

THE MTS COMPASS

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Welcome to our inaugural issue of The MTS Compass where we discuss some of the issues impacting our sector, and celebrate some of the remarkable work that we all do across the globe.

Our growing Marine Technical Services practice recruits, trains and retains some of the best marine professionals worldwide, providing surveying and consultancy services to the maritime industry.

In this issue, we share some of the insights from our marine engineers, master mariners, naval architects and specialist yacht surveyors who offer bespoke services to underwriters, brokers, P&I clubs, ship owners, yacht owners, shipping financiers, ship managers, ship builders/repairers and the offshore industry.



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Passage Plan – charting the future?

The outcome of the incident involving the CMA CGM Libra in late 2021, with its subsequent judgement by the UK Supreme Court, is a landmark case that could shape the future of how managers and vessel owners get involved in the day-to-day running of the vessel.



Analysis of the CMA CGM Libra Verdict

The UK Supreme Court upheld the decisions of both the UK High Court and the Court of Appeal and confirmed that a defective passage plan renders a vessel unseaworthy.

The key question is: what was the passage plan and what went wrong?

The passage plan defines the exact course of the vessel's journey. The International Maritime Organization (IMO) guidelines, as adopted by Resolution A893(21), states that:

“The development of a plan for voyage or passage, as well as the close and continuous monitoring of the vessel's progress and position during the execution of such a plan, are of essential importance for the safety of life at sea, safety, and efficiency of navigation and protection of the marine environment.”

On 17 May 2011, when departing from Xiamen, China, the Master of the CMA CGM Libra deviated from the intended passage plan, resulting in the vessel running aground on a shoal outside the channel. The shoal in question was a chart correction that was widely known, however, one that had not been marked on the paper chart (electronic chart display and information systems were not mandatory at that time).

Refloated yet unseaworthy?

Salvors were employed to re-float the vessel and the owners declared General Average. However, some of the cargo owners declined to pay security, alleging the vessel was unseaworthy because the vessel deviated from the planned passage plan and caused the grounding.

Seaworthiness includes both the physical attribute of the vessel and documentary matters such as the passage plan.

The onus is on the carrier to honour the Hague-Visby Rules and ensure that the crew adheres to the plan.

The obligation of the carrier is not diminished by the appointment of someone else to act to make the vessel seaworthy. This responsibility remains with the carrier. The carrier's plea that they had done everything to make the vessel seaworthy by appointing a qualified crew and having well-documented practices in place, did not sway the courts.

A significant verdict

The matter went to the High Court which ruled in favour of the cargo owners. The shipowners then took the matter to the Court of Appeals but lost. Then the highest court, the Supreme Court, upheld the decisions of both the Courts. What makes the verdict significant is that all the judges involved were in agreement of the verdict.

The question is: could the verdict have been different had the shoal in question been marked on the chart of the passage plan? Could the carrier then have used article 4 of the Hague-Visby Rule in its defence?

The International Group of P&I Clubs expect the verdict in this instance could be a game changer. This requirement will include several other administrative aspects and costs; possibly feasible for regular services but not vessels on tramp runs. Currently, few managers insist on the submission of the passage plan prior to the start of the voyage. This verdict will also put more pressure on the ship's crew prior to embarking on the journey. Passage plans have gone from being few basic handwritten sheets to complex excel sheets over time. The implementation of additional paperwork could be counterproductive to already overworked crews.

Conclusion

The CMA CGM Libra landmark verdict will be used as a legal precedent for other cases and could also open the floodgates on accusations of unseaworthiness.

In my professional opinion as a mariner and marine surveyor, a better working relationship between ship and shore could be the solution to overcoming any gaps in the process. Ultimately, all parties have one common goal: the safe and efficient delivery of cargo by adhering to rules, regulations and conventions that have been in place for decades.

Key points:

- A defective passage plan renders a vessel unseaworthy
- The notion that an error in planning the passage prior to the commencement of the voyage should be characterised as an error of navigation rather than unseaworthiness has also been resoundingly rejected
- This judgment also underlines the need to ensure that charts are kept fully up to date



By Capt. Harshvardhan Kumar

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MTS Highlights. Local. Regional. Global

Let's take a look at some of the varied activities of the MTS team in recent months. Our team works together to get the job done.

Gary Wilmot



New team down under

In September 2021, our team in Australia grew significantly in its size and capacity with the arrival of Gary Wilmot to lead the MTS team across four locations in Australia.

Gary is a specialist marine surveyor who brings over 26 years marine surveying and loss adjusting experience to his role as Director, Marine Technical Services, Charles Taylor. In his role, Gary specialises in the handling of cargo, and marine liability claims as well as hull and machinery and P&I matters. He is joined by Chad Cillie, Jason Hill, Belinda Ingram, Capt. Harshvardhan Kumar, Philip Rock, Paul Stanyon and Capt. Arvinder Singh.

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Dr Luigi Petrone



CMC adds to its team

In November 2021, Dr Luigi Petrone joined MTS's consultancy division, Cosulich Marine Consultants Group which comprises of Lab Cosulich Consultants (LCC) and CMC Marine (CMC).

As a principal scientist, Dr Petrone brings his wealth of experience as a scientist and expert witness to assist many of the world's leading insurers and ship owners. His expertise is wide ranging, and is called upon to resolve marine coating disputes, or cargo contamination claims ranging from liquid to solid bulk cargoes for example. Dr Petrone is currently working with our clients in Singapore, Hong Kong and greater China.

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Robert Kerr



Expanding in Shanghai

In February 2022, MTS was delighted to welcome Robert Kerr, a well-known and hugely experienced surveyor who joined our Shanghai office.

As a regional authority in hull and machinery repair costs, Robert specialises in casualty damage repairs, shipyard loss prevention, towage and large cargo load and stow projects. Already, a number of MTS' Asia Pacific clients have discovered how Robert and the regional team can best assist their current work.

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Gregor Guo



Technical skills in China

In October 2021, in Qingdao, China, our marine engineer, Gregor Guo, assisted underwriters in the reactivation inspection of a cylindrical hulled mobile offshore production unit (MOPU) at the Cosco (Qidong) shipyard

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Okny Harpriyanto



Superintendent services in Indonesia

In January 2022, MTS' chartered Class 1 Marine Engineer, Okny Harpriyanto successfully assisted a major European ship owner with superintendent services in Indonesia. Our client required a representative to be on site to oversee a condition assessment, change of ownership, change of flag, and underwater inspections of the vessel. Our team across Indonesia brings a wealth of experience and technical expertise to every job for every client.

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On the graveyard shift

In October 2021, two of the team’s marine warranty survey (MWS) tows arrived at Chittagong, Bangladesh, the world’s largest shipbreaking centre following voyages from Singapore and Batam, Indonesia.

Professionally, we make recommendations to ensure our clients bear no more risk than is usually acceptable to the project safely concluding.

Personally, we acknowledge that the vessel was once a home from home for many seafarers with all the hard work, experiences and adventures that it has seen.



Massive delivery in Australia

Working day and night during February 2022, MTS’ Belinda Ingram acted as marine warranty surveyors (MWS) for insurers when the first blade shipment for the Kaban Green Power Hub arrived into the Port of Cairns, Queensland, Australia. Each blade is 79-metres long and weights 32-tonnes.

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Belinda Ingram



Technical inspection success

With the recent issues concerning cargo securing on board container vessels and the crackdown by Australian Maritime Safety Authority (AMSA) on such vessels, one of our clients was concerned as their technical managers had not been able to conduct routine visits of the vessel due to the travel restrictions during the pandemic. In addition, the vessel had never called at any Australian port since her delivery 11 years ago.

In December 2021, Capt. Harshvardhan Kumar, a senior marine surveyor, boarded the vessel on her arrival in Melbourne, Australia, and carried out an urgent full safety inspection for compliance with the International Safety Management code. Deficiencies were noted immediately and rectified by the crew.

Then, just days later, AMSA conducted a port state control inspection and NIL deficiencies were found.

A great result for our clients who had this to say: “Thank you for achieving the outstanding result onboard the vessel. The inspection by MTS and follow up on observations were paramount in achieving NIL deficiencies in the port state inspection. Once again, thank you for your guidance and support.”

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Harshvardhan Kumar



Face value

As a global business, many of the MTS team travel all over the world to assist our clients. In March 2022, Graeme Temple, Marine Technical Services' Asia Pacific Regional Director, visited London for meetings with clients and colleagues at Charles Taylor's head office in The Minster Building.

“The value of face-to-face meetings cannot be underestimated. I feel privileged to visit what I still believe to be the heart of the marine insurance industry – the London market. It is always impressive.”

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Marine Warranty Services

In Singapore's Sembcorp Megayard in March 2022, MTS was the Marine Warranty Surveying (MWS) team for the successful float of a battery powered hybrid roll-on/roll-off (RoPax) passenger ferry on to the heavy load carrier, Rolldock Storm. It was on its way to service the Hell-Vangsnes-Dragsvik route.

Even in the midst of the megayard, this was an impressive sight!



Singapore expertise

In April 2022, we welcomed Mark Lamb as a Principal Surveyor to our team in Singapore. Mark spent the first 12 years of his career in the Royal Navy before moving to the superyacht and cruise ships, industry serving as both Second Engineer and Chief Engineer. He then took the role of

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a Technical Superintendent and was responsible for feeder container vessels. Next, as a marine surveyor and consultant, Mark worked for many of the top H&M and P&I clubs, including as an expert witness. Mark is now working with clients across Asia Pacific.

Mark Lamb





Oversee repairs

MTS' Harshvardhan Kumar worked with the Australian Maritime Safety Authority (AMSA) on behalf of our client, a major hull insurer in May 2022 to investigate cause, detail the damages and provide estimate of repairs. The vessel had suffered major structural damage and was detained by AMSA. Large scale repairs were carried out which took 20 days to complete. MTS then oversaw the repairs in conjunction with owners and Classification Society.

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There's more of US

With our recent acquisitions and continual nationwide growth in the US, our American team is expanding its capabilities and geographic footprint to best serve our clients.

"Working together with our clients has allowed us to build strong partnerships," explained Kuhrt Wieneke. "MTS has grown and expanded our expertise across the US. Our industry-leading experts are positioned broadly and strategically to provide coverage anywhere we are needed, making sure our clients are taken care of. I'm thrilled to be working with such a highly-skilled and capable team."

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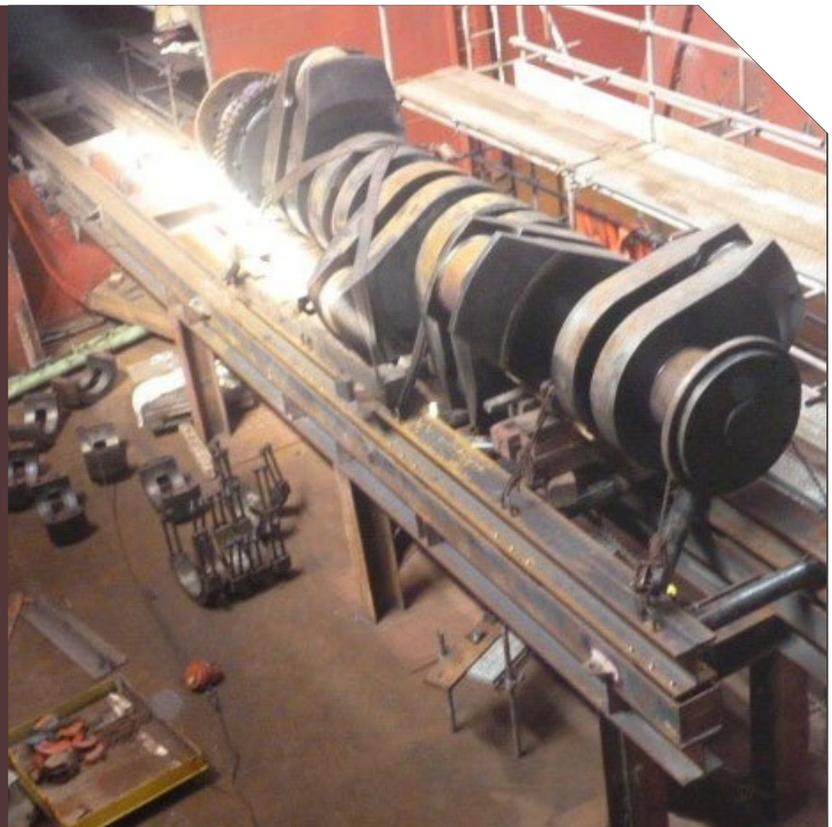
A Look Inside CT Marine Technical Services

Machinery failures and loss prevention expertise

Worldwide, MTS takes a forensic approach in assessing technical failures to determine root cause. According to most well-known sources of statistics, machinery failures remain stubbornly high and represent the single highest percentage of all losses. Why should this be and what can be done to prevent the problem?

At CT MTS, our experienced qualified surveyors take a forensic approach in assessing failures to determine the root cause. With our considerable experience, we also assist with loss prevention advice that promotes real change.

To find out how we can assist your next survey, please contact: marinetechservices@charlestaylor.com



Superyacht damage survey

Under glorious June sunshine in Europe, Phil Osmotherley had a glimpse of the glamorous life when he was instructed to conduct a damage survey on behalf of underwriters on a superyacht which had sustained major seawater damage as the result of an unnoticed burst pressurised fire main. While the damage was extensive, the superyacht was never in danger of sinking as it was being transported across the Atlantic as cargo.

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Future Marine Propulsion Risks

In June 2022, Graeme Temple presented to Lloyd's Singapore on Future Marine Propulsion Risks – the surveyor's perspective. In this broad ranging discussion, Graeme identified what the current options are, the pressures on the industry and the choke points for transition before providing a detailed overview of the various choices fuels and associated risks of each for underwriters. The presentation was very well received and the audience asked lots of questions!

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Share insights with team

Technical failures are often the primary cause of fires, explosions, and collisions. At CT MTS, our experienced qualified surveyors take a forensic approach in assessing failures to determine the root cause. We also assist with loss prevention advice that promotes real change.

We share our experience and knowledge in presentations in the following key areas:

- Engine room loss prevention
- Engine damages due to poor fuel quality
- Engine room fires
- Future marine propulsion risks
- Steel repairs

To discuss how we can share our insights with your team, please contact: marinetechnicalservices@charlestaylor.com

Call on our global expert team of marine engineers, master mariners, naval architects, and specialist yacht surveyors to provide surveying and consultancy services to the maritime, insurance, shipping, and yacht industries.



From bulk carrier cargo damage and pollution investigations to small craft surveys and risk management consulting, we're ready to help.