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Sayı
Our Reference: 356

22.01.2015

Konu
Subject : **Amerika Deniz Ticaret Odası Aralık 2014 Raporu Hk.**

Sirküler No: 59 / 2015

Sayın Üyemiz,

İlgi: Uluslararası Deniz Ticaret Odası'ndan (ICS) alınan 05.01.2015 tarih ve ICS(15)02 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. Gemiadamlarının gemide terk edilmesi, Kuzey Kutbu deniz taşımacılığı ve ulusal denizcilik stratejisi meselelerinin ele alındığı bölümler de dahil olmak üzere, ABD Sahil Güvenlik Komutanlığı (US Coast Guard – USCG) 2014 Yetkilendirme Yasasının (Authorization Act) ilgili bölümlerinin bir özeti CSA Aralık ayı Raporunda yer almaktadır. CSA, yeni programların uygulanması durumunda serbest piyasa sonuçları doğurabilecek olan Bölüm 308, 603 ve 605'e özellikle dikkat çekmektedir. (ICS Denizcilik Politikası Komitesi, 2 Şubat 2015 tarihinde gerçekleştirilecek olan bir sonraki toplantısında LNG ihracatı (ve olanak dahilinde diğerleri) üzerindeki muhtemel kısıtlamaları ele alacaktır.)
2. ABD Çevre Koruma Dairesi (Environmental Protection Agency – EPA), 2014 yılı Aralık ayının başında, Emisyon Kontrol Bölgeleri'nde (Emissions Control Area – ECA) kullanılan deniz yakıtlarına ilişkin bir kılavuz yayınlamıştır. Yükümlülük ve ihlal meselelerinin yanı sıra, örnekleme ve test gereklilikleri, yakıt teslim bildirimi özellikleri ve raporlama ve kayıt tutma gerekliliklerini özetleyen bir belge aşağıdaki internet bağlantısında yer almaktadır:
<http://www.epa.gov/otaq/documents/oceanvessels/420b14097.pdf>
3. EPA, 2013 Gemi Genel İzni (Vessel General Permit – VGP) Yıllık Rapor gerekliliklerini görüşmek ve yıllık raporların hazırlanması ve teslim edilmesi için EPA'nın elektronik aracının nasıl kullanılacağına dair genel bir açıklama yapmak amacıyla 7 Ocak 2015 tarihinde web tabanlı bir seminere ev sahipliği yapmıştır.
4. Kaliforniya Eyaleti Komisyonu (California State Lands Commission – CSLC), biyolojik kirlenme hakkında önerilen yeni taslak düzenlemeye ilişkin görüş sunması için Teknik Danışma Grubuna son bir şans vermiştir. Kaliforniya Eyaleti Komisyonu'na CSA tarafından sunulan görüşlerin bir özeti Aralık ayı Raporunda yer almaktadır.

Bilgilerinizi arz ve rica ederiz.

Saygılarımızla,

Murat TUNCER
Genel Sekreter**EKLER:**

Ek-1: İlgi yazı ve Eki



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İstanbul :

Sayı
Our Reference :Konu
Subject :**DAĞITIM:****Gereği:**

- Tüm Üyelerimiz (Web Sayfasında)
- Türk Armatörler Birliği
- S/S Gemi Armatörleri Motorlu Taş. Koop.
- Vapur Donatanları ve Acenteleri Derneği
- İMEAK DTO Şubeleri
- Türk Uzakyol Gemi Kaptanları Derneği
- Gemi Sahibi Firmalar

Bilgi:

- Ulaştırma, Denizcilik ve Haberleşme Bakanlığı
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5 January 2015

ICS(15)02

TO: ALL FULL AND ASSOCIATE MEMBERS

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

US DEVELOPMENTS - DECEMBER 2014

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

Attached at Annex A please find the latest monthly report from CSA. The report contains:

1. A summary of relevant sections of the USCG Authorization Act of 2014, which was signed into law on 18 December, including sections addressing the abandonment of seafarers, Arctic shipping, and national maritime strategy. CSA draws particular attention to Sections 308, 603 and 605, which may have free trade implications if new programmes are eventually implemented. (The ICS Shipping Policy Committee will be discussing possible restrictions on LNG (and potentially other) exports at its next meeting on 2 February.)
2. News that, in early December, the Environmental Protection Agency (EPA) published guidance on Emissions Control Area (ECA) marine fuels. A link is provided to the document, which outlines *inter alia* liability and violation issues, sampling and testing requirements, bunker delivery note specifications, and reporting and recordkeeping requirements.
3. Notice that the EPA is hosting a webinar on Wednesday 7 January to discuss the Annual Report requirements of the 2013 Vessel General Permit (VGP) and to provide an overview of how to use the EPA's electronic tool for preparing and submitting annual reports. Participation is free via the link provided in the report.
4. News that the California State Lands Commission (CSLC) has provided the Technical Advisory Group with one final opportunity to provide comments on its new proposed draft regulation on bio-fouling. CSA provides a summary of comments it has already submitted to the CSLC, which raise several areas of concern.

Joe Francombe
Policy Officer

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CHAMBER OF SHIPPING OF AMERICA

MONTHLY REPORT FOR THE INTERNATIONAL CHAMBER OF SHIPPING

FOR DECEMBER 2014

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 Coast Guard Authorization Act of 2014 (for fiscal years 2015 and 2016)

Just prior to Congress's departure for the holiday recess, the Senate and House passed S 2444, the USCG Authorization Act of 2014 which was signed into law by the President on December 18, 2014. The lengthy text contains much of the usual and expected programmatic language typically found in authorization bills but also contains some relevant sections relating directly into international maritime transportation issues. Of particular note are sections 308, 603 and 605 which we believe may create significant free trade implications if new programs are implemented based on these analyses/studies. Based on the support of US flag vessel promotions by key leadership in both the House and Senate, it is expected that these issues will continue to be highlighted in the new Congress.

All relevant sections are summarized below.

Section 229. E-LORAN

Prohibits the dismantling of E-Loran stations until the later of 1 year from date of enactment or at such time as the USCG provides a notice of determination that the infrastructure is no longer needed to provide positioning, navigation and timing systems to provide the necessary redundancy in the event of GPS disruption. These provisions were inserted by the long standing supporters of maintaining the E-Loran system as a back-up for GPS given the potential for unintentional or intentional GPS signal disruption.

Section 308. Report.

Within 1 year from enactment, requires Comptroller General to submit a report to Congress on the number of jobs, including vessel construction and operating jobs that would be created if LNG exports were required to be carried aboard US flag vessels (1) before December 31, 2018 and (2) after December 31, 2018. Regardless of support or opposition for this approach, it should be noted that these provisions create a potential for implications under the WTO free trade agreements.

Section 314. International ice patrol reform.

After many years of US provision of ice data to a number of international “partners” which had committed to sharing of expenses but rarely paid their fully committed amount, new text is added to prohibit transfer of this information to any vessels unless the vessel is (1) US flag or (2) is flagged by a foreign nation which has made payments/contributions towards the expenses of collecting this data during the year prior. With the development of the IMO Polar Code and this issue receiving significant international attention, we believe the US is now drawing a line in the sand and forcing an international collaboration to create international programs to equitably share the cost of collection of this important information.

Section 320. Treatment of abandoned seafarers.

Creates an abandoned seafarers fund to cover the costs of support to a seafarer involved in an investigation relating to a USCG enforcement proceeding or who is physically abandoned by the vessel owner/operator in the US. Requires reimbursement off a vessel owner/operator for support costs where the vessel owner/operator is not convicted of a criminal offense. Where the fund pays for the costs of support, requires the vessel owner/operator to reimburse the fund when the owner/operator is convicted of a criminal offense or if it is determined that the owner/operator has physically abandoned a seafarer in the US.

Section 322. Coast Guard regulations.

Within one year of enactment, requires a report to Congress on the USCG strategies for regulatory programs relating to safety and environmental management for vessels engaged in OCS activities.

Section 501. Arctic maritime transportation.

Acknowledging urgent needs for development of infrastructure relating to navigational aids, vessel escorts, spill response capability and SAR, authorizes the USCG to enter into negotiations at IMO relating to Arctic operations and bi-lateral or multi-lateral agreements with Arctic nations (Russia, Canada, Iceland, Norway, Denmark and others) addressing navigational aids, marine safety/tug/salvage capabilities, spill prevention and response capabilities, maritime domain awareness including LRT and SAR. Text also appoints the Committee on the Marine Transportation System as the lead in coordinating US policy in the Arctic.

Section 502. Arctic maritime domain awareness.

Requires USCG as lead agency to coordinate sharing of information among all US departments and agencies. Also requires first 5 year strategic plan by January 1,

2016 for purpose of improving maritime domain awareness with 5 year review and revision.

Section 503. IMO Polar Code negotiations.

Within 30 days of enactment, requires report to Congress on the status of negotiations at IMO toward finalization of the Polar Code including expected date of entry into force. Requires future notification of amendments to the Polar Code during each budget cycle for years 206, 2017 and 2018.

Section 505. Icebreakers

Mandates USCG analysis and report on polar icebreaking services and strategies to implement same through September 30, 2050.

Section 506. Icebreaking in polar regions.

Requires the President to include in his budget e.g. "facilitate the planning", funds for the design, procurement, maintenance, deployment and operation of icebreakers as needed to support the USCG mission in the Arctic. It should be noted that this section codifies Congressional intent to support the concept of adequate icebreaking capability but leaves the funding issues associated with this issue to the always convoluted annual budget process which requires offsets for new program funding and often times leaves "good ideas" with insufficient or no funding in the final approved budget.

Section 603. National maritime strategy.

Within 60 days of enactment, requires a report to Congress on the national maritime strategy which specifically identifies (1) federal regulations and policies which reduce the competitiveness of US flag vessels engaged in international trade and (2) impacts of reduced cargo flow due reductions in number of Armed Forces personnel assigned abroad. The report must also include recommendations to (1) make US flag vessels more competitive in shipping routes to/from the US to foreign ports (2) increase the use of US flag vessels to cargo cargoes imported to and exported from the US (3) increase the use of third-party inspection and certification authorities (4) increase the use of short sea shipping routes and (5) enhance US shipbuilding capabilities.

Section 605. Competition by United States flag vessels.

Requires USCG to commission a study by the National Academy of Sciences (NAS) which assesses the ability of US flag vessels to compete in international trade including a review of differences between US requirements and IMO requirements. Report must be presented within 180 days from the date of agreement by the USCG and NAS.

Section 606. Vessel requirements for notices of arrival and departure and automatic identification system.

Within 30 days off enactment, requires the USCG to report to Congress the status of the proposed rule on notices of arrival, departure and automatic identification system. This section appears to reflect Congress's impatience with the lack of speed in which the USCG has failed to finalize these regulations.

Section 610. Safe vessel operation in Thunder Bay.

Although of limited geographic impact, these provisions prohibit the USCG and EPA from imposing a ballast water discharge prohibition in the Thunder Bay National Marine Sanctuary providing the discharge meets all federal and state ballast water requirements. These provisions are notable as it begs the question as to what extent Congress may be willing to impose similar limitations on other existing or new national marine sanctuaries.

US Environmental Protection Agency (EPA) Guidance on ECA Marine Fuels

In early December, EPA published the above referenced guidance on ECA marine fuels. Of note in this document is the mandate from EPA that all components of the manufacturing and distribution network must have ECA compliant marine fuel (0.1%) in all parts of the distribution network no later than December 1, 2014. In spite of the US position taken at MEPC 67 to oppose the creation of any bunker supplier oversight program by IMO member states, the US EPA has long enforced compliance programs in the fuel manufacturing and distribution systems for land based fuels and its extension to marine fuels is no surprise. Assuming appropriate inspections and other oversight, it can be expected that 0.1% fuel will be available from all registered suppliers on/after December 1, 2014. The document also outlines liability and violation issues, sampling and testing requirements, bunker delivery note and other transfer document content and registration, reporting and recordkeeping requirements. The document may be downloaded at: <http://www.epa.gov/otaq/documents/oceanvessels/420b14097.pdf>

EPA Webinar on VGP Annual Reporting Requirements

The US EPA is hosting a webinar on Wednesday, January 7, 2015 from 1:00 pm to 2:30 pm EST to discuss the Annual Report requirements of the 2013 Vessel General Permit (VGP) and to provide an overview of how to use EPA's electronic tool for preparing and submitting those annual reports. This webinar will describe:

- Who is required to submit annual reports under the 2013 VGP,
- How to register or update registration to use the new annual reporting module of EPA's
- electronic reporting system (eNOI),
- What information is required to be submitted in the annual report,
- How to submit single or multiple (i.e., batch) annual reports, and

- Where to go for help with submitting these reports.

Time will be allotted during the webinar for EPA to respond to questions posed by participants. To participate in this webinar, please go to <https://www2.gotomeeting.com/register/616753794> to register in advance. There is no charge to register or participate. If you cannot participate, a recording of the webinar will be accessible from the VGP website at: <http://water.epa.gov/polwaste/npdes/vessels/Vessel-General-Permit.cfm>.

CSLC Draft Regulations on Biofouling – Informal Comments Requested

The California State Lands Commission (CSLC) has provided the Technical Advisory Group (TAG) one last opportunity to provide comments on their draft biofouling regulations before the regulations are formally proposed for comments. A copy of the draft regulations may be downloaded at: http://www.slc.ca.gov/Spec_Pub/MFD/Ballast_Water/Ballast_Water_Default.html. It is expected that CSLC will formally propose regulations open for comment during the first quarter of 2015.

CSA provided comments to CSLC highlighting continuing concerns with the proposal noting specific issues as included below.

1) Application of subsection 2298.6(c) to grated and recessed areas e.g. "niche" areas.

We believe that the calculation of "obviously excessive biofouling" coverage should not include sea chests, sea chest gratings, bow and stern thrusters, bow and stern thruster gratings and other recessed areas including fin and stabilizer recesses, rudder recesses and rope guard recesses. In water cleaning of these areas is not only impracticable but also unsafe for divers attempting to clean these areas on a vessel in normal operations e.g. in water. While some may be physically accessible (sea chests, thrusters and gratings associated with these areas), it is not without significant risk to the divers for risk of bodily harm or death. Others (rudder recesses and rope guard recesses) are not physically accessible using existing cleaning methods.

While we appreciate the inclusion of the first time "warning" provisions, the current draft effectively leaves the shipowner in the untenable position that a stay exceeding 28 hours or a second call in California waters after the first warning requires either cleaning or exposure to fines and penalties for biofouling in these areas for which there are no safe and effective means of conducting underwater cleaning. In respect to a second call after a warning, we would respectfully suggest that this second call be defined within the context of when the vessel's last out of water maintenance/cleaning has occurred.

As you are aware, the criteria for imposing new requirements under this section of the Code is that these requirements must represent "best available technology economically achievable". As noted above, there are currently no in water cleaning

methods that meet this standard and until such time as these methods are developed and in place globally, the niche areas described above should not be subject to these provisions.

2) The 48 hour stay trigger.

First, we are unaware of any information that would serve as the scientific basis for establishing a 48 hour stay criteria that would determine whether a vessel was compliant or non-compliant with the regulations. We would very much appreciate any information CSLC has used to lead to the proposal of the 48 hour stay trigger.

Notwithstanding our concerns with the 48 hour trigger, we would note that vessel stays in California waters whether it be at one or multiple California ports, vary significantly with the type of ship involved, port conditions and other factors not only outside the control of the vessel owner, but often times unpredictable by the vessel owner. Given this lack of control by the vessel owner and the inability to predict length of port stays, we would recommend that the 48 hour trigger be eliminated.

3) Availability of in-water cleaning services and potential for re-growth after cleaning.

In-water cleaning services are not available in all ports globally. The determination of whether in-water cleaning services were available for a given basis should be determined on a case by case basis. A vessel may be on a particular route where this in-water cleaning is not available thus making it impossible for a vessel owner to make the necessary arrangements before the vessel returns to a California port.

Even assuming the availability of in-water cleaning services at some point during a vessels route which are used by the vessel owner, there is no guarantee that this in-water cleaning at a time certain will result in macrofouling "not significantly in excess of five percent" when the vessel finally returns to a California port. The benchmark for whether the vessel took all possible measures to meet the requirements (and thus support a determination of compliance or non-compliance) should be viewed through the lens of whether in-water cleaning was available through reasonably commercial efforts in pre-California ports of call within a time period that would prevent the regrowth to exceed the "not significantly in excess of five percent" criteria, providing such management efforts are properly documented.

4) Disproportional impact on vessels engaged in the domestic trade e.g. between US West Coast ports or multiple California ports.

We are extremely concerned about the impact of the draft proposal, most specifically the 48 hour stay trigger and the extended residency period provision, on vessels engaged in the US domestic coastwise trade. As noted in the comments submitted by the American Waterways Operators, these provisions create a situation where an operator/owner may exceed the five percent biofouling trigger,

but have no viable alternatives to comply with the current draft requirements. We would recommend the applicability of these requirements to vessels engaged in US domestic coastwise trade be removed due to its disproportional and unfair impact on domestic vessels.