

well as to express our opinion on important issues on maritime safety, shipping in general and professional development of our colleagues. Spending his last days in hospital he prepared the necessary documents for our last annual general assembly which he was not able to attend. Captain Van Wijnen was mentor to almost all our presidents and council members during last years.



We lost our leader, administrative motor of CESMA, experienced professional, colleague and friend always ready to assist. He paid a lot of visits to places all over the world to assist in fare trial to our colleagues captains Sobadzhiev, imprisoned in Panama and captain Schetino, imprisoned in Italy and he was of vital importance as maritime expert in the court for the final result of these and other trials against shipmasters.

Captain Fredrik Julius van Wijnen will always remain in our hearts and in his memory we have to work hard to continue and further develop his ideas about captain's profession and maritime future of Europe.

Let him rest in peace.

CESMA Board,

Captain Hubert Ardillon, President of CESMA;

Captain Dimitar Dimitrov, Deputy President of CESMA;

Captain Giorgio Ribaric, Vice President of CESMA

**24TH CESMA ANNUAL GENERAL ASSEMBLY, 10th MAY 2019 AT
ANTWERP BELGIUM**

**MINUTES OF THE 24th CESMA COUNCIL MEETING ON 09TH MAY 2019
AT HILTON OLD TOWN HOTEL, ANTWERPEN, BELGIUM**

Those present:

Captain H. Ardillon	President (AFCAN, France)
Captain D. Dimitrov	Deputy President, BSMA, Bulgaria
Captain G. Ribaric	Vice President, (ZPU, Slovenia)
Captain Captain W.V.von Pressentin	VDKS, Germany
Captain B. Kavanagh	IIMM, Ireland
Captain P. Roche	IIMM, Ireland
Captain B. Baert	KBZ, Belgium
Captain A. Pels	KBZ, Belgium
Captain L. Geenevasen	NVKK, Netherlands
Captain M. Badell Serra	ACCMM, Spain
Captain H. Ammerlaan	NVKK, Netherlands
Captain Francis Vanoosten	HYDROS, France
Captain G. Lettich	CNPC, Italy
Captain M. Carbolante	CTPC, Italy
Captain V. Radimir	UPKCG, Montenegro

Captain J. Spridzans	LSMA, Latvia
Captain I. Susic	UKPTM, Croatia
Captain J. Karnincic	UKPTM, Croatia
Captain M. Gianelli	USCLAC, Italy
Captain Vyautas Paulauskas	LCC, Lithuania

The Council is welcomed in Antwerpen by the President of KBZ, Captain Alan Pels

ITEM 1: OPENING BY THE PRESIDENT

The President, Captain Hubert Ardillon, opens the 24th CESMA Council Meeting. He commenced with the thanks to KBZ for the invitation and the nice place they ensured for the meeting. After that capt. Ardillon continued with the problem we have in CESMA due to the serious illness of capt. Fredrik Van Wijnen, Secretary General of CESMA. President Ardillon mentions the main subjects to be discussed during the council meeting and the general assembly.

ITEM 2: Apologies

Apologies are received from Captain F. de Meulder (individual member). Captain Capt. S. Sundberg, Helsinki Shipmasters, Mr. M. Dorsman, ECSA, EU shipowners Association and Captain H. Sande, President IFSMA.

ITEM 3: PRESENTATION OF COUNCIL MEMBERS

Each council member presents himself and mentions the shipmasters' association and which country he represents.

ITEM 4: ADOPTION OF THE AGENDA

The agenda is accepted as proposed.

ITEM 5: ADOPTION OF THE MINUTES OF THE 23rd COUNCIL MEETING AT KOTOR, MONTENEGRO.

Captain Ardillon excused the board for the absence of minutes from the last council meeting due to the illness of the Secretary General of CESMA and told

the council members in short what happened during the 23rd Council Meeting in Kotor, Montenegro.

ITEM 6: RENDERING OF THE 2018 FINANCIAL PAPERS, PREPARED BY THE ACTING TREASURER AND SECRETARY GENERAL CAPT. F.J.VAN WIJNEN AND PRESENTED BY THE ACTING SECRETARY GENERAL CAPT. DIMITAR DIMITROV, DEPUTY PRESIDENT OF CESMA. DISCUSSION ON THE ACCOUNT AND BUDGET FOR 2019

The financial papers proposed had been corrected with a technical mistake. The proposed budget, as decided by the council meeting during the 2018, has been met with a slight excess of 98 euro as balance. There is a big difference between the years 2017 and 2018. This is the result of far more activities (travel expenses) of the Board in particular of the General Secretary. On the assets it shows the purchase of 50 CESMA shields which ran out of stock. In the Income and Expenditure account we see, under miscellaneous, the expenses for the shields. Travel of the board is 1000 euro more than budget due to more activities of the board, of the general secretary in particular. The budget for 2019 shows an amount of 1200 euros for miscellaneous. This is due to the planned purchase of CESMA neck ties of which stock has run almost out. Decided by the board and accorded by the council during the AGA in 2018, to transfer 5000 euro from the directors account to the saving account. Due to the large amount remaining on the directors account, 8.000 euro was transferred to the saving account. With this increase in saving account we reach about the original intention to have a reserve of two times the yearly budget. Moreover we anticipate more expenditure in the coming years due to the transfer of duties of the General Secretary and the composition of the board which will then count five members.

On the income we can notice that the subscriptions from member associations had been fully paid for the year 2018.

To conclude the general secretary/treasurer reads the auditors report signed by financial experts Mr. M. de Wit and Mrs. M.M. Barendregt. Herewith the financial papers are approved by the Council, with applause.

ITEM 7: GENERAL SECRETARY'S REPORT

Captain Dimitrov, CESMA Deputy President reads yearly General Secretary's Report on behalf of Captain Fredrik Van Wijnen. It explains the activities of CESMA in the year 2018, which has been a very busy year, according to the

CESMA Logbook. There are no remarks on the report and as such it is accepted by the Council.

The comments to the Secretary General report are extended with discussion about the problem with the position of Secretary General. The President of CESMA captain Ardillon explained the situation in short. Captain Van Wijnen worked up to the last moment before going to the hospital for operation but it could not continue like that. CESMA needs a successor of captain Van Wijnen. Captain Bill Kavanagh commented the necessity the Secretary General to be a coordinator and CESMA to find Assistant Secretary General and treasurer. Captain Presentin from VDKS added the need the future Secretary General to live close to any airport to save time and expenses. Captain Baert from KBZ summarized that we have a situation to be solved. Captain Genevasen from NVKK suggested whether we need an office in Amsterdam. Captain Spridzans asked the board whether the financial report had been sent to the taxation authorities in Netherlands, the country where CESMA is registered. The board was not able to answer as everything including the registration had been done by the present Secretary General captain Van Wijnen. Captain Gianelli from USCLAC stressed on the fact that physical address of CESMA is important and we need back up for the access to CESMA account. As organization we need at least one more person to have access to the account. All the participants commented the need to set job description of the Secretary General

ITEM 8: MEMBERSHIP

The general secretary reports on the actual membership in CESMA. It counts now 20 member associations of which 4 associated members and five individual members. There has been several attempts from the Secretary General F. V. Wijnen for attracting Cyprus, Turkey and Polish Shipmasters' Associations but for the time being the developments are on stand-by. The Board decided to keep the things as they are and to try to attract new members.

ITEM 9: ORGANISATION OF ANNUAL GENERAL ASSEMBLIES

The President Ardillon thanked to KBZ for the warmest reception and ensured the board members that the organization of Annual General Assemblies meets the requirements of CESMA and its members. We have to be careful preparing the agenda and to keep some time for discussions after the presentations. For the time being we shall keep the format and organisation of assemblies and we will try to prepare as much papers as possible beforehand in order board

members to be able to discuss the materials with their own associations and to be able to express the opinion of the organisations they represent. Captain Spridzans proposed job descriptions of board members to be prepared in order the members associations to be aware of the duties of the board members and whom to address in any specific problem. The Deputy President said that the duties in general are described in the Statutes but we could make job descriptions in the Bye laws. Captain Baert from KBZ commented that the agenda should be prepared well in advance and thoroughly discussed in order to be actual, to contain the most important problems of shipmasters. Captain Kavanagh from IIMM proposed topics for the seminar and the outcome of them to be included into the resolutions. Captain Dimitrov proposed and it was accepted unanimously by all the council members Captain Fredrik Van Wijnen to be elected as honorary member of CESMA.

ITEM 10: COOPERATION WITH OTHER ORGANISATIONS, IFSMA, NAUTICAL INSTITUTE, NAUTILUS, EMSA.

As mentioned in the Secretary General's Report during the year CESMA had a lot of contacts with IFSMA and Nautical Institute, both of them having NGO status at IMO. During the extraordinary General Assembly of IFSMA Captain F. V. Wijnen and Captain Dimitrov attended and participated on behalf of their own associations as well as CESMA board members and made interventions. Both of them had been elected in the Decision Committee and were responsible for counting votes. Both of them opposed the proposed increase in subscriptions which could lead to decrease in membership. Captain Kavanagh said that he finds CESMA more of a assistance to his association than IFSMA. Captain Dimitrov explained the visit to Nautical Institute head office at the same time in London and the mutual cooperation which had been agreed with the CEO of NI Captain John Lloyd. The contacts with EMSA are maintained and the board decision the President and Vice President to attend European Maritime Day in Lisbon had been confirmed to keep the connection either with EMSA and other European institutions in the maritime field. Captain Ribaric from ZPU gave some more information about the most probable future EMSA head.

ITEM 11: ANY OTHER MATERS

Captain Lettich from CNPC explained in detail the developments of the case with the accident in the Port of Genoa with the ro ro ship Jolly Nero and the position of their organisation. He said that the pilot for the time being is

released from responsibility but the captain of the ship, watch keeping officer and chief engineer are kept responsible from the Italian Court.

ITEM 12: EVALUATION OF RESOLUTIONS FROM 23RD AGA IN KOTOR, MONTENEGRO.

The President of CESMA Captain Ardillon proposed the discussed in the board revision of resolutions in favour of making one preamble with all the important problems on which CESMA is working and to keep just four or five resolutions on most recent problems on which CESMA made latest discussions, topics in the AGA seminar and interventions on European and international level. A proposal had been made by the Deputy President and acting Secretary General Captain Dimitrov. Captain Ardillon explained importance of the problem with criminalization of shipmasters especially recent cases with violations of sulphur contents in the fuel and blaming the shipmasters (Cruise ship Azura in Marseille, France, trial against the shipmaster). Captain Baert informed the board members about another case of criminalization in Dubai where shipmaster, chief officer, chief engineer and the boatswain had been blamed for an accident in dry dock due to wrong operation of the dock winch which had been actually and contractually operated by the shore labour. All the board members confirmed the wording of proposed resolutions and decided after the AGA the resolutions to be sent with final text via e-mail to all the members of CESMA.

ITEM 13: CLOSURE BY THE PRESIDENT

The President, Captain Hubert Ardillon , thanks the attendants of the council meeting for their input and closes the 24th CESMA council meeting.

Captain H. Ardillon

Captain D. Dimitrov

President

Antwerpen 9th May 2019

Acting General Secretary

MINUTES OF THE 24TH ANNUAL GENERAL ASSEMBLY AT THE HILTON OLD TOWN HOTEL IN ANTWERPEN, BELGIUM ON 10TH MAY 2019

The day of AGA commenced with a seminar opened in the morning from Capt. Alain Pels, President of RBSC & Capt. Hubert Ardillon, President of CESMA. Both of them delivered the opening address. The keynote speech was

elaborated by Mr. Alexander Saverys, Chief Executive Officer of CMB NV who made a short presentation of the company he represents and major challenges to the ships and shipmasters as well as world fleet overview beginning with 4000 years existence of maritime industry and the need of investment in high tech and fleet performance systems. Captain Dr Rowan Van Schaeren, Managing Director of Antwerp Maritime Academy made the second presentation “Autonomous Shipping And Its Effect On Maritime Education And Training”. He presented the educational methods and new facilities in the academy, established in 1932, meeting point between digital technology and traditional skills, seagoing service problems and cooperation with Belgium Shipowners Association. The third speaker Captain Wilfried Lemmens, Managing Director of Royal Belgium Shipowners Association, presented his topic “Climate Change And Shipping” and the requirements for ships and shipmasters in regards to preserve the environment meaning for shipping mainly decarbonisation, switch to new fuels – methane, methanol, hydrogen, using scrubbers, etc. The fourth speaker, Mr. Eugeen Van Craeyvelt from Belgium Maritime Administration gave the flag state point of view on current problems in the maritime industry and how they are solved in Belgium. He explained the necessity of more inspections and external audits of companies and ships, more control by the administrations and that Belgium Maritime Authority is not in favor of outsourcing its services. As Belgium at the time being is member of IMO Council, he said Belgium will insist on implementing maritime single window either in Europe or in similar all over the world in order to decrease administrative burden of the shipmasters. European Maritime Single Window should be fully implemented up to 2024. Mr. Kenneth Ruyts, Partner in Westray Galene, delivered the presentation “Implementation of Today’s and Tomorrow’s Technology in Shipping. He summarized the growing shipping and more accidents happening, development of artificial intelligence and its application to reduce the risk as computers never get tired. Commander Walter Verstrepen, Legal Advisor of the Admiralty concerned the today’s hot topic in shipping “How will autonomous and unmanned ships affect the Maritime Law”. He explained the classification of the autonomous ships based on the degree of autonomy and general principles of the Maritime Law on international level – UNCLOS, IMO instruments, European level – EU legislation and Domestic Law via national legislations of countries. The most important at the moment he stressed on the definition that the autonomous vessel is “a ship” with all the consequences of that. Interesting interpretation of CDR Verstrepen was the role of the remote operator of the autonomous ship, who has to be considered as ship master with all the ship master’s functions of legal representation of the ship and responsibility for safe operation and seaworthiness. The last presentation was delivered by Ms

Natalie Shaw, Director of Employment Affairs in the International Chamber of Shipping, about “Challenges of Digitalization” stressing on the role of the non-governmental organizations in the regulation of manning of ships and especially revision of STCW convention later this year in the time when non-traditional shipowners are coming to the market with autonomous ships. The seminar concluded with fruitful discussion and the statement that there is no legal framework for liability in case of autonomous ship operation.

1. OPENING BY THE PRESIDENT AND PRESENTATION OF BOARDMEMBERS

President Captain H. Ardillon welcomes those present and introduces the Board, which now consists of four members explaining that one of the members, Captain Fredrik Van Wijnen is seriously ill and CEMSA needs urgent substitute. The President explained in detail the discussion on that matter during the Council Meeting on the previous day and asked once again CESMA members to be more active in finding substitution of the Secretary General. Capt. Ardillon shortly sums up the foremost aims of CESMA.

2. ADOPTION OF THE AGENDA

The Agenda was presented by the President of CESMA and changed as follows:

2.1 Opening by the President. Presentation of boardmembers. Aims of the organisation

2.2 Adoption of the agenda.

2.3 Adoption of the minutes of 23rd AGA in Kotor.

2.4 Betelgeuse remembrance (IIMM)

2.5 Accident with Jolly Nero in Genova (Capt. G. Lettich, CCG)

2.6 Outcome CESMA survey KBZ members. (Capt. B. Baert)

2.7 Authority of VTS versus Master (IMO 857)

2.8 Environmental concerns on tanker passage from Russia via Finnish Gulf, Baltic. (Helsinki Shipmasters)

2.9 Comments EU Commission on subjects previous AGA.

2.10 Fatigue issue not yet solved (NVKK)

2.11 ISPS Code to be inserted in ISM Code.

2.12 Piracy in Mediterranean. (CESMA NEWS, March 2019)

2.13 Any other matters.

2.14 Resolutions 23rd AGA in Kotor (final).

2.15 Invitation by Captain Karincic (Rijeka Shipmasters)

2.16 Closure by the President

The agenda was adopted.

3. ADOPTION OF THE MINUTES OF THE 23RD AGA IN KOTOR, MONTENEGRO

The minutes were screened on wording and contents page for page and adopted as prepared by the general secretary.

4. BETELGEUSE REMEMBRANCE (IIMM)

Captain Bill Kavanagh explained to the participants the case with motor tanker “Betelgeuse” in 1979 and commemoration ceremony at the beginning of the year in Ireland where he represented CESMA. He said that in the case everything had been wrong except the actions of the crew. The explosion could be seen from ten kilometres, there were insufficient rescue crafts on the jetty, severe bad maintenance of the ship, no inert gas system and no tugs on stand-by. The President of CESMA added that part of the victim crew members were from a college in a town of Brittany and students were chocked as their names were posted in front of college entrance.

5. ACCIDENT WITH JOLLY NERO IN GENOVA (CAPT. G. LETTICH, CCG)

Captain Lettich presented the latest developments of the case of criminalization of shipmaster in Genova. The shipmaster, chief officer and chief engineer of the ro ro ship are sentenced to prison in Italy and just the pilot of the ship had been released.

6. OUTCOME CESMA SURVEY KBZ MEMBERS.

That agenda item was mentioned by Captain Baert as concluded.

7. AUTHORITY OF VTS VERSUS MASTER.

The short announcement was made based on the article in CESMA news from March 2019 and a great concern was expressed by the participants regarding restriction to the shipmasters' actions and more authorities given to VTS operators to take decisions and request information in case where shipmaster has to have the freedom to take the right decision as per ISM Code.

8. ENVIRONMENTAL CONCERNS ON TANKER PASSAGE FROM RUSSIA VIA FINNISH GULF, BALTIC.

The Acting Secretary General of CESMA Captain Dimitrov read the message from Helsinki Shipmasters' Association.

9. COMMENTS EU COMMISSION ON SUBJECT PREVIOUS AGA

The Acting Secretary General of CESMA Captain Dimitrov informed the participants about the answer from Sian Prout in charge of the Maritime Safety in EU Commission about digitalization of seafarers' certificates, unification and recognition of certificates by any member state of EU.

10. FATIGUE ISSUE NOT YET SOLVED

Information had been presented by NVKK, Captain Leo Geenevasen who underlined the problem was not solved due to the opposition of the ship owners and there are yet ships with two watchkeeping officers including the master.

11. ISPS CODE TO BE INSERTED IN THE ISM CODE

Captain Dimitrov shared the information received that most probably there will be future revision of SOLAS convention and ISPS Code will be included in the ISM Code. It will not be real change but just simplification as both codes cover management of operation of ships.

12. PIRACY IN MEDITERRENEAN.

Captain Ardillon commented the CESMA news from March 2019 information and mentioned the problems with Turkish flag tanker in Malta. The master was obliged to follow MRCC instructions and to return some migrants picked up at

sea to Libya. The dilemma is if the master would not follow instructions, he will be blamed, if he follows the instructions, he would have problems in Libya or with migrants. That dangerous situation could come to any ship master in Mediterranean and is impairing the safety of shipping in that area.

13. ANY OTHER MATTERS

Captain Spridzans (LSA) proposed CESMA to insist on implementation of FAL Convention in EU ports and appropriate steps to be made at IMO to urge IMO member states to ratify the convention and to implement it on worldwide basis as an attempt to reduce administrative burden on shipmasters.

Again the problem with financial issued of ships calling Ukrainian ports had been raised regarding environmental inspections.

14. EVALUATION OF THE RESOLUTIONS OF THE 23RD AGA IN KOTOR, MONTENEGRO

Evaluation of the resolutions of the 23rd AGA in Kotor made during the Council Meeting previous day was discussed. It was decided the number of resolutions to be decreased and a preamble to be added in front with all the important problems CESMA has to work on. Then the resolutions have to be written only on matters on which CESMA will take immediate actions and will communicate them to EU institutions and other organizations CESMA works with. The resolutions from previous AGA were discussed one by one and finally the proposed from Deputy President Captain Dimitrov draft had been amended and approved for publication and distribution among the members and other parties.

15. INVITATION BY CAPTAIN KARINCIC (RIJEKA SHIPMASTERS)

Captain Karincic from Rijeka Shipmasters Association, the first Croatian association which joined Cesma, together with Captain Ivan Socic, Council Member from Croatia, presented the invitation of Rijeka for hosting next AGA. The invitation was accepted by applause.

16. CLOSURE BY THE PRESIDENT

President Hubert Ardillon closes the 24th CESMA Annual General Assembly and thanks the KBZ for the organisation and the hospitality received.

Captain H. Ardillon

Captain Dimitar Dimitrov

President

Acting General Secretary

Antwerp, 10th May 2019

RESOLUTIONS FROM 24th CESMA AGA ON 10th MAY 2019 AT THE HILTON HOTEL IN ANTWERPEN, BELGIUM

The CESMA members attending CESMA AGA in Antwerp, Belgium noted with concern the problems of piracy, safety of ro-ro, ropax and cruise ships, decrease of employment of EU seafarers, continued illegal immigrants in the Mediterranean, mooring accidents involving approved equipment, different practices in simulator training in EU countries, excessive paperwork on board commercial ships, decrease of traditional navigational skills, decreased employment of EU seafarers and continued accidents some with fatal end with Very Large Ore Carriers (VLOC's) sticks on the following resolutions of primary importance for shipmasters:

Resolution nr. 1: Implementation of sulphur cap and ballast water management.

The 24th Annual General Assembly in Antwerpen noted serious problems the shipmasters and crew face with the implementation of 2020 sulphur cap and prosecution of seafarers on violations of the existing rules from the companies and suppliers of fuel. The bunkers nowadays are ordered by the ship operators and the latter receive all the documents concerning the fuel beforehand. If any problems arise in implementation of sulphur contents restrictions in the fuel or compliance with ballast water management rules the masters are blamed and there are several cases with serious charges against shipmasters. The delegates insist on EU institutions to adjust the existing rules to the latest industry and information technology developments and not to blame the shipmasters for the violations coming from the shore parties involved in ship operation and shipmanagement.

Resolution nr. 2: Criminalisation of seafarers.

The 24th Annual General Assembly in Antwerpen again noted that the problem of criminalisation of seafarers and of shipmasters in particular, continues to be a matter of great concern. CESMA urgently requests ship owners and/or operators to always provide legal assistance for masters, serving on their ships, in case of an incident as a consequence of which they

are detained by local authorities, until, at least, a final verdict has been pronounced. Moreover masters are urgently advised to consider taking risk insurance.

Resolution nr. 3: Fatigue and safe manning.

The Assembly again discussed the problem of fatigue in the maritime industry. The requirement of a minimum of three certified bridge watch keepers, including the master, on each seagoing vessel of 500 GT and more, is still supported by CESMA, although we see improvement due to better controls by some flag states (Spain) and Port State Control officers. It continues to urge Port State Control officers to intensify verification of work and rest periods during shipboard inspections. CESMA supports the results of the Martha project.

Resolution nr. 4: Shipmaster key role in navigating the ship in VTS control areas.

The Assembly discussed the safety of ships when navigating in VTS surveillance areas and the current trend to restrict the shipmasters' decisions in favour of more authority by the VTS operators. CESMA urges European institutions and national legislative bodies to respect the shipmaster's overriding authorities as per ISM Code in saving life at sea, the ship and marine environment.

Antwerp (Belgium) 10th, May 2019

EUROPEAN MARITIME DAY IN LISBON REPORT OT CESMA PARTICIPATION



On 16/17th may, we were, undersigned and vice president Giorgio RIBARIC, at European Maritime Day at Lisbon, Portugal.

These EMDs were a bit particular as hold 2 weeks only before the European elections. Then the deputies present during those days were not sure to be again elected and if yes to be in the same sea group or commission.

This year the focus was on environmental situation. During opening session, Mr Karmelu VELLA, European Commissioner for Environment, Maritime Affairs and Fisheries said: “When we are speaking litter, it is not litter from ocean but litter generated on lands, such as plastics, cigarettes butts”. “We have to stop plastics”. “To think on a solution, there are two questions: What have we to do, and the second question which is never on the spot: What have we NOT to do”.

A lot of workshops these two days, some 28 in 4 sessions.

On the first day morning, we were at workshop titled “EU Cooperation on Coastguard Functions Added Value” presented conjointly by European Maritime Safety Agency (EMSA), European Fisheries Control Agency (EFCA) and European Border and Coast Guard Agency (EBCGA and Frontex). They explain how they run together, the sharing of information, which is very important, also with all European states.

In the afternoon, I was at a workshop “Maritime Spatial Planning : A Bottom Up Approach” presented by Intergovernmental Oceanographic Commission of UNESCO. Focused on the WestMed area, some examples on how local challenges are dealt with regional then national administrations on maritime areas and environmental competitions.

Vice president was at workshop titled “Using Big Data to stimulate ocean innovation”.

The four speakers at the session have presented how to share collected data primarily between fisheries industry. On this stage they like to involve other parties as Universities, seafood industry, technologic industry to process data. On second stage all processed data can be shared even by maritime industry. They proposed to make a cloud for different maritime sectors. This proposal seems to be a mini STM (Sea Traffic Management) idea which we, at Cesma, were share holders and present on all STM sessions. The BIG DATA product started in March 2019, but is still looking for additional partners and funds.

Then a breakout session, for me titled “Healthy Oceans: Towards a research & innovation mission in the next decade?” What we need is to look at more and more the oceans for resources, and including inland countries (by river) which have a role to play. We speak a lot of innovation, research, but never about results. Why? No exist?

Plan for the next decade: UE needs industry and research. We need to create synergies between states. At the question “research, nice, but we need actions, now”, the answer was that the policy should be built and developed by governments – means very long – including for the education. The most urgent plans should be for education, food, and to eliminate plastics. But the rules are very long to be established.

Vice president was at the session titled Challenge 2050 “Oceans and the EU’s decarbonisation strategy”. The speaker Mrs. Thelma KRUG-IPCC stated the problem which consent the whole planet. The first challenge is that until 2030 we must succeed to cool down the ocean for a minimum of 1,5 deg.Celsius. The whole world population have to change their habits to achieve the proposed goal. The next threat is Carbon Dioxide. Till now it was too less done to succeed on Carbon Dioxide Removal (CDR). On this proposal is involved even a maritime industry which have to cooperate and show some efficient results. In France the Ushant Islands area start with renewable energy from Hydro turbines (SABELLA) which reduce consumption of fossil fuels for islands’ energy. The next future solutions are the windmills (C.O.Wind Europe) and off shore floating windmills which can be build max 50 mt in heights and on max 100 mt depth which will be able to produce a suitable amount of energy. It was presented even a quite strange solution for cutting down carbon dioxide and this was under water SEA WEED FARMS. Those farms absorb a lot of carbon dioxide for their growing and on this way they help to clean the atmosphere. All those mentioned projects are mostly private enterprises which need support and financial funds from EU and other interested partners.

On the second day, I was at workshop titled “Marine Litter: Gaps, barriers, solutions and innovation”. The workshop was done per groups where each participant played a role from different stakeholders (producers, fishing and aquaculture companies, ports, government, waste recyclers, distributors). It was noticed at the beginning that plastics at sea is generated by 80% from inland sources. During our discussion, my partners (some of them were from the European commission) were a bit surprised when I explained how could be the conditioning of some foods and/or spares we received on

board vessels, and how it could be more than difficult to put back ashore such conditioning.

In 2020 EMD will be hold at Cork, Ireland.

CAPT. Hubert ARDILLON

CESMA President

ACTION AND CONTROL, PHYSICAL AND MENTAL ACTION. REGULATION OF ACTIVITY OR FREEDOM OF ACTIONS

All human activities have dual nature. The physical one is the primary with which we usually bind our everyday life. Usually people see the physical side of activities of others surrounding them. This physical consequence is always preceded by mental activity which in general is planning, acting and evaluating. There are physical actions which are result of instant reaction again created on mental level, i.e. again the physical is secondary against primary mental action.

The main purpose of carriage of goods at sea is physical movement of cargo from one place in the world to another. The ships are navigated by humans through their physical actions preceded by their mental work in planning, execution and analysis of the carriage. The core of the activity of the ship master at sea is to manage the ship mainly in navigation but today also in all other aspects. The other participants in the process of carriage usually see the physical actions of the captain, movement of the ship and loading, carriage and discharging of goods. That activity is based on theoretical qualification, experience and a lot of other factors directly or indirectly connected with the whole process. One of the critical moments during the maritime transport is manoeuvring of ships to come alongside in a port or to depart from there as well as passing the narrow areas and areas with heavy traffic. The manoeuvres of ships are physically done by the captains of ships after preliminary preparation and passage planning and using special advisors as maritime pilots. Again the visible part is the physical approach of the vessel to the port, manoeuvring and coming alongside. Behind that objective reality there are complicated connections and relations most of them developed uniquely for every single situation

never mind how identical are manoeuvres and the participants in them. Well established practice is maritime pilots to give advices for manoeuvres and those advices to be executed by mariners navigating the ships. In some cases the advices are confirmed by the shipmasters while in most of the cases the captains only control the actions without physically giving confirmations because of the intensiveness of the work. They interfere only in case they disagree with the pilot's advice and decide to act in a different way. In one way or another above said is challenging the responsibility of the shipmaster but there is no better system created at the moment. The captain of the ship knows better than the pilot his ship, her manoeuvring characteristics and physical behaviour in different situations. The pilot knows better the local conditions, the potential of other participants in the manoeuvres like tugs and tug masters, mooring gangs, stevedores, etc. The pilot also is usually a professional with experience in manoeuvring in confined waters which the shipmasters in general have not. The captains nowadays are quite busy with a lot of administrative burden and they cannot pay enough attention to the actual manoeuvring as they are usually tired during approaching and picking up pilot. In great extend they over rely on pilots simply because they have no more physical possibilities to concentrate on the job. How then the captain could be saved from incidents due to the pilot's fault when he is bearing the responsibility? In practice the only possible way is experience which the shipmaster practically cannot get except if before becoming captain he has experience as pilot. In general such situation is more exception then real practice.

Although all the preparations are done by the shipmasters before arrival in port as per the International Safety Management Code (ISM Code) very often the preparations are too general and they are done mechanically just to fill the ticks. It is very common the captain of the ship to get the berth number from the pilot after the pilot's boarding and so he cannot do practically berth planning. The preparation after pilot's boarding depends upon the time available which is usually short and the captain has nothing to do but to follow pilot's advices. In most of cases the mental activity for the manoeuvre is concentrated in the marine pilot and the shipmaster based on his experience and knowledge of his ship characteristics controls the actions and the result interfering when necessary.

Notwithstanding the new technologies, means of exchange of information the manoeuvring for berthing and unberthing and passing the confined waters is subject to decisions and actions more to the situation ad hoc than to standard actions. In result of that the time for reaction of the pilot doing

the manoeuvre and the captain bearing the responsibility is very short. During that restricted period the personal perception, intuition is quite more valuable than the information coming from different navigation control electronic systems. At the same time such systems could assist pilot's and captain's job. Up-to-date modern portable pilot units and other electronic devices for control of ship's movement provide updated and reliable information and support the mental activity of the pilot. As in all human activities in such situation excessive attention to the electronic systems could shorten the time for evaluation of the situation or delay the awareness. Monitoring of the information on different electronic systems diverts the attention of the pilot/shipmaster from his mental activity, decreases time for it and then the time for evaluation, decision and real action. Proper distribution of time for getting the information, processing and following actions is vital for the entire process of the manoeuvre. The successful manoeuvre is result of provision of enough information for the ships movement and unencumbered human senses and brain to process information and to act in time. All those arguments are true in case of proper theoretical and practical training. Human senses and brain have unlimited possibilities when they are properly trained. Nevertheless those unlimited possibilities in general there are restrictions in different extend in any particular situation and it is possible in excellent circumstances not properly timed action to lead to incident and vice versa successful manoeuvre to come to the end in extremely bad situation due to pull of all one's mental and brain strengths together and correct action.

The problem is similar when analysing the balance in regulating different activities in shipping and freedom of action during their execution. In 1997 International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) had been adopted and implemented during following years for different types of ships. ISM CODE adoption had been driven by certain objective trends in international shipping. Among them are the internationalization of the maritime profession, gathering together on board one ship or in one shipping company mariners from several nationalities being with different behaviour, mentality, temperament, training and qualification and safety culture. It was necessary common minimum standards valid and acceptable for all the participants in the carriage of goods at sea to be adopted and implemented. At the very beginning ISM Code was of great assistance to the mariners as the information for the main duties of each seaman and his actions and responsibilities in emergencies were strictly written in the ISM system of the company and ship. Each seaman has constant access to the rules and

procedures how any activity on board the ship is done. At the same time the ISM Code ensures enough freedom and flexibility to the shipmaster to break at any time any rules and regulations in order to save human life at sea, the ship and marine environment. E.g. from one side we have physical actions and rules for their execution, but from the other side we have mental activity of the key person on board the ship, the captain, who could waive any orders and rules. The following point had been provoked by a particular case of near miss situation at sea connected with the improper understanding and implementation of the safety rules. Passage plans of every ship have to be prepared “quay-to-quay”. Bearing in mind the ship’s organization on board modern ships in recent years the navigating officers have to implement the passage plan punctually and if they need to change something they have to advise the captain and to state and document the reason for the change. During passage of two ships in congested waters International Regulations for Preventing Collisions at Sea (Colreg 1972) are quite clear which ship is give-a-way ship and which ship is stand-on ship and what are the actions of both captains. Captain of container ship had been alarmed by his watch keeping officer that big tanker on his port side who had been give-a-way ship did not take any actions to keep safe distance and to avoid collision. The stand-on ship had to take actions to avoid collision. All that happened during the night. The reason for the dangerous situation which came out later was quite simple. The officer on watch on board the tanker, “give-way ship”, did not make any alterations because he had to divert from the ship’s passage plan and had to advise his captain during the night when the last one is sleeping. A lot of rules are broken as well as night order book requirements. The watch keeping officer simply underestimated the situation and decided that the stand-on ship will take action to avoid collision and he will not do any extra administrative job like amending passage plan and stating the reason for that. In the last decades there are enough cases of collisions at sea with the same main reason. A research of Danish Shipowners’ Association and Danish Maritime Administration during 2012-2013 found out that 80 percent of the working time of the shipmaster is occupied by administrative tasks and only 20 percent is pure navigation. The requirements of the companies further press the captains and they try to additionally reduce their working hours usually doing some of the administrative duties during the navigation and that is completely unacceptable and dangerous and could lead to accidents with fatal consequences. Whether in the modern regulatory documents in shipping the reasonable limit of regulation is passed over and that overregulation leads to reasons for accidents it’s a matter of discussion. It could be theoretical education and safety culture not trained on an acceptable level.

Maybe the reality is somewhere in between. Some of the rules and regulations are suitable for some companies, nations and nationalities while they are completely unsuitable for others. ISM Code is minimum standard for safe operation of ships. There are companies with much better than minimum standard safety management systems but the mariners implementing and applying them are also very important. A system with a certain level of regulation is proper for mariners from one nationality while the same system creates problems to others. And again the balance between theoretical education and training, physical and mental actions is very important. The mental activity could be restricted by too much regulations and it could become less effective due to that.

So expressed considerations require careful analysis when proposing and changing the regulatory documents in shipping if we look for most efficient result. The leading role of human's mental activity in ship manning, ship navigation and ship management has to be respected. At that moment the existing regulatory framework of shipping, basic maritime conventions and codes and instruments for their application are quite complicated, with too much details required and resource exhaustive in documenting the processes. At the same time crew on board modern ships are getting smaller and smaller. Navigational and management equipment, education and training and regulatory framework should be bound together to create conditions the mariners to take the right decisions and to think and solve the existing cases without going in detail which is taking them far away from the main purpose of their job. To achieve that the amendment of conventions, codes and other IMO instruments has to be done with the inclusion in the working groups of maritime professionals from the practice and especially active sailors. Those professionals are facing the problems at sea daily and they could be valuable corrective to the more complicated and binding regulation of the maritime professions and the actions of maritime professionals on board ships.

(Capt. Dimitar Dimitrov, BSMA/CESMA Deputy President)

REPORT OF CAPT. HUBERT ARDILLON FOR IALA SEMINAR SUBJECT REVISION OF RES. A.857(20) GUIDELINES ON VTS

On 27th june, I was at IALA Headquarter at St Germain-en-Laye, France for a seminar on the revision of IMO Resolution A.857(20)- Guidelines for Vessel Traffic Services. NVKK spoke about it during our last AGA in Antwerp.

The goal of the seminar was “to assist in the development of a modernized/updated IMO Resolution for VTS that provides a clear and concise framework to operate vessel traffic services globally in a harmonized manner.”

The draft revision, only 7 pages including annex instead of 24 for the actual resolution, is effectively concise. Clearer and less confusing. Of course as some points from the resolution A.857 disappear in the draft revision.

For captains, the main difference between the actual resolution and the revision is the removal of the para 2.2.4 annex 1 of the actual resolution about the liability in case of accident: "The liability element of an accident following compliance with VTS guidance is an important consideration which can only be decided on a case-by-case basis in accordance with national law. Consequently, a VTS authority should take into account the legal implications in the event of a shipping accident where VTS operators may have failed to carry out their duty competently."

In the draft revision, if we make a parallel between item 4.4.3 “Participating ships” and item 6.1 “General principles”, the result is clear and certainly not confusing for ships’ masters.

As ships’ master you have the final decision (6.1) but if you do not follow advices from VTS, you may have to report why you don’t (4.4.3). See 4.4.3 and 6.1 below.

Such responsibility could be translated as follows:

You don’t follow advices and run to an accident, as master you have the entire responsibility, and you may have to report why you disregard any instruction, advice or request given by VTS. To be honest, one report more as you will have to draw a lot of papers and reports due to the accident is not the most important thing that you, as master, will have to manage.

You don’t follow advices without any consequences; you may have to report why... One paper more, when? VTS will ask a report through the management, and the master could have been relieved since.

You follow advices and you run to an accident. In that case, in the draft resolution, contrary to the previous and actual one, there is no mention of a

possibility to share the responsibility or liability between the VTS and the vessel. As ships' master, you have still the entire responsibility.

At least it is clear, and not confusing. After questioning on the subject, the answer is that later on a new paper could be drawn on this particular point. But that means that if the draft revision is presented so at next NCSR7 then adopted by the following MSC, it will be difficult, to not say impossible, to change the responsibilities, later on.

The only thing we can do, actually, is to bring the voices of captains to our national administrations in order to have a correction before presentation for adoption by MSC.

This point, on responsibility, should be clarified. Before adoption.

Draft revision:

4.4.3: Participating ships in a VTS area should: comply with the provisions and instructions given to the ship by the VTS unless contradictory safety reasons exist. Masters may be required to report on their actions should they decide to disregard any instruction, advice or request given by a VTS.

6.1: Decisions concerning the navigation and the manoeuvring of the ship remain with the master. Nothing in these Guidelines changes the master's responsibility for all aspects of the operation of the ship.

CESMA LOGBOOK (2019 – 2)

We were represented at the following occasions:

09 MAY - ANTWERP - CESMA Council

10 MAY - ANTWERP - CESMA AGA

16-17 MAY - LISBON - European Maritime Day

04 JUN - ZOETERMEER - Cremation Ceremony CAPT Fredrik Julius van WIJNEN

27 JUN - ST GERMAIN EN LAYE - IALA Seminar

On the front page:

The hybrid ferry Berlin (file image courtesy Scandlines), The Maritime Executive World Maritime Day 2019, IMO web site

FROM THE EDITOR

LIST OF CESMA MEMBERS AND REPRESENTATIVES
--

MEMBER REPR VDKS GERMANY	CAPT. W.VON PRESENTIN PALMAILLE 29 22767 HAMBURG	TEL: 0049 40 384981 FAX:0049 40 3892114 E-MAIL: vdks.office@t-online.de
MEMBER REPR AFCAN France	CAPT. B. DERENNES RUE DE BASSAM 29200 BREST	TEL: 0033 2 98463760 E-MAIL:courrier@afcan.org
MEMBER REPR HYDROS France	CAPT. F. VANOOSTEN 201 RUE RENE CASTELIN 59240 DUNKERQUE	E-MAIL:vanoosten.francis@wanadoo.fr
MEMBER REPR NVKK NETHERLANDS	CAPT. L.J.H. GEENEVASEN WASSENAARSEWEG 2 2596 CH THE HAGUE	TEL: 0031 512 510528 MOB.: 0031646260098 CAPT.H.AMMERLAAN E-MAIL:nvkk@introweb.nl
MEMBER REPR CTPC ITALY	CAPT. M. CAROBOLANTE VIA MAZZINI 30 34121 TRIESTE	TEL: 0039 040 362364 MOB.: 0039 334 7400488 E-MAIL: collegio69@collegioditrieste.191.it
MEMBER REPR CNPC ITALY	CAPT. G. LETTICH VICO DELL' AGNELLO 2/28 16124 GENOA	TEL: 0039 010 2472746 E-MAIL: info@collegionazionalecapitani.it
MEMBER REPR USCLAC ITALY	CAPT. C. TOMEI VIA XX SETTEMBRE 21/10 16121 GENOA	TEL: 0039 010 5761424 FAX: 0039 010 5535129 E-MAIL: segreteria@usclac.it
MEMBER REPR IYM ITALY	CAPT. L. TRIGGIANI MOLO CENTRALE BANCHINA PORTO 17025 LOANO (SV)	TEL: 0039 3483365010 E-MAIL:italianyachtmasters@hotmail.com
MEMBER REPR ACCMM SPAIN	CAPT. M. BADELL SERRA CARRER DE SARDENYA 259 1-4 08013 BARCELONA	TEL: 0034 934089288 MOB.: 0034 680321138 E-MAIL: info@capitansmercants.com
MEMBER REPR AVCCMM SPAIN	CAPT.J.ZARRAGOIKOETXEA C/BAILEN, 5 PLANTA – 1 48003 BILBAO	TEL: 0034 94 416 65 06 MOB: 0034636 44 90 54 E-MAIL:avccmm@avccmm.org
MEMBER REPR KBZ BELGIUM	CAPT.B. BAERT ITALIELEI 72 ANTWERP	TEL +32 475435942 E-MAIL:secretary-general@kbz-crmb.be
MEMBER REPR IIMM IRELAND	CAPT. B. KAVANAGH NATIONAL MARITIME COLLEGE RINGASKIDDY / CORK	TEL: +353 214335637 E-MAIL:bill.kavanagh@nmci.ie
MEMBER REPR ZPU SLOVENIA	CAPT. G. RIBARIC OBALA 55 SI – 6320 PORTOROZ	TEL(GSM): +386 31 375 823 E-MAIL: zpu.slo@siol.net
MEMBER REPR	CAPT. I. CONEV	TEL : +359 888 435977

BSMA BULGARIA	49B CHATALDZHA BUL 9002 VARNA	E-MAIL: chairman@bsma-bg.org
MEMBER REPR LKKA LATVIA	CAPT. J. SPRIDZANS TRIJDIBAS STREET 5 RIGA, LV-10 48	TEL: +371 67099400 FAX: + 371 67323100 E-MAIL: jazeps.spridzans@lja.lv .
MEMBER REPR ZHUPK CROATIA	CAPT. I. SOSIC TRG PAPE ALEKSANDRA III,3 23000 ZADAR - HRVATSKA	E-MAIL: udrugakapetana@zd.t-com.hr
MEMBER REPR UPKCG MONTENEGRO	CAPT. J. MILUTIN PELUZICA b.b 85330 KOTOR	E-MAIL : captain@t-com.me TEL : +382 32 304 672 FAX :+382 325 107
MEMBER REPR LCC LITHUANIA	CAPT. J.LIEPUONIUS AGLUNOS g.5 KLAIPEDA/ LT- 93235	E-MAIL : jurukapitonuklubas@gmail.com TEL : mobile +37069875704
MEMBER REPR SINCOMAR PORTUGAL	CAPT. J. TEIXEIRA CAIA DE ROCHA CONDE D OBIDA ARMAZEM 113 1350 352 LISBON	E-MAIL : sincomar.fesmar@net.vodafone.pt TEL: +351 213918180
MEMBER REPR. HELSINKI SHIPMASTERS FINLAND	CAPT. S. SUNDBERG VENNAKUSA 7 06400 PORVOO	E-MAIL: stig.sundberg@pp1.inet.fi TEL: +358 705974954