



W a v e s

OUTCOME FROM MEPC59 ON GHG

At the 59th Meeting of the IMO Marine Environment Protection Committee (MEPC 59), the Committee agreed to defer in-depth discussion of GHG MBIs (Greenhouse Gas Market Based Instruments) till MEPC 60 scheduled to be held in March 2010.

Technical & Operational Measures to Reduce Greenhouse Gas Emissions

Nonetheless, considerable progress was made on a package of interim and voluntary technical and operational measures to reduce greenhouse gas (GHG) emissions from international shipping.

The agreed measures are intended to be used for trial purposes until MEPC 60, when they will be refined, as necessary, with a view to facilitating decisions on their scope of application and enactment.

(continued on Page 5)



highlights

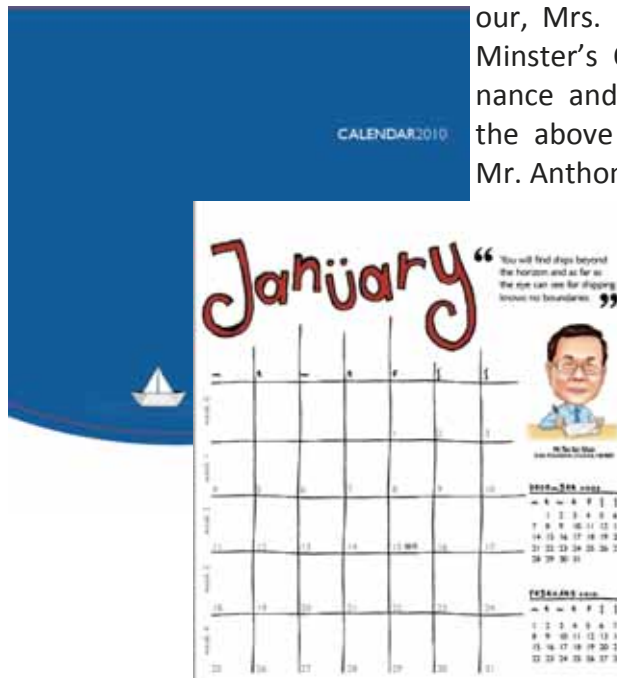
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SSA 24th Anniversary Gala Dinner Unveils....

SSA celebrates its 24th Anniversary at the Swissôtel the Stamford on 18 September 2009 amongst 1300 fellow members, friends and guests. Guest of Honour, Mrs. Lim Hwee Hua, Minister, Prime Minister’s Office and 2nd Minister for Finance and Transport was presented with the above acrylic painting by local artist, Mr. Anthony Tan, as a memento for gracing the occasion.



SSA 2010 Desktop Calendar—on sale NOW!

To commemorate SSA’s 25th Anniversary in 2010, every guest was presented with a specially commissioned desktop calendar as a door gift, in preparation for next year’s festivities. Pivotal personalities, such as founding Council members, Mr. Tan Ser Giam and Mr. Ameer Jumabhoy, who were portrayed in the calendar, were also present for the Gala Dinner.

The SSA 25th Anniversary logo was also revealed to the membership for the first time. Three and a half months away, and the Association is already gearing up for 2010, for a year of celebratory activities to mark this significant milestone. Do look out for more information in the coming months. To more good years, SSA!





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Editor's Note

Dear Reader,

If you are reading this at SSA's 24th Anniversary Gala Dinner, thank you for your support and being a part of your Association's 'Event of the Year'! With the ballroom filled with 1300 people, it is a really good turnout given that 6 months ago in the thick of the economic recession; we had doubts of selling just half the number of tables.

The newly appointed SSA committees and sub-committees of the 2009/2011 term are hard at work; having kicked started their meetings in July. In particular, your Association is monitoring global reactions to the Greenhouse Gas issue and has committed key personnel to join MPA's workgroup discussions on the Compensation Fund and Emission Trading Scheme. The final outcome from IMO will definitely have a significant effect on how we know shipping today. "Waves" will keep you posted.

Just when you thought you had a clear understanding of the "Hague-Visby" and "Hamburg Rules" which govern bills of lading, turn to page 6, where our SSA Legal Committee member, Mr Chan Leng Sun of Ang & Partners, simplifies the "Rotterdam Rules" for you.

Here's wishing SSA many more good years. Happy Anniversary SSA!



Editor - Mr. Patrick Phoon

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Feature Contributors: Mr. Chan Leng Sun | Mr. Julian Hung

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Correction

On Page 8 of the July/August issue of "Waves", the company name of Mr. Lakhbir Singh was reported in error. Mr. Singh is the Director & Country Manager of Jardine Shipping Services, Singapore. We apologise for the error and the inconvenience caused.

KEYNOTES FROM SSA COMMITTEE MEETINGS (3Qtr '09)

Newly appointed SSA Committees and Sub-Committees (2009/2011) kicked off their first meetings in June 2009. The enthusiasm shown by SSA member companies was very evident, especially in key committees that are tasked to deliberate on key issues which will impact the shipping industry in the coming months..

International Committee

Headed by Mr. Esben Poulsson, the International Committee (2009/2011) focuses on broad policy issues of interest to Singapore's shipping industry. In addition to looking at issues relating to international and regional trade and development, the Committee will also look into updates relating to piracy and maritime security, as well as measures that can enhance the competitiveness of Singapore's shipping industry in the international arena.



On the subject of competition, the Committee will continue to monitor developments in competition law both globally and locally.

Technical Committee

The Technical Committee (2009/2011), headed by Mr. Kenichi Kuroya, will closely follow developments at the International Maritime Organisation (IMO), especially developments relating to environmental issues.

The SSA is particularly interested in developments relating to the reduction of Greenhouse Gas Emissions from ships, be it through market-based instruments, operational efficiencies or adoption of new technologies.

Services Committee

Chaired by Mr. Aloysius Seow, the Services Committee (2009/2011) reaffirmed its commitment to enhancing services and operations in Singapore waters through its four Sub-Committees, namely the Bunkering, Cruise, Ship Ops & Port Services and Training & Development Sub-Committee.



Legal & Marine Insurance Committee

The Legal & Marine Insurance Committee (2009/2011) headed by Mr. Ragnar Nielsen has been closely following the development of new Conventions at the International Maritime Organisation.

Building on the Association's active participation in the drafting process for the Rotterdam Rules, the Committee will be paying particularly close attention to its developments, which will be up for ratification by individual States following the signing ceremony in Rotterdam on 23 September.



... continued from Page 1

The measures include:

- Interim guidelines on the method of calculation, and voluntary verification, of the Energy Efficiency Design Index for new ships, which is intended to stimulate innovation and technical development of all the elements influencing the energy efficiency of a ship from its design phase; and
- Guidance on the development of a Ship Energy Efficiency Management Plan (SEEMP), for new and existing ships, which incorporates best practices for the fuel efficient operation of ships; and
- Guidelines for voluntary use of the Ship Energy Efficiency Operational Indicator for new and existing ships, which enables operators to measure the fuel efficiency of a ship.

Greenhouse Gas Market Based Instruments (GHG MBIs)

MEPC 59 also agreed as to the following **provisional** timeline with regard to GHG MBIs:

- MEPC 60 (Mar 2010) to further consider MBIs
- MEPC 61 (Oct 2010) to consider one MBI for further development if possible
- MEPC 63 (2011) update IMO Assembly on progress

While the Association has stated its support for the Compensation Fund in a press release issued on 24 June 2009, the SSA had also emphasized that it “remains open to any other proposals that can demonstrate predictability, universal application, a genuine and measurable reduction in emissions as well as stimulate innovation and research of new technologies”.

Furthermore, the Association has also expressed its firm commitment to assist MPA in conducting in-depth studies of both MBI options (the Compensation Fund and the Emissions Trading Scheme) in joint workgroups. Based on the outcome, the MPA will evaluate and reach a holistic view to decide on the best proposal for Singapore.



Photo by courtesy of PSA Singapore

More than 10 years in the making, the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (the “Rotterdam Rules”)

was adopted by the UN General Assembly on 11 December 2008. The Signing Ceremony will be held in Rotterdam on 23 September 2009. It requires approval from 20 States to come into force.

The Rotterdam Rules aim to achieve greater uniformity of laws and update carriage regimes. Sea carriage is now split between the Hamburg Rules 1978, the Hague Rules 1924 or the Hagues Rules as amended by the 1968 Protocol (the “Hague-Visby Rules”). The Hamburg Rules enjoy less support than the Hague and the Hague-Visby Rules.

The essential features of the Rotterdam Rules, in simplified form, are as follows:

- The Rotterdam Rules are wider in scope than the existing sea carriage conventions. As its name suggests, the new convention applies to a contract of sea carriage between States as well as a “door to door” contract involving multimodal transport, as long as there is a sea carriage component (Article 1(1), Article 5).
- The Rotterdam Rules do not apply to charter parties or contracts for the use of the ship in

liner transportation. There are exclusions, and exceptions within exclusions, so care must be taken to examine its applicability to specific circumstances. For example, the Convention does not apply to non-liner transportation either, except where there is no charter party or contract for the use of the ship *and* there is issue of a transport document or electronic transport record (Article 6, but see also Article 7). In other words, it can apply to a non-liner trade where a bill of lading is issued.

- The usual obligations of a carrier apply, from receipt to delivery (Articles 11 to 14). Unlike the Hague –Visby Rules, the seaworthiness duty attaches not just before or at the beginning of the voyage but *during* the voyage as well.
- The fault-based approach in the Rotterdam Rules differs from that in the Hague-Visby Rules. The carrier is liable for loss, damage *and* delay if this happened during its period of responsibility. It is not liable if it can prove a lack of fault or that the loss was caused by an excepted peril. The list of excepted perils in Article 17(3) may look reassuringly familiar, if not similar, to carriers using the Hague -Visby Rules. Importantly, the carrier loses its defence if the peril was caused or contrib-

uted by the fault of the carrier or numerous other persons identified under Article 18. The carrier’s vicarious liability is expanded under Article 18, beyond the default of the master and crew to the “performing party”. The “performing party” is the person who has actually performed or undertaken to perform the carriage.

- The Rotterdam Rules impose liabilities on the “maritime performing party”, namely the actual ocean carrier who is not the contracting carrier, although he is entitled to the same defences available to the contracting carrier (Article 19).
- The carrier’s limit of liability is 875 SDR per package or shipping unit, or 3 SDR per kg, whichever is higher, except where the value of the goods has been declared or a higher limit agreed (Article 59). Economic loss due to delay is limited to 2 ½ times the freight payable on the goods delayed (Article 60). The right to limit is lost where there is a personal act or omission done with the intent to cause loss or recklessly and with knowledge that such loss would probably result (Article 61).
- There is, generally, a time bar of 2 years (Article 62), although more leeway is given to an indemnity action (Article 64) or an action where the carrier could not be identified earlier (Article 65).
- The shipper has some obligations to the carrier, such as a duty to ship goods that can withstand the intended carriage and not cause harm to person or property (Article 27) and to provide in a timely manner necessary information and documents relating to

the goods (Article 29).

- A plaintiff is given several options on where to sue the carrier (Article 66). The Rotterdam Rules recognise exclusive jurisdiction agreements and arbitration agreements, but impose conditions intended to protect parties who may not have prior knowledge or any say in such clauses (Articles 67 and 75). These provisions are lengthy and will probably not prevent forum disputes.

The Rotterdam Rules contain 96 Articles and introduce numerous new concepts. Familiarisation will take time and judicial clarifications will probably be sought into the next century. In perspective, the Hague and Hague-Visby Rules contain only 10 substantive Articles. These still attract debate decades after their adoption, for example the error in navigation defence considered by the New Zealand Court of Appeal recently in *Tasman Orient Line CV v New Zealand China Clays Ltd & Ors* [2009] NZCA 135.

This article is contributed by Mr. Chan Leng Sun, Partner of Ang & Partners. He sits on the SSA Legal Committee which is deliberating this topic currently. Should you have queries on this article, you may contact the contributor at: leng-sun@angpartners.com

The SSA intends to organise a tea talk on this topic in the near future. Do look out for more details.



Seizing Opportunities in a Tight Financial Market

A tea talk entitled “Seizing Opportunities in a Tight Financial Market” was held on 20th August 2009 at the Marina Mandarin Hotel. It sought to address two of the most pressing issues facing our members (and most companies) these days: Cash Management and Risk Management.

Mr. Melvin Low, Head of Product Management at Citi covered the topic on cash management, stressing three essential steps to making the most of one’s cash position in these difficult times: visualising one’s cash position, mobilising products to improve control and management of those funds and optimising the use of these funds.

Mr. Mike McGovern, Vice President Com-

modities Team at Citi then covered risk management. In his presentation, he reviewed the various types of derivative instruments available for hedging volatility on both the freight and bunker sides. While he explained many of the advantages of such relatively new products, he also made clear the risks associated with them.

The presentations were followed by a spirited question and answer session chaired by Mr. Julian Hung of Kontiki Shipping Pte Ltd.

The talk was attended by over fifty members representing a broad cross section of the industry including shipowners, ship managers, brokers, agents, banks and

Talk on "Seizing Opportunities in a Tight Financial Market" Vanda Ballroom, Marina Mandarin 20 August 2009



Cont'd from page 8

shipping trusts.

Since the downturn in shipping markets last year, SSA has been organising a number of tea talks to help members get a better understanding of what is going on and the options they have. Previous talks have covered both accounting matters (financial reporting and the impact of the budget) and technical issues (vessel lay-up and slow steaming).

The article is contributed by Mr. Julian Hung, Manager at Kontiki Shipping Pte Ltd. He is a member of the Institute of Chartered Shipbrokers and holds BA and MA degree in economics. He also teaches courses in shipping business at the Singapore Maritime Academy.

Maritime Arbitration in Singapore

It was an insightful afternoon for over 120 SSA members and guests attending the "Maritime Arbitration in Singapore" talk on 3 September 2009.

It was also an opportunity for Mr. Nick Sansom, Executive Director of the new Singapore Chamber of Maritime Arbitration, to share with the audience SCMA's new framework.

Mr. Keith Denholm, Commercial Director of Pacific Carriers Ltd was in his element as Session Chairman.

The other prominent speakers included:

Mr Simon Davidson, Partner, Holman Fenwick Willan,
Mr Christopher Lau, Senior Counsel & Chartered Arbitrator

Mr Jainil Bhandari, Partner, Rajah & Tann LLP

Talk on "Maritime Arbitration in Singapore" Ballroom II, Grand Park City Hall

3 September 2009





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Director/Country Manager
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Svetlana Androsova
Commercial Manager, Shipping
Sakhalin Energy Investment Company Ltd, Russia



YOUNG EXECUTIVES GROUP (YEG)

On the 22nd July 2009 YEG held its nomination for office bearers. The YEG sub-committee elected from among its ranks 3 office bearers to lead them. The newly elected office bearers are as follows:

- **Vice-Chairperson**
Ms. Katie Men of Far Glory Holdings Pte Ltd
- **Secretary**
Mr. Ng Ee Ping of Kontiki Shipping Pte Ltd
- **Treasurer**
Ms. Agnes Chua of Island Shipbrokers Pte Ltd



The elected office bearers with YEG Chairperson and SSA Council Member, Ms Seong Koon Wah Sun



The YEG sub-committee also elected to form three subgroups to focus on 3 aspects: Educational, Networking & Community. The Educational subgroup's purpose is to organise more events like talks & seminars to broaden the knowledge of its members. The Networking subgroup aims to create more networking opportunities for its members and the Community subgroup is YEG's bid to reach out to the less fortunate through charity drives, visits to Homes or other worthy causes.

The subgroup members are as follows: -

Educational	Networking	Community
Kevin Wong / APL	Nick Claridge / Fearnleys	Desmond Chong / Sinanju
Sue Ann Gan / Norton Rose	Mark Errington / Clyde & Co	Eric Hoon / Griffin Kinetic
Kate Neo / Jardine Shipping	Nora Huvane / Marine Money	Edgar Chin / The Standard
	Sartaj Gill / Mari-Time	Lisa Teo / PIL

For the rest of the year, the various subgroups are planning a string of events for the YEG members. Look out for further updates on the confirmed details.

Event	Date / Venue
Educational Talk & Networking Session "Ship Arrest & Sheriff Sale"	29 September 2009 (Tuesday) SSA Maritime Lounge
YEG Bowling Event	27 October 2009 (Tuesday) Superbowl Marina Square
Year-End Networking Session	November Venue - TBA
Community Event—Children's Home Visit "Giving back during the festive season"	December Venue - TBA

Association Upcoming Meetings and Events

SEPTEMBER 2009

03 September 2009 (Thurs)	Tea Talk on Maritime Arbitration in Singapore
09 September 2009 (Fri)	Legal & Insurance Committee Meeting
18 September 2009 (Fri)	Council Meeting
18 September 2009 (Fri)	SSA 24th Anniversary Gala Dinner
29 September 2009 (Tues)	YEG Educational Talk

OCTOBER 2009

08 October 2009 (Thurs)	YEG Sub-Committee Meeting
09 October 2009 (Fri)	Bunkering Sub-Committee Meeting
14 October 2009 (Wed)	International Committee Meeting
20 October 2009 (Tues)	Cruise Sub-Committee Meeting
20 October 2009 (Tues)	Annual YEG Bowling Event
22 October 2009 (Thurs)	Shipping Marine Environmental Workshop
22 October 2009 (Thurs)	Tanker Sub-Committee Meeting



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International Ship Management Co. - Singapore

Fleet Personnel Manager
International Ship Management Co. - Singapore

NAVAL ARCHITECTURE

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Leading Classification Society - China

Marine Surveyor
Leading Classification Society - Singapore

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Vice President (Commercial)
Intl Maritime Organisation - Singapore/Hong Kong

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Senior Commissioning Engineer
International Rig Owner - Indonesia

Planning Engineer
Oil Major - Malaysia

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P&I Club - Singapore

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International Practice - Singapore

Dry Bulk Chartering Manager
International Owner - Singapore

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International Owner - Singapore

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International Owner - Singapore

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ANTHONY TAN'S "SONGS OF THE SEA"

In 1998, "Songs of the Sea" launched Singaporean Artist, Anthony YS Tan to the public with an exhibition of paintings that brought the sea to the city. The subject of the sea, is close to his heart. It was his haven whenever he played truant from school in his younger years and now, besides being an artist, he builds boats and belongs in the Riau Islands where he fishes, dives and sail.



Anthony's artwork portrays traditional boats of South East Asia, light-houses, the underwater gardens, the idyllic night

seascapes, beaches, influences of the moon and tides... in figurative as well as contemporary abstracts, drawn mainly in oils, acrylic and aquarelle.

His recent local exhibitions include "Songs of the Sea II – the Voyage" at the Arts House, "Rhythm of the Sea" at Ritz Carlton and "Colours of the Sea" at the Pan Pacific.

His paintings have graced the homes of collectors in South East Asia and as far afield as France, Switzerland and USA. Some of his corporate patrons include Port of Singapore Authority, Statoil Singapore, The Tung Lok Group, United Overseas Bank, The Fullerton, Crowne Plaza Darling Harbor Sydney, Sheraton Perth, amongst many others.

The memento presented to 2Min Mrs. Lim Hwee Hua during SSA's 24th Anniversary gala dinner is an acrylic of the Singapore skyline (see page 1), a specially commissioned piece drawn by Anthony.

"Waves" catches up with Anthony to learn more about his inspirations for his work. He shares:

"My subject is invariably the sea and its elements, how it moves, what is in it and what's around it. Gravity is defied, light is refracted, almost everything shifts, moves constantly but with a rhythm. There is constant change, like a tidal flow. There are social lifestyles



Draft sketch of SSA's memento 2Min Mrs. Lim Hwee Hua

moulded by the elements, both below the ocean and above...the clouds, moon, the monsoons.

Mood swings are part of the creative process too. Either one feels depressed or becomes hyperactive – just like the nature of the sea which can be smooth under a clear sky with soft clouds and light breeze or it can suddenly turn choppy with the arrival of a dark stormy monsoon.



Just as water melts colours into life, my colour palettes, with all our Asian influences, take their origins from the brilliance of the sun. My colours are like metaphors for growth, life, energy and they reflect a personal style.

A search for abstract shapes in nature starts the process of creation and inner seascapes become the overriding stimulus. With a high-voltage temperament, all this come together to energize my work."

Anthony conducts painting holidays where you can learn the finer tips of painting while de-stressing in the laid back lifestyle of the Riau Islands.

If you are interested in joining him for your next vacation, or interested in commissioning him for your next art pieces, Anthony Tan can be reached at: Email: antoni@singnet.com.sg

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SSA SUB-COMMITTEE LISTING (2009-2011)

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Charles Simon	Bomin Bunker Oil Pte Ltd
Robin Williams Kevin Knott (alt)	BW Maritime Pte Ltd
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Simon Neo	Equatorial Marine Fuel Management Services Pte Ltd
Wong Suan	ExxonMobil Asia Pacific Pte Ltd
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Goon Ghen Cheit Anthony Khoo (alt)	Hong Lam Marine Pte Ltd
Donald Toh Ernest Tay (alt)	Jardine Shipping Agencies
Douglas Rait Alex Tang (alt)	Lloyd's Register Asia
Thiang C.S.	Ocean Tankers (Pte) Ltd
Teo Choo Wee	Pacific International Lines (Pte) Ltd
Riya Kaur Hamdan Osman (alt)	Pandisea Pte Ltd
Cecil Cheong	Searights Maritime Services Pte Ltd
Tay Kok Leong	Sentek Marine & Trading Pte Ltd
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Peter Ching	Shell Eastern Trading
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Alvin Lee Han Aik Juan (alt)	Wilhelmsen Ship Service Pte Ltd

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Han Aik Juan (Vice Chairman)	Wilhelmsen Ship Service Pte Ltd
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P Raveendran K H Lim (alt)	APL Co Pte Ltd
Prodyut Bannerjee Kevin Knott (alt)	BW Maritime Pte Ltd
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Gerald Vytialingam	PSA Marine (Pte) Ltd
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Suleiman B Raip	Tong Joo Shipping Pte Ltd
Anil Singh Mishra Prashant (alt)	Tanker Pacific Management (Singapore) Pte Ltd

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Ng Swee Khoon	CF Sharp Shipping Agencies Pte Ltd
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Daniel Chui	V. Ships (Asia) Pte Ltd
Tan Teck Choon Alvin Chan (alt)	Wilhelmsen Ship Service Pte Ltd
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Glicerio B. Casas Jr	Crystal Water Navigation Pte Ltd
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