

FEATURE CASUALTY FOLLOW UP

MOL Comfort

Has fate caught up with the forward section?

Since the containership suffered a structural failure whilst transiting the Arabian Sea, and the aft section sank, all eyes have been on the LOF Salvage operation being jointly performed by leading professional salvors, Smit Salvage and Nippon Salvage. Despite the huge challenges facing the salvors in their attempts to bring the forward section into a port of refuge, there was a growing optimism that they would be successful in their endeavours and that the valuable cargo on the forward section, would be successfully salvaged. This optimism was of course tempered by the prospect that the aft section had sunk and that the same fate could meet the forward section. It is this potential danger which would be likely to feature heavily in assessment of the appropriate reward due to the salvors under the LOF salvage contract.

In the early hours of Saturday 6 July things changed when fire broke out on the forward section and, despite the salvors' efforts to extinguish the fire, it quickly spread between the container stacks, fanned by the wind. Weather conditions and other factors have conspired against the extinguishing efforts, with the result that the entire cargo is thought to be lost, and along with it the salvage award which the salvors would have received. This is the brutal reality of salvage on No Cure No Pay terms, the principle which defines the LOF Salvage Contract. Where no property is salvaged, the salvors do not receive an award. They will however receive their SCOPIIC expenses (being the tariff rate for the man power, craft and equipment) and these will be paid by the vessel's P&I Club.

Assuming the cargo is confirmed lost, the question is what happens next? The tow continues to proceed towards Oman but it remains to be seen if the Omani authorities will grant permission for the vessel to proceed into Sohar. The vessel's owners and in turn the Club face some difficult decisions ahead. If the vessel heads into territorial waters, authorities may insist that the salvors assistance continues under SCOPIIC, whereas the Club may wish to negotiate a different more cost effective contract, and undoubtedly financial undertakings will have to be provided to any port which grants the forward section refuge. The fire on the *Hyundai Fortune* in 2006 springs to mind when considering the port of refuge and environmental factors. She was granted refuge in Salalah, Oman but only to discharge sound cargo, with the key difference being that despite having suffered a major explosion and fire she was a whole ship. The *Hyundai Fortune* eventually headed for Korea to dispose of her damaged/total loss cargo, amid considerable concern as to the environmental impact of such disposal.

Rumours circulated yesterday that the forward section had finally sunk but we understand she remains afloat. Whilst there are rightly huge concerns regarding pollution from the bunkers and the environmental impact of the potentially hazardous chemicals on board should she sink, there may well be some who hope she gives up the fight soon and joins the aft section at the bottom of the Arabian Sea since to bring her into territorial waters or close to populated areas perhaps poses a greater threat to the environment, given the continued risk of sinking. The story continues....



NEW CASUALTIES

Vladimir

Container ship, Built 2009, 22,708 dwt

Date of Casualty 2 July 2013

Voyage Vuosaari, Finland to Bremerhaven, Germany

Cargo General cargo

Type of Casualty Allision with Brunsbuettel Lock, damaging the lock wall and vessel.

Type of Claim Allision damage claim

JS Chukar

LNG tanker, Built 2012, 4,994 dwt

Date of Casualty 2 July 2013

Voyage Istanbul, Turkey to Kerch, Ukraine

Cargo In ballast

Type of Casualty Grounding in the Kerch Strait. Refloated with the tug assistance.

Type of Claim Possible salvage claim and GA declaration



Katherine/Baru Satu

Katherine - Bulk carrier, Built 1997, 28,711 dwt

Baru Satu - Bulk carrier, Built 2001, 16,190 dwt

Date of Casualty 3 July 2013

Voyage Novorossiysk, Russia to Venice, Italy/Paranagua, Brazil to Bourgas, Bulgaria

Cargo Steel/Sugar

Type of Casualty Collision in Aegean Sea. Both vessels were locked together and suffered hull damage/ water ingress. *Katherine's* No 5 hold was holed. Tsavlis Salvage have been engaged on LOF Salvage

terms and were slow towing the vessels, now separated to Rafina Port for repairs.

Type of Claim Salvage claim, possible GA declaration, collision damage and hull damage claim

Vigor SW

Bulk carrier, Built 2009, 32,300 dwt

Date of Casualty 3 July 2013

Voyage Unknown

Cargo Unknown

Type of Casualty Collision with a pusher barge off Port of Kakogawa. The vessel suffered a breach in a ballast tank.

Type of Claim Collision damage claim, possible pollution claim

Megan MCB

Pusher tug, Built 2012

Date of Casualty 3 July 2013

Voyage n/a

Cargo n/a

Type of Casualty Capsized in the Dresbach dam, Eastern Minnesota. Loss of a crew member.

Type of Claim Total loss and Loss of life claim

Starocherkassk

General cargo, Built 1980, 3,174 dwt

Date of Casualty 4 July 2013

Voyage Eregli, Turkey to Rostov, Russia

Cargo General cargo

Type of Casualty Structural failure during cargo operations at Eregli.

Type of Claim Hull damage claim

An Ning

Bulk carrier, Built 2009, 55,256 dwt

Date of Casualty 4 July 2013

Voyage San Lorenzo, Argentina to Cape Town, South Africa

Cargo 40,900 m/t of soybean meal

Type of Casualty Grounding in the Parana River with resulting damage to d/b tanks. Refloated without assistance and anchored

Type of Claim Hull damage claim



Hope

General cargo, Built 1990, 7,045 dwt

Date of Casualty 4 July 2013

Voyage UAE to Chittagong, Bangladesh

Cargo 5,500 m/t of ball clay

Type of Casualty Cargo shift during heavy weather causing a 60° starboard list. Salvage assistance under LOF with SCOPIIC invoked is being rendered by Titan who are towing the vessel towards Penang. No port of refuge has been approved. GA Adjusters Marine Claims Office of Singapore have been appointed.

Type of Claim Salvage claim, GA declaration and possible loss of life claims

Cyprus Cement

Bulk cement carrier, Built 2002, 4,555 dwt

Date of Casualty 6 July 2013

Voyage Amsterdam, Netherlands to Norwegian ports

Cargo Cement

Type of Casualty Collision/allision with pleasure boats and the Levanger marina reportedly following a failure of her bow-thruster.

Type of Claim Collision/Allision damage claims

Folgefonn

Passenger cruise ship, Built 1998, 597 dwt

Date of Casualty 6 July 2013

Voyage Bergen to Jektavik, Norway

Cargo n/a

Type of Casualty Grounding. The ferry refloated using her engines.

Type of Claim Possible hull damage

Volgoneft 56

Product tanker, Built 1966, 5,067 dwt

Date of Casualty 6 July 2013

Voyage En route to St. Petersburg

Cargo 4,198m³ of heavy fuel oil

Type of Casualty Grounding on the Volga River. Tug assistance has been requested.

Type of Claim Hull damage claim and possible GA declaration

Albedo

General cargo, Built 1993, 15,562 dwt

Date of Casualty 8 July 2013

Voyage n/a

Cargo n/a

Type of Casualty Sinking during rough weather whilst under pirate control. Loss of 4 crew members and 7 Somali pirates with others missing.

Type of Claim Total loss and loss of life claim

CASUALTY FOLLOW UP

Perro Negro 6 - edition 16 - sank offshore Angola