



İstanbul :

Sayı
Our Reference: 2617

18.06.2015

Konu
Subject :**Amerika Deniz Ticaret Odası Mayıs 2015 Raporu Hk.**

Sirküler No: 480 / 2015

Sayın Üyemiz,

İlgi: Uluslararası Deniz Ticaret Odası'ndan (ICS) alınan 09.06.2015 tarih ve ICS(15)33 sayılı yazı ve Eki.**İlgi yazıda, ICS Üyeleri, Amerika Deniz Ticaret Odası'ndan (Chamber of Shipping of America - CSA) alınan, yazı Ekindeki raporu dikkate almaya davet edilmektedirler.**

Amerika Deniz Ticaret Odası'nın en son aylık raporu ekte sunulmaktadır. Rapor aşağıdaki hususları içermektedir:

1. Ham petrol ihracatlarındaki 50 yıllık yasağın kaldırılmasını öneren yeni yasa Senato'ya sunulmuştur. 2015 Enerji Arzı ve Dağıtımı Yasası (Energy Supply and Distribution Act of 2015) olarak adlandırılan yasa tasarısı, her ne kadar mevcut haliyle kabul edilme ihtimali belirsizliğini sürdürüyor olsa da, daha sonraki görüşmeler için Enerji ve Tabii Kaynaklara ilişkin Senato Komitesine gönderilmiştir. (ICS Denizcilik Politikası Komitesi, özellikle ABD bayraklı gemilerde taşınacak ham petrol ihracatlarına yönelik tüm teşviklerle ilgili gelişmeleri takip edecektir.)
2. Raporda ABD balast suyu meseleleri hakkında bir güncelleme yer almaktadır. CSA, ABD Sahil Güvenlik Komutanlığı'nın (U.S. Coast Guard – USCG), incelenmek üzere teslim edilen üç adet tamamlanmış test paketine rağmen, balast suyu yönetimi sistemleri için herhangi bir tip onayı yayınlamadığını bildirmektedir.
3. CSA'nın, denizcilik endüstrisinde Alarmlar, Uyarılar ve Bildirimlerin güncel durumu hakkında Ulusal Denizcilik İstihbarat / Entegrasyon Dairesi tarafından yönetilen bir Alt Çalışma Grubuna katıldığı bildirilmektedir.
4. Raporda, kısa süre önce Temsilciler Meclisinde kabul edilen yeni bir Sahil Güvenlik Yetkilendirme Yasasının (Coast Guard Authorization Act) genel değerlendirmesi yer almaktadır. Kongre'den geçmesi durumunda, Yasanın 313. Bölümü, ABD bayraklı gemilerde LNG'nin ithalatını ve ihracatını artırmak amacıyla programın uygulanmasını sağlamak için kuralların geliştirilmesini gerektirmektedir. (Denizcilik Politikası Komitesi söz konusu yasa tasarısını takip etmektedir.)
5. USCG, Gemiadamlarının Denizcilik Tesislerine Erişimi (Seafarers' Access to Maritime Facilities) hakkında önerilen kural bildiri için kamu incelemesi sürecini 1 Temmuz 2015 tarihine kadar yeniden başlatmıştır. (Hem CSA hem de ICS ilk danışma sürecinde görüş bildirmişlerdir.)
6. Raporda ayrıca, Kaliforniya Eyaleti Komisyonu'nun (California State Lands Commission – CSLC) biyolojik kirlenme hakkında önerdiği yeni taslak düzenlemenin temel maddelerinin bir özeti yer almaktadır. CSA, bazı açılardan hala sorunlu bulunduğu en son taslak düzenlemenin geçmiş versiyonlara göre önemli bir gelişmeyi temsil ettiğini belirtmektedir.

Bilgilerinizi arz ve rica ederiz.

Saygılarımızla,

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İstanbul :

Sayı
Our Reference :Konu
Subject :**EKLER:**

Ek-1: İlgili yazı ve Eki

DAĞITIM:**Gereği:**

- Tüm Üyelerimiz (Web Sayfasında)
- Türk Armatörler Birliği
- S/S Gemi Armatörleri Motorlu Taş. Koop.
- Vapur Donatanları ve Acenteleri Derneği
- 22,24,25,27,28,29 No.'lu Meslek Komite Bkş.
- İMEAK DTO Şubeleri
- Türk Uzakyol Gemi Kaptanları Derneği
- Gemi Sahibi Firmalar

Bilgi:

- Ulaştırma, Denizcilik ve Haberleşme Bakanlığı
Deniz ve İçsular Düzenleme Genel Müdürlüğü
- Sn. Sefer KALKAVAN
TOBB DTO'ları Konsey Başkanı
- Meclis Başkanlık Divanı
- Yönetim Kurulu Başkanı ve Üyeleri
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9 June 2015

ICS(15)33

TO: ALL FULL AND ASSOCIATE MEMBERS

**Copy: Shipping Policy Committee
Marine Committee
Labour Affairs Committee
Construction & Equipment Sub-Committee
Environment Sub-Committee**

US DEVELOPMENTS – MAY 2015

Action required: To note the attached report from the Chamber of Shipping of America (CSA).

Attached at Annex A, please find the monthly report from CSA for May 2015.

The report contains:

1. News that new legislation was introduced to the Senate in May which proposes to lift the 50 year old ban on crude oil exports. The proposed bill, entitled the Energy Supply and Distribution Act of 2015, has been referred to the Senate Committee on Energy and Natural Resources for further debate, although the likelihood of it passing in its current form remains unclear. (The ICS Shipping Policy Committee will be monitoring the progress of the proposed bill, particularly with respect to any incentives for crude exports to be carried on U.S. flag ships, as are currently being developed for LNG.)
2. An update on U.S. ballast water issues. CSA notes *inter alia* that the U.S. Coast Guard (USCG) has still not issued any type approvals for ballast water management systems, despite three completed test packages having been submitted for review.
3. News that CSA is participating in a Sub-Working Group, being led by the National Maritime Intelligence/Integration Office, on the current state of Alerts, Warnings and Notifications in the maritime industry.
4. An overview of a new Coast Guard Authorization Act recently passed by the House of Representatives. If passed by Congress, Section 313 of the Act would require the development of guidelines to implement the programme (agreed under separate legislation) to promote the export and import of LNG on U.S. flag vessels. (The Shipping Policy Committee is also monitoring the progress of this bill.)

5. Notice that the USCG has reopened the public comment period for the notice of proposed rulemaking on 'Seafarers' Access to Maritime Facilities' until 1 July 2015. (Both CSA and ICS submitted comments during the first consultation period.)
6. A summary of the key provisions of the California State Lands Commission's latest proposed regulation on biofouling. CSA notes that, while still problematic in certain respects, the latest draft regulation represents a significant improvement on previous versions.

Joe Francombe
Policy Officer

MONTHLY REPORT FOR THE INTERNATIONAL CHAMBER OF SHIPPING
FOR MAY 2015

NOTE TO THE READER: References to the Federal Register may be found at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>. Please note new address and format for Federal Register retrieval due to upgrade in US government website.

References to legislation may be found at <http://thomas.loc.gov/> by entering the bill number (HR 802, S 2841) in the "search bill text" block found at the center of the page.

US Legislation Proposes Lifting the Crude Oil Export Ban

Key Senate leadership, led by Senator Lisa Murkowski, introduced S 1312, the Energy Supply and Distribution Act of 2015. The bill, introduced on May 15, 2015 has been referred to the Senate Committee on Energy and Natural Resources for further debate and action. Hearings are expected on this bill before the Committee takes any decisions to favorably report this bill to the full Senate for floor debate and vote. Taken from the text of the bill itself, one of the purposes of this legislation is the "development of flexible, transparent and competitive energy markets, including natural gas and oil markets".

Key provisions of the bill would lift the over 40 year old ban on crude and condensate exports and permit the export of these commodities to any country not subject to sanctions. A savings clause is included in the bill which would permit the President to temporarily reapply the export ban in cases of national emergencies.

As noted by several of the multiple sponsors, lifting the export ban will not only provide strategic and economic benefits for the US, but will increase the US supply on the world market and contribute to lower and more stable prices for consumers.

Status of US Ballast Water Issues

Based on the frequent questions coming to CSA on a regular basis and given the critical nature of US ballast water requirements and policy relative to the expectation that sufficient ratifications of the IMO Ballast Water Convention will likely be reached before the end of 2015, CSA will provide regular updates in our monthly report on key issues.

- As of this writing, the US Coast Guard (USCG) has still not issued any type approvals for ballast water management systems notwithstanding the fact that three completed test packages have been submitted to the USCG for review and hopefully approval.
- CSA understands that the three completed test packages submitted to the USCG are for UV based systems where the USCG review may be complicated by the lack of USCG agreed test protocols for UV based systems (viable/non-viable versus living/dead criteria).
- CSA has discussed this dilemma with one manufacturer who has submitted a completed test package and learned that the USCG has asked UV based system manufacturers to submit appropriate

assessing compliance with the D-2 standard.

- The scientific expert group charged with identifying an acceptable test protocol for UV based systems continues its work with a scheduled deadline for completion of work by the end of June 2015. Assuming this date is met, it can be expected that several months will be required for the group to agree upon and present its final report and findings to the USCG.
- Regrettably but not surprisingly, the US again reserved its position on all decisions taken at MEPC 68 which suggests that US ratification of the Convention should not be expected in the short to medium term.

It is positive that the US delegation continues to participate in the G-8 review group and it is hoped that revising that guideline to better reflect the more robust and stringent testing approach employed by the US may provide some hope that the Convention could be ratified by the US at some time in the future.

National Maritime Intelligence/Integration Office Alerts, Warnings, and Notifications Working Group

CSA is participating as one of three domestic maritime industry representatives in the Sub-Working Group on the current state of Alerts, Warnings, and Notifications (AWN) in the maritime industry. The AWN working group is led by the National Maritime Intelligence-Integration Office and includes stake holders from USCG, State Department, U.S. Navy, MARAD, Maritime Labor and maritime industry associations. The focus of this work is to stream line the AWN for more timely and pertinent information to the shipping companies and their vessels. As the scoping process is still ongoing and while it is clear this effort will include information relating to US ports/places and US flag vessels, it is still to be determined if the effort will also include non-US flag vessels in US ports/places and/or alerts relative to locations outside the US.

Coast Guard Authorization Act of 2016 and 2017

The Coast Guard Authorization Act of 2016 and 2017 (HR 1987) was passed by the House of Representatives and has moved to the Senate for further action. Key elements of interest to the international shipping community include:

SEC. 308. RECOMMENDATIONS FOR IMPROVEMENTS OF MARINE CASUALTY REPORTING - This section would require the USCG to provide an action plan to implement recommendations to improve the USCG's marine casualty reporting requirements and procedures. CSA's comments were submitted to the docket in April 2014.

SEC. 311. ATLANTIC COAST PORT ACCESS ROUTE STUDY - The USCG would be required to conclude the Atlantic Coast Port Access Route Study and submit the results to Congress by April 1, 2016. This relates to the current efforts relative to ocean planning initiatives moving forward on the east coast with the National Ocean Planning Council and other stakeholders. USCG's involvement and leadership in ocean planning is critical to avoiding regional programs in favor of domestic solutions where possible.

SEC. 313. PROGRAM GUIDELINES - This would require the USCG to develop and submit guidelines to Congress and Senate to promote the transportation

vessels.

Seafarers' Access to Maritime Facilities

The USCG has reopened the public comment period for the notice of proposed rulemaking (NPRM) entitled "Seafarers' Access to Maritime Facilities," for 60 days until July 1, 2015. As originally published on December 29, 2014, the comment period for the NPRM closed on February 27, 2015. CSA submitted comments to the docket by the first deadline. The USCG is particularly interested in comments on their estimate of a 10.3 percent noncompliance rate of facilities with respect to providing seafarers' access. Some commenters suggested that the 10.3 percent non-compliance rate estimate is too low and is interested in learning if there is a better estimate or if there are other sources of information for obtaining the non-compliance rate.

California State Lands Commission (CSLC) Proposed Regulation on Biofouling

The CSLC has issued its proposed regulations to establish biofouling rules for all ships (greater than 300 tons that carry ballast water) entering California ports. Comments are due on the proposed rule on 16 June 2015. A copy of the regulations and supporting documentation may be downloaded at the CSLC website for marine facilities at: http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home_Page.html.

It should be noted that these proposed regulations are the third iteration of proposals made by CSLC over the past several years. The Shipping Industry Coalition collectively and CSA individually had previously submitted comments on previous iterations expressing a number of concerns with the direction the regulatory development project was heading. While these new proposed regulations still include problematic text, many of the issues raised by the industry have been addressed by CSLC and while certainly not ideal from the industry's perspective, represent vast improvements from previously proposed regulations. The proposed regulation establishes performance standards which would have to be met by any covered vessel entering California waters and would apply to niche areas as well as flat wetted hull surfaces.

Key provisions of the regulations are as follows:

- Section 2298.1 – defines purpose, applicability and implementation date of the regulations and includes requirements based on best available technology economically achievable; applicability provisions (vessels 300 GRT and over capable of carrying ballast water; note capable of carrying ballast water includes vessels that may carry ballast water in trim tanks not otherwise designated as ballast tanks and an implementation date of 1 July 2016 (new vessels on that date, existing vessels on first out of water maintenance/drydock on or after that date).
- Section 2298.3 – contains requirements for vessel specific Biofouling Management Plans.
- Section 2298.4 –contains requirements for the development and maintenance of a Biofouling Record Book.
- Section 2298.5 – modifies the reporting requirements for filing of the California Hull Husbandry Form to require reporting at least 24 hours in advance of the first arrival in California waters for the current calendar year.

Wetted Surfaces" is the "meat" of this regulatory package and generally requires the following:

- Distinction between hull surfaces (paragraph (a)) and niche areas (paragraph (b))
- Antifouling coating should not be relied upon past its effective lifespan
- If antifouling coating is used beyond its effective lifespan or if antifouling coating is not used at all, additional management measures must be employed to ensure macrofouling is limited to 5% or less of wetted surfaces
- Niche areas (listed in paragraph (b)(1)) are recognized as problem areas with limited access during normal operations and must be managed as per details in Biofouling Management Plan, with documentation in Biofouling Record Book when management practices are conducted or failure to conduct management practices are not completed and reasons why they were not completed.
- "Obviously excessive biofouling" (macrofouling percentage cover significantly in excess of 15% of wetted surfaces) will result in:
 - Written warning if (1) excessive biofouling is restricted to vessel sea chests/strainers and/or bow/stern thrusters OR (2) other excessive biofouling in other areas is detected on first California port call after last shipyard and the vessel will remain in state waters for less than 96 hours.
 - Written violation if (1) second or subsequent visit after last drydock OR (2) detected on other surfaces except noted niche areas and the vessel will remain in California waters for 96 hours or more.
 - In either case, the vessel will be required to manage the excessively biofouled areas prior to the vessel's next arrival in a California port or place. CSLC may require vessel to clean, treat or remove excessive biofouling.
 - Leeway provided to vessel which makes attempts to manage biofouling but finds services are unavailable during ports visited prior to the next California port call after the initial warning/violation is issued.
- Section 2298.7 – includes requirements for vessels inbound to California waters that prior to arrival have experienced an "extended residency period" since its last drydock where "extended residency period" is defined as remaining in one port or place 45 days or longer (see definition in Section 2298.2).
- Section 2298.8 – clarifies current regulatory text and states that propeller cleaning is permitted in California waters.
- Section 2298.9 – contains application, notification and approval procedures for alternative methods of compliance and requests for emergency exemptions (vessels making an unscheduled call in

definition of "emergency" under this section).

CSA will be preparing comments to submit to the docket after consultation with our colleagues in the industry coalition. Preliminarily, areas of concern which remain in the proposed regulation and which will be addressed in our comments are as follows (with thanks to the World Shipping Council for coordinating the coalition comments):

- Appreciate the many improvements from past proposals and the attempt, albeit unsuccessful, to align with current IMO requirements and guidelines.
- Unworkable requirements still remain as regards to niche areas.
- "obviously excessive biofouling" definition as applied to certain niche areas are not feasible and are not based on the "the best available technology economically feasible" as required by the controlling statute
- Agree exclusions for sea chests, sea chest gratings and thrusters are both appropriate and justified standard above
- Other niche areas should also be included in these exclusions as indicated in our previous comments and should include fin/stabilizer recesses, rope guards and rudder recesses since they cannot be safely or effectively cleaned while the vessel is in the water.
- If these additional areas are not included as recommended, CSLC must conduct an analysis as mandated by the controlling statute, of what management measures constitute "best available technology economically achievable". It is notable that this issue was raised in previous comments a number of years ago and has yet to be addressed by CSLC.
- The 96 hour extended stay provisions should ideally be deleted entirely or at least be lengthened to avoid covering vessels which we do not believe CSLC intended to cover e.g. vessels regularly calling in California ports which due to a variety of reasons outside the control of the vessel owner remain in California waters longer than 96 hours. These reasons include port and berth congestion, and increased cargo operations time due to the ever increasing size of vessels.
- Appreciate the reference and alignment with the IMO guidelines, but inclusion of the "percentage cover" performance standards, absent any international agreement as to their appropriateness, is premature and may, in fact, place a vessel, in the impossible situation of having to comply with these quantitative standards e.g. in water cleaning when the vessel's previous ports do not permit in water cleaning.
- CSLC cumulative cost impacts of this regulation do not fully reflect actual costs where unscheduled out of water cleaning is required. Costs make no mention of out of service time and briefly without specificity note diversion costs incurred for vessel travel to/from regular route and out of water cleaning facility. Out of service time likely to overwhelm actual cost of out of water cleaning e.g. out of service time plus diversion costs to out of water cleaning facility plus drydock fees.