








SHIPPING	
AUGUST 2013	
1	<p>Netherlands - contributed by AKD</p> <p><u>Dramatic increase in penalty for cutting corners in the North Sea</u></p> <p>Ships which deviate from the mandatory shipping lane above the Dutch Wadden Sea Islands will be subject to higher penalties, after the Cabinet recently voted to increase the maximum fine for such offences from €7,600 to €78,000. The increased fines are intended to take effect from January 1 2014. The proposed legislation amendments will be published on introduction of the bill in the House of Representatives.</p> <p>Author: <u>Pieter van der Meijs</u></p> <p><u>Read more</u> http://www.internationallawoffice.com/?i=55592&l=7JV40ME</p> <p style="text-align: right;"><u>Pieter van der Meijs</u></p>
2	<p>Finland - contributed by Hammarström Puhakka Partners, Attorneys Ltd</p> <p><u>Supreme Court sets precedent on CMR carrier's liability for loading</u></p> <p>The Supreme Court recently confirmed that a Convention on Contracts for the International Carriage of Goods by Road (CMR) carrier has a right to release itself from liability for the loading, stowage and securing of goods, and that the sender has no right to take direct action against the CMR sub-carrier. The decision is a reminder that it is important to have a clear and detailed agreement on such matters.</p> <p>Authors: <u>Matti Komonen</u>, <u>Herman Ljungberg</u></p> <p><u>Read more</u> http://www.internationallawoffice.com/?i=55592&l=7JU6JC4</p> <div style="float: right; text-align: center;">  <p>Matti Komonen</p> </div>
3	<p>Italy - contributed by Dardani Studio Legale</p> <p><u>Salvage claims: two years and no more</u></p> <p>The Cagliari Court of Appeal recently issued a judgment in which it addressed and clarified the nature of the two-year time limit for claims stipulated in Article 23 of the Salvage Convention 1989. The court confirmed the two-year limit in this case, holding that in circumstances where salvage operations have been carried out, numerous interests are often involved and the need for certainty is crucial.</p> <div style="float: right; text-align: center;">  <p>Lawrence Dardani</p> </div>



	<p>Author: <u>Lawrence Dardani</u></p> <p>Read more http://www.internationallawoffice.com/?i=55592&l=7JU6JDF</p>	
4	<p>Malta - contributed by Fenech & Fenech Advocates</p> <p><u>Authorities launch guidelines on tax treatment of charters</u></p> <p>Following similar announcements recently made by France and Italy, the Maltese authorities published the Guidelines for the Value Added Tax Treatment of Short-Term Yacht Chartering. The guidelines address situations in which a short-term charter of a yacht with a crew (or on a bareboat charter basis) is entered into between the owner or operator and the charterer for a consideration.</p> <p>Author: <u>Alison Vassallo</u></p> <p>Read more http://www.internationallawoffice.com/?i=55592&l=7JU6JEB</p>	 Alison Vassallo
5	<p>Philippines - contributed by Del Rosario & Del Rosario law Offices</p> <p><u>Supreme Court clarifies 120 and 240-day rules</u></p> <p>The Supreme Court recently clarified the 120 and 240-day rules. It stated that under the Philippine Overseas Employment Administration Standard Employment Contract, only Grade 1 injuries or disabilities may be considered a total and permanent disability. However, if injuries or disabilities in Grades 2 to 14 incapacitate a seafarer for more than 120 or 240 days, the seafarer would be considered totally and permanently disabled.</p> <p>Author: <u>Ruben T Del Rosario</u></p> <p>Read more http://www.internationallawoffice.com/?i=55592&l=7JU6JF4</p>	 Ruben T Del Rosario
6	<p>Ukraine - contributed by Interlegal</p> <p><u>Detention of ships and cargo by port authorities</u></p> <p>Ukrainian law provides for the detention of vessels and cargo by port administrative authorities, which is distinct from the arrest of ships under the Brussels Convention. Such detention is considered a means of securing a maritime claim. However, the timeframe and grounds for detention are limited, and the provisions governing detention constitute an exception to the general rules on ship arrest under the convention.</p> <p>Author: <u>Nikolay Melnykov</u></p>	 Nikolay Melnykov



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7	<p>Brazil - contributed by Kincaid Mendes Vianna Advogados</p> <p><u>Customs control formalities waived for vessels destined for coastal navigation</u></p> <p>A new act determines that foreign vessels admitted into Brazilian waters destined for cabotage navigation or cruise trips along the Brazilian coastline will automatically be subject to the temporary admission regime and waived from customs control formalities. The act states that it has retroactive effect as of May 21 2013, but it has been suggested that it should also apply to events before this date.</p> <p>Author: <u>Godofredo Mendes Vianna</u></p>  <p>Godofredo Mendes Vianna</p> <p>Read more http://www.internationallawoffice.com/?i=55592&l=7JT031D</p>
8	<p>International - contributed by Wikborg Rein</p> <p><u>How to ensure focus on quality in new builds in a bad market</u></p> <p>Quality is always a concern when it comes to new builds. The orders for some of the new builds now coming up for delivery were placed at a time when prices were significantly higher than in today's market. With such an inversion of delivered price to market price, it remains more important than ever to ensure that the build quality is acceptable and in accordance with the building contract.</p> <p>Authors: <u>Øystein Meland, Robert Joiner</u></p>  <p>Øystein Meland</p> <p>Read more http://www.internationallawoffice.com/?i=55592&l=7JT0323</p>
9	<p>Personal Injury Claims in Canada</p> <p>Doug Schmitt of the Vancouver firm of Alexander Holburn writes:-</p> <p>On August 2nd, 2013, the Supreme Court of Canada (“SCC”) issued a decision in <i>Maritime Services International Ltd v Ryan Estate</i>, 2013 SCC 44 with far reaching consequences for Canadian maritime personal injury claims. In a case involving fatalities on a commercial fish boat, the SCC upheld Canadian provincial workers’ compensation laws which bar claims by workers against employers and other workers. The decision should stem the rising tide of maritime workplace injury lawsuits started throughout Canada after the decision of the majority in the Newfoundland and Labrador Court of Appeal in this case in 2011.</p> <p>The SCC reversed the decision of the Court of Appeal which held that the Newfoundland workers’ compensation law (the “WHSCA”) did not bar maritime workers’ lawsuits because maritime negligence is a federal matter with which provincial laws may not interfere.</p> <p>The SCC held that the statutory bar in the WHSCA preventing tort claims by an employee was</p>



	<p>constitutionally valid. They found that the doctrine of interjurisdictional immunity does not apply (to make the provincial WHSCA inapplicable to maritime claims) because, although the bar in the WHSCA affected the class of person who could bring a tort claim arising from a marine accident, that intrusion was not significant or serious.</p> <p>The SCC also held that the doctrine of federal paramountcy did not apply to make the provincial WHSCA invalid because the federal Marine Liability Act (“MLA”) and the WHSCA were not incompatible. The MLA contains language that contemplates situations in which a plaintiff, injured or killed in a maritime accident, would not be able to bring an action. Therefore, there was no inconsistency as the WHSCA simply provided for a different compensation scheme without the requirement of establishing fault.</p> <p>dschmitt@ahbl.ca</p>
<p>10</p>	<p>Accident on the Hudson River, New York</p> <p>James Mercante of the firm of Rubin, Fiorella & Friedman LLP writes:-</p> <p>I thought your readers might be interested in this newsworthy story in the Wall Street Journal about the fatal boating accident on the Hudson River in New York. Unfortunately, this is not the first time moored barges have been hit at night due to visibility issues, and it won't be the last. Maybe this casualty will generate some action and discussion in appropriate lighting, and adequate warnings to pleasure boaters about the presence of moored barges in navigable waters.</p> <p>http://tinyurl.com/kqvnydm</p>
<p>11</p>	<p>Liberia Launches online MLC Complaints Resolution Form for Seafarers</p> <p>Chris Hewer writes:-</p> <p>THE Liberian Registry has launched an online Maritime Labour Complaint Resolution Form for seafarers, ahead of the entry into force of the Maritime Labour Convention 2006 on 20 August, 2013.</p> <p>Liberia is committed to ensuring that seafarers who serve on Liberian-flag ships have decent working and living conditions, a safe and secure workplace and fair employment. Seafarers are encouraged to use the ship's onboard complaint procedures to resolve complaints at the earliest possible opportunity in accordance with MLC 2006. However, in the event that a complaint is unable to be resolved on board, Liberia has provided the online Maritime Labour Complaint Resolution Form to help seafarers resolve all genuine and valid complaints.</p> <p>Seafarers can utilise the online form to lodge a general complaint affecting specific working or living conditions on board the ship, or a complaint relating to a single seafarer. The Liberian Administration will take all necessary steps to investigate complaints and ensure that appropriate measures are taken to rectify any deficiencies. All information provided to the Administration will be treated as strictly confidential.</p> <p>Scott Bergeron, CEO of the Liberian International Ship & Corporate Registry (LISCR), the</p>



	<p>US-based manager of the Liberian Registry, says, “Liberia was the first country to ratify MLC 2006, and intends to do everything in its power to ensure that it is properly enforced. This is not just a tick-box exercise. If effectively implemented, MLC 2006 will improve and standardize working conditions for seafarers and shipowners alike.</p> <p>“Liberia’s online Maritime Labour Complaints Resolution Form is a way of ensuring that seafarers on Liberian-flag ships have all possible resources available to them for reporting any genuine grievances to those who have the authority to resolve such matters in accordance with the letter and spirit of MLC 2006.”</p> <p>The Liberian Registry’s Maritime Labour Complaint Resolution Form can be accessed from the homepage of its website at</p> <p>http://www.liscr.com</p>
12	<p>Indian Companies Bill, 2012</p> <p>Corespondents Amarchand Mangaldas have sent in an analysis of the new legislation for Companies in India. They write:-</p> <p>The much awaited Companies Bill, 2012, (“Bill”) has received the approval of the Rajya Sabha (upper house of Parliament) on Thursday, August 8, 2013, after having been previously cleared in the Lok Sabha (lower house of Parliament) on Tuesday, December 18, 2012. The Bill aims to thoroughly revise and modify the archaic (Indian) Companies Act, 1956. The Bill still needs the assent of the President of India, before it can become an Act.</p> <p>This alert aims to highlight the key changes introduced by the Bill and also emphasize on the relevant issues from a practical and operational perspective.</p> <p>http://www.scribd.com/doc/159584116/India-Policy-Alert-The-Companies-Bill-2012-An-Insight</p>
	<p>David Cheslin-An Appreciation</p> <p>We have learned with sadness of the death of David Cheslin, founder and managing director of PR firm Dunelm. He had been in hospital for six months having undergone two liver transplants and died unexpectedly on Monday, 5th August 2013.</p> <p>Your editor learned a lot from David Cheslin. We first knew him for his work on the TT Club's Stoploss 90 Competition, where he had been hired to spread the word of the international prize offered for the best loss prevention ideas via specialist transport and shipping press around the world. At that time no other PR firm enjoyed the understanding and friendly relations he had with all manner of shipping papers. He came by his love of the subject via the old school.</p> <p>Cheslin was brought up in Hartlepool on the east coast of England. It was from there that his love of ships and shipping grew as he cycled around the shipyards of Tyneside. As with many PR types in the maritime field he started out as a journalist, his first work appearing in the</p>



13	<p>Liverpool Journal of Commerce and Sea Breezes.</p> <p>Brian Singleton gave him his first proper job in shipping journalism on Shipbuilding and Shipping Record in the early 1970s. He went on to work on Cargo Systems and to work in the PR department of MacGregor Hatch Covers before becoming deputy editor of Containerisation International.</p> <p>He was the first UK shipping journalist to go to Taiwan in the mid '70s to visit a fledgling Evergreen and from this visit a relationship was formed that was to last over three decades.</p> <p>In 1978 Cheslin went into PR, working for Richman & Associates, and soon attracted Evergreen's PR account as Evergreen expanded its European network. When Cheslin set up Dunelm Public Relations in 1981 the Evergreen account came with him and grew as Evergreen expanded, launching its Round-the-World service in 1984.</p> <p>Among other clients in the Dunelm stable was Rickmers Linie, Kalmar Equipment. Geest North Sea Line, OT Africa Line, the TT Club and the UK P&I Club to name but a few.</p> <p>Cheslin lived and breathed shipping, establishing niche conferences and even an association to champion shortsea and feeder container shipping. Over the years he brought on a large number of young PR account executives, teaching them good habits and launching many into careers in the wider PR field. He personified an ideal mixture of knowledge and enthusiasm for his subject which was impossible to miss by anyone with the same tendencies and eagerness to know more.</p> <p>David had many other interests – Porsche cars, motor racing and the music of West Africa to name a few. Latterly his love of his farm in Northumberland was a large part of his life. His pet sheep Dora – who David fed by hand when she was a lamb – remained devoted to him introducing him to her various offspring over the years. He is survived by his son, Aidan, his ex-wife Judy and his partner, Margaret.</p> <p>A memorial service will be arranged to celebrate his life and achievements.</p>
14	<p>People and Places</p> <p>The Virginia Port Authority Board of commissioners has announced that Jeffrey Wassmer will succeed William Fralin as the organisations new chairman</p> <p>-----</p> <p>Jan-Fredrik Rafen has retired from the firm of Bahr in Norway</p>



15	<p>Brazil - contributed by Kincaid Mendes Vianna Advogados</p> <p><u>Congress fails to ratify decree on taxation of shipping sector</u></p> <p>Provisional Presidential Decree 601/2012 is no longer in force, after Congress failed to approve it within 120 days. As a practical consequence of this change, those working in the construction, retail, maintenance and repair of vessels would have reverted to the payroll taxation system. However, another decree has been issued to mitigate partially the expiration of Provisional Decree 601/2012.</p> <p>Author: <u>Godofredo Mendes Vianna</u></p> <p>Read more http://www.internationallawoffice.com/?i=55592&l=7JRUU7K</p>
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