopted in 2014 came into force on 18 January 2017. These amendments dealt with the provision of financial security for abandonment (Regulation 2.5) and shipowner's liability for compensation to seafarers and their families in cases of seafarer's death or long-term disability (Regulation 4.2).

The last Interim meeting discussed the 'lacuna' that has arisen with the amendments. ILO instruments are not designed to be amended; if changes are required, then a new Convention or Recommendation is negotiated and adopted. The MLC is the first and only ILO instrument that has the provision for amendment, which is why the Convention does not have a number assigned to it. Under the provisions of the Convention, States that had ratified the MLC after the adoption of the amendments but before their entry into force have to make a specific declaration of acceptance of the amendments. There are 19 States that have not so far made the declaration of acceptance, including China.

**The CSA representative briefed the Committee on the progress of China towards acceptance of the 2014 amendments. She advised the Committee that the matter was "in process", albeit, would take the usual time it takes for deliberating amendments/ changes in China. She further advised that the Ministry of Transport of the P.R. C had issued a document asking shipowners to cater to the amendments in the interim so as to allow the vessels to continue trading, by complying with the regulation.**

It is clear, however, that to comply with the 'no more favorable treatment' provision of Article V of the Convention, ships flying the flags of these States would either have to carry the necessary financial certificates, or a statement from the flag State noting that the 2014 amendments had not yet been accepted.

Attached at Annex 06, is a West of England circular which describes Liability for Uninsured MLC Liabilities. Similar circulars were issued by all IG Clubs. In response to questions from the industry, the International Group has given further advice, also attached at Annex 07.

## **6. Fair Treatment/Unfair Criminalisation of Seafarers**

This issue has been well discussed at every recent interim meeting of this Committee.

It was reported at the last interim meeting that the research being carried out by Seafarers Rights International (SRI) into the application of the IMO Guidelines was presented to the 102<sup>nd</sup> meeting of the IMO Legal Committee, held in April 2015.

SRI then updated the progress of this work at the 103<sup>rd</sup> meeting of the IMO Legal Committee (LEG), held 8 to 10 June 2016, through submission of LEG 103/5 (attached at Annex 08), which described further work by SRI and requested the Legal Committee to encourage Member States to request regional or national technical cooperation activities on the implementation of the Guidelines. The Committee concluded that different approaches in the implementation of the Guidelines could be streamlined through the development of a guidance and therefore decided that a workshop proposed by ITF would be useful to provide assistance to Member States to give effect to the Guidelines in a uniform and consistent way. The Committee further invited Member States to continue to apply the Guidelines.

AT LEG 104, the ITF representative invited all members of the LEG Committee to a one-day workshop organized by the ITF and SRI and hosted by the IMO in June 2017 on the implementation of the Guidelines. ITF has submitted a paper to LEG 105, which will be held in April 2018, reporting on the workshop which was attended by some 175 participants. The workshop would appear to have achieved its desired aim, which was to educate, inform and encourage the use of the Guidelines. It would appear to be intended to take the work forward by means of regional and national workshops, the first of which will be held in Asia in 2018 (further information about this meeting would be appreciated).

Apart from the criminal judgement for Captain Mangouras (discussed under agenda item 1.a above) there have been no reported instances of unfair treatment of seafarers, but this is clearly an issue that requires constant reminder and vigilance. The meeting was brought up to date with the discussion in the IMO Legal Committee on the issue.

## **7. Cyber Risks**

The issue of cyber-attacks has taken a prominent role in the discussion of imminent threats to shipping.

The Committee will recall that at the last interim meeting, it was noted that there would appear to be some uncertainty about the scope of cyber risk cover in the London market, particularly when exclusions such as CL380 are applied to Hull and Machinery and War policies. The Joint Hull Committee (JHC) has produced a circular in September 2016 which



notes that the actual risks of a cyber-attack on a ship, which could lead to a systemic loss, is considered to be a remote risk. This is an opinion that would appear to be shared amongst other insurance providers.

The JHC and JWC Chairmen have previously noted that the wording of the exclusion meant that it applied to willful or malicious attacks intended to inflict harm, and so would not apply to any accidental or negligent computer harm that caused a loss that would fall within the hull policy. The consequence of the inclusion of CL380 was to steer the risk from the marine policy to the war policy, providing insurers with the opportunity to cancel the policy and reinstate on more appropriate terms when considered necessary. The Chairmen accepted that the exclusion is sometimes also inserted in the war policy, and the risk could then be 'brought back' to the hull policy at a price to be agreed. It was confirmed that the Japanese, Danish and Norwegian War Pools, reinsured in London, are not subject to CL380.

From the P&I perspective, the IG Club Rules and the Group Pooling and General Excess Loss reinsurance arrangements contained no cyber risk exclusion, although if a cyber event were to fall within the war or terrorism cover exclusion, there would be no cover and the liability would rest with the Owner's war risk insurer under his standard war risk cover.

It would appear to be difficult at the moment to quantify the risk of a malicious attack, no matter how remote this might be, and the cumulative exposure that underwriters might face in a contagion like or massive attack. Due to these reasons, single risk policies would appear to be increasingly available, but without the exposure to a systemic collapse.

In the ASA SILC Interim Meeting, the Committee was given a brief on the HKSOA Joint Seminar "Use of Disruptive Technology against Cyber Threats", (Cyber Smart). It was recommended that when renewing insurance cover, that Cyber Risk exclusions were negotiated out, and to check the extent of cover under liability insurance.

## **8. Unmanned Ships**

The discussion of unmanned, or autonomous, ships is only just beginning, and even though many in the industry do not see this as something that will happen for some time, discussion of their impact on regulation is starting to take place. In Norway and China, plans are moving ahead for unmanned passenger and cargo ships to be tested and operate in restricted local waters, but since international regulations had not anticipated unmanned or autonomous ships, discussion is starting to take place at the IMO and in other organisations as to how these ships should be regulated and operated.

Work at the IMO and at CMI is intended to not only conduct regulatory scoping exercises, but more importantly to consider how technology may affect the way regulation is structured to avoid uncertainties, particularly regarding the safety performance of autonomous systems. As part of this initial work, the definition of an autonomous ship needs to be clearly laid out, since it could encompass a number of different technological stages.

The common IMO term for such ships is 'Marine Autonomous Surface Ships', or MASS. While the operation of such ships in international waters would appear to be some way off, it is important for the industry to be fully involved in these initial discussions.

Members mentioned how the prospect of having Unmanned Ships was still very far into the future. Various levels of autonomy for vessels were discussed. The eight stages of autonomy were discussed and it was suggested that the Committee closely follows developments in this field.

#### **9. Sanctions – Iran, Russia and North Korea**

The Committee is referred to a new online tool which very usefully summarises all EU and UN Sanctions <https://www.sanctionsmap.eu/#main>

Under the current US Presidency, there has been much uncertainty regarding the continuation of sanctions relief for Iran under the Joint Comprehensive Plan of Action (JCPOA) introduced in January 2016 by the US and EU. The EU remains supportive of JCPOA and many EU countries have made statements criticizing the US President's October decision to decertify Iran's compliance. The situation continues to be uncertain, and confusing, and so shipowners wishing to trade to Iran should take legal advice and liaise closely with their P&I Clubs to ensure they remain compliant with the various international sanctions regimes.

On 21 December 2017, the EU voted to further prolong the economic sanctions imposed on Russia as a result of its actions in Ukraine for a further six months, to 31 July 2018. Recent incidents reportedly involving Russian extraterritorial attempted murder and internet hacks could well increase the desire of the US and EU to continue or increase economic sanctions. Again, the situation is uncertain, and legal advice for those trading with Russia remains essential.

While it would appear that North Korea has held constructive talks with South Korea and agreed to talks with the US, promising to stop its nuclear program, history would tell us that this is not the end of things, and the progress made since the Winter Olympics might be very temporary. Attached at Annex 09, are circulars issued by the US Department of Treasury describing the US sanctions on North Korea. It is not expected that these will be rolled back anytime soon, and it is very likely that the intense scrutiny of ships apparently importing oil to North Korea will continue.

Members were advised to consult legal advice concerning the impact of sanctions at the time of fixing employment of vessels.

#### **10. Report Items**

##### **a. IG Reinsurance program**

On 13<sup>th</sup> December 2017, the International Group announced that the arrangements for the renewal of the International Group Excess of Loss reinsurance contract and the Hydra reinsurance programmes for 2018/19 had been finalized. The IG Reinsurance Program for 2018-19 is attached at Annex 10.

The loss experience of the reinsurance programme on the 2012/13 to 2017/18 (year to date) policy years remains acceptable to reinsurers notwithstanding some claims development over the year. This, combined with continuing surplus market capacity, the continuing positive financial development of the Group captive, Hydra, and the use of a multi-year private placements, has enabled the Group to achieve satisfactory reinsurance



renewal terms, which will result in a further year of reinsurance rate reductions across all vessel categories.

The result of the renewal negotiations and programme restructuring is a reduction in reinsurance cost of approximately 1.85% for all categories.

In the ASA SILC Interim Meeting, the Chairman shared with the Committee his efforts, as a board member of a P&I Club that is a member of the IG, to bring the overspill cap back to USD 3.1 Billion. He further explained how, as things stand, the liability in the event of a case of pollution, is not limited solely to the company, but to the individuals, like directors etc. He urged members to further raise the matter with the boards of their respective P&I Clubs.

#### **b. ICS/CMI Ratification campaign**

The ICS/CMI campaign brochure was updated in November 2017. A copy of the brochure is attached at Annex 11, and further copies are available from the SILC secretariat if required.

Of importance to the industry, the campaign has highlighted the Ship Recycling (Hong Kong) Convention, the Supplementary Fund Protocol and the HNS Convention. In addition, the focus of the campaign is to promote proper implementation as well as ratification.

The campaign for promoting Maritime Treaty Ratification was discussed.

#### **11. Any Other Business**

JWC War Risk Areas - Members were advised that JWC maintains as "hazardous war risk areas" (WRAs), areas which are in excess of the amended HRA declared amongst multinational entities with varying interests such as UKMTO, MSCHOA, EU NAVFOR, CGPCS, SHADE. The direct consequence of this is that this area of Gulf Oman, lying north of 22 deg N Latitude and between Longitudes of 58 deg East and 65 deg East, is also considered by the JWC for the levy of additional war risk premium.

This area has no reported case or piracy or attempted piracy for the past several months. However, this area is an important channel for passage of all cargo that moves to countries East of India, which would include the ASA membership.

The Committee decided that ASA should take this issue up with the JWC. The ASA will also invite the ICS to join its efforts in doing so. It was also agreed to keep the SNEC on for copy of the correspondence as the same matter was brought to the notice of the SNEC.

#### IMO Sulphur CAP 2020 and installation of scrubbers and potential health related liabilities

In the ASA SILC Interim Meeting, the Chairman cautioned the Committee regarding potential occupational health issues arising from use of scrubbers onboard, leading to potential long tail liabilities for shipowners. He further sought the Committee members' agreement to raise this matter in the upcoming AGM in May 2018.



## Asian Shipowners' Association

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20 April 2018

REPORT  
OF  
THE SAFE NAVIGATION & ENVIRONMENT COMMITTEE CHAIRMAN,  
MR ESSEN POULSSON

1. The Safe Navigation & Environment Committee (SNEC) held two meetings since the 26<sup>th</sup> Asian Shipowners' Forum (ASF) held in Taipei, Taiwan from 24 – 26 May 2017.
  2. The 33<sup>rd</sup> and 34<sup>th</sup> SNEC Meetings were hosted by the Singapore Shipping Association (FASA – SSA) in Singapore on 17 October 2017 and 26 March 2018 respectively.
  3. At both meetings of the SNEC, the most recent developments relating to safe navigation and marine environment were discussed. A summary of the key issues discussed is as follows:
    - 3.1. Environmental
      - 2020 Global Sulphur Cap
      - Harmful Aquatic Organism in Ballast Water
      - Air Pollution & Energy Efficiency
      - Reduction of GHG Emissions from Ships
    - 3.2. Security and Safety
      - Piracy & Armed Robbery
-

4. Given its implications for global shipping, the Committee's discussed at length the upcoming 2020 global sulphur cap. The Committee also addressed issues relating to the implementation of the Ballast Water Convention, as well as the reduction of GHG emissions from ships.
5. During the period in review, one Joint Press Statement was issued by the Committee, a copy of which is attached as Annex 1.
6. A list of the ASF members currently represented in the SNEC is attached as Annex 2.
7. The SNEC Chairman wishes to express his thanks to all ASF members participating in the SNEC for their unstinting support and contributions during the meetings.
8. The venue for the 35<sup>th</sup> SNEC Meeting will be confirmed at a later date — the SNEC Secretariat will provide details in due course.

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# Ship Recycling Committee (SRC)

15 May 2018

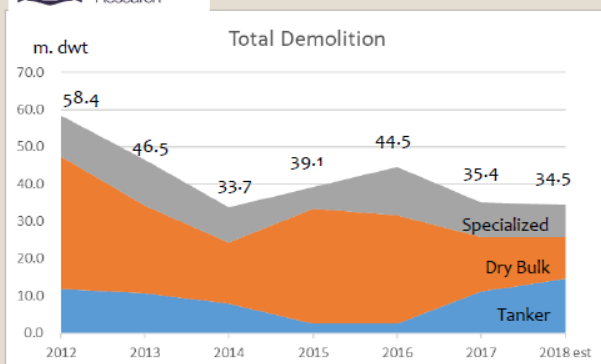
Dr. C. H. Yeh  
Chairman

1

## Trend of Ship Recycling Demand

In 2017: Global demolition activity declined by 20.4% in dwt  
(Marble status by type of ships )

In 2018- forecast: Similar level as 2017 but change portfolio  
(especially 30% increase in the tanker sector)



m. dwt

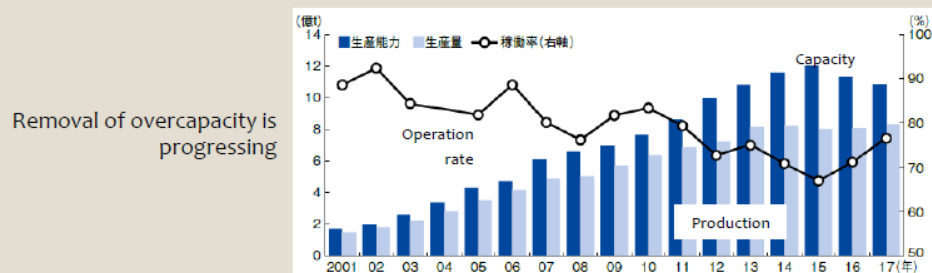
	2016	2017	%
China	5.1	5.7	16.1
India	12.8	10.0	28.2
Bangladesh	15.3	11.0	-31.1
Pakistan	9.7	6.5	18.4
Other	1.6	2.2	6.2
TOTAL	44.5	35.4	100

In long range, steady demand of ship recycling is expected. Stricter environmental requirements and new ship design using new bunker fuels will be factors to increase ship recycling.

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## Change of Portfolio of Place of Ship Recycling

- **Pakistan** still keeps ban on demolition of tankers.
- **China** is unlikely to increase demolition volume due to:
  - Restriction of import of ships to be recycled. So far only 2 yards received import license
  - Not many Chinese vessels to be recycled, as most volume had been handled in 2017
  - Reduced demand for ferrous scrap
    - Use of the Electric Arc Furnace dropped from 15.3% of total Chinese production in 2004 down to 5.2% in 2016.
    - Imports of ferrous scrap dropped from 13.7 M tons in 2009 down to 2.2 M tons in 2016.



**Yards in Southwest Asia have an Important Role!**

3

## Road to Enact HKC

**HKC ratification status** = Japan and India progress

- **Current contracting states: 6**

Congo	Belgium	Denmark
Norway	France	Panama
- **Japan:** A Bill is now on the table at the current Diet in 2018.
- **India:** A Bill may be submitted to the current Parliament in 2018.  
INSA and JSA submitted their comments to the draft bill in Indian Government's public comment system

**Steady step forward to enact HKC by ratification of India and Japan!!**

India – Japan Joint Statement in Sept 2017

- ① early conclusion of the HKC    ② ODA Project



4



## Road to Enact HKC

### Who will be next ?

Turkey, Germany, Italy, Estonia, Netherlands, China, Cyprus, (India and Japan)



Ratification by China as recycling country will be essential !!

### Requirements for effect:

- Not less than 15 contracting states  
( 6 states at the moment)
- Not less than 40% of GT of the world's merchant shipping  
( 21.23%)
- Not less than 3% of GT of maximum annual ship recycling volume in the recent 10 years ( 0.02%)



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41.5

4.4

Reality to effect

## "Before" and "After" at India



## Recent Developments in India

### (1) Upgrading of Ship Recycling Facilities

#### JSA's visit to India in February 2018

- Progressive improvement: 60 out of 90 active yards received HKC compliant certification. Some yards are trying to satisfy EU-SRR
- Next agenda: necessity of well-established management system for safety and environment and addressing worker's welfare



Achieve recycling method that does not put any blocks on inter-tidal zone



Daily cleaning of inter-tidal zone



Secure evacuation routes with permanent marking

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## Recent Developments in India

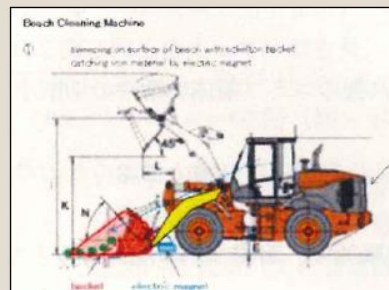
### (2) Upgrading of Remaining Facilities (2019-2022)

#### Japanese ODA (Total US \$76 million)

1. Installing impermeable floors, drain control systems, etc.
2. Upgrading incinerators and waste oil/water facilities
3. Introducing new equipment/units pictured below
4. Technical cooperation
5. Environmental monitoring



Mobile Decontamination Units



Beach Cleaning Machines



Large Mobile Cranes

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## Recent Developments-Trans Plant

(3) Positive influence



PHP Shipbreaking & Recycling Industries,  
Bangladesh certified by RINA



Positive Repercussions  
to neighbors for green  
yards

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## Recent Developments in Europe

(4) EU Regulation

< Concern 1 >

The capacity of the EU list is not enough. Even so, the list will be activated at the end of 2018 at the latest.



- Possible shortage of ship recycling capacity due to non-assignment outside EU yards. Need to assign them to motivate improvements in major recycling countries.
- EU flag ships will have to be flagged-out when scrapping.

< Concern 2 >

Financial incentive scheme proposal; Ship Recycling License

- EC presented a view of the proposal in August 2017. The proposal is questionable as to whether imposition on non-EU flag ships is allowable under the international laws. ASA stands against it with ICS and ECSA

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## Our Activities – Seeing is Believing

March 2013

Dialogue with China Corporation Register of Shipping (CR) in Taipei



March 2014

Visit and dialogue with China National Ship Recycling Association in Dalian



March 2015

Invited SRIA to our SRC meeting in Singapore

Mar 2015 TW Forum

October 2015

Visited yards in Alang and had dialogue with SRIA



July 2016

Dialogue with ECSA and ICS, and attended to joint response to EU financial scheme proposal

July 2017 ACI Seminar

March 2018 TW Forum

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## Our Activities – Asian Presence Being Felt

✓ ACI Ship Recycling Congress

held July 2017 in Singapore

✓ TradeWinds Ship Recycling Forum

held March 2018 in Hamburg

- Dr. Yeh, ASA SRC Chairman, made presentation about Asian owners' views
- Mr. Tomoda, JSA SRC Chairman, participated in the panel discussion
- ASA held dialogue meeting with SRIA/ECSA, respectively.



Need to pay attention to new move of **Sustainable Recycling Transparency Initiative (SRTI)** starting to work by some owners, class, bank etc.

- introduction own rating scheme eco-friendly with contribution in CSR field by shipowners

→ Transparency of consolidated data from owners in public will attract attention for difference in level among shipowners.



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## Actions to be Taken

1. Continue approaches to hasten process of HKC ratification  
== to their own Governments and/or China!
  
2. Strengthen recommendation of following items to members of each association:
  - Nomination of HKC-compliant yards and/or yards in process of obtaining HKC compliance
  - Preparation of IHM onboard
  - Introduction of clauses to nominate yards for recycling on sale/purchase contracts or sale/ buy contracts



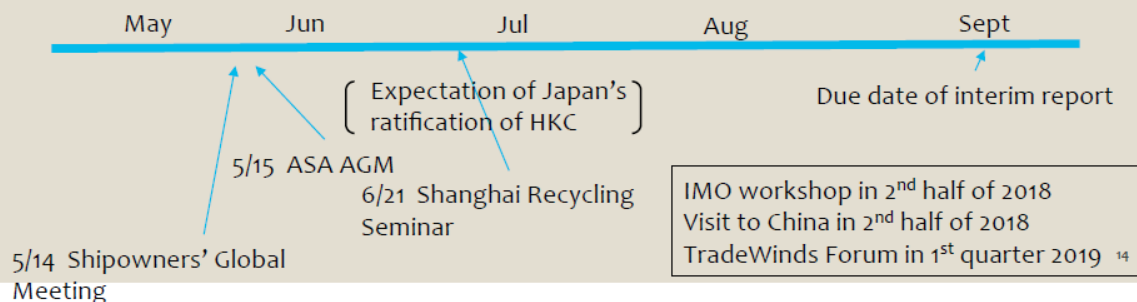
Interim meeting of the ASA SRC held on 23 March in Taipei

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## Actions to be Taken

3. Show the ASA flag – **China promotion project**
  - Kick-off Global Shipowners' Meeting on 14 May in Hong Kong
  - Participation in "China International Ship Recycling 2018" in Shanghai in June 2018
  - Support IMO to call Workshop in 2<sup>nd</sup> half of 2018 somewhere in Asia
  - Visit China for the purpose of meeting with Chinese Government and Chinese Recyclers in 2<sup>nd</sup> half of 2018
  - Participation in "TradeWinds Forum" is planned in Hong Kong
  - Establishment of regular contact and dialogue with SRIA, Bangladesh and Turkey
  
4. Production Interim Country Report by early September  
== Work together == Contribution from everyone!!

< Schedule of actions >



***Thank You  
For Your Kind Attention!***