

FEATURE CASUALTY - FOLLOW UP

MSC Flaminia

The U.S. District Court for the Southern District of New York has determined that only the cargo manufacturer Deltech and NVOCC Stolt Tank Containers B.V. have responsibility for the explosion and fire which took place on the *MSC Flaminia* in July 2012 as the vessel was in the Atlantic Ocean on a voyage from US ports to Northern Europe. The Court further determined that the owner of the vessel, Conti, her operator NSB and the ocean carrier MSC bore no liability or fault for the casualty.

A cargo of divinylbenzene (DVB), a monomer additive that is commonly used in the manufacture of plastic resins, was identified as the cause having self-polymerized after being exposed to temperatures over 85°F for a prolonged period, both prior to loading and whilst on board the vessel. Deltech were assigned 55% of the blame having contravened their own safety protocols which required them to avoid shipping DVB out of New Orleans during warmer months. These had been set up following previous incidents. The tanks had been delivered to the New Orleans Terminal for shipment in June and were exposed to the sun for ten days before loading. The tanks were then stowed in Hold No. 4 next to a heated cargo of diphenylamine and close to the vessel's heated bunker fuel tanks. The pre-loading and post-loading storage conditions were causal factors in the chemical reaction and the explosion that followed.

The explosion and resulting fire on board the containership led to the total loss of approximately one third of the cargo on board, with a further

third suffering fire and smoke damage and wetting arising from extinguishing efforts. Three of the vessel's crew died in the incident and two others were seriously injured. Smit Salvage were contracted to save the vessel under a Lloyd's Open Form Salvage Contract and the owners of the vessel declared General Average. There was considerable debate at the time as to where the fire ravaged vessel should be taken, and she was eventually granted approval to transit the English Channel and proceed to Wilhelmshaven where sound and partially damaged cargo was discharged. Extinguishing water was pumped out from the vessel and taken to Nyborg in Denmark for decontamination works and the vessel was later repaired at Daewoo's Mangalia shipyard in Romania at a cost of USD29 million. She re-entered service in July 2014.

In our first year of operation, 2012, Roose+Partners were appointed to represent the largest proportion of cargo in the Salvage defence aspect and were able to reach an amicable settlement with the salvors. We worked closely with the US firm Hill Rivkins who have delivered this excellent result for cargo and container interests. These cases can present huge challenges in identifying the party at fault, determining whether the goods were properly declared by the shipper or stored correctly by the carrier and in terms of possible recovery of losses there is the ultimate question as to whether the party at fault has assets or insurance which are adequate to satisfy claimants' losses.



NEW CASUALTIES

Pannagia

Fishing vessel, No other details

Date of Casualty 11 September 2018 – Late Notification

Type of Casualty Disabled 50 nautical miles off the coast of Mahajunga, Madagascar following an engine room fire. Bulk carrier *Vita Future* diverted to provided assistance to the crew. The vessel was abandoned.

Type of Claim Possible total loss



Lite Ferry 27

Passenger ro-ro, Built 2015, 898 gt

Date of Casualty 12 September 2018

Type of Casualty Ran aground on Mocaboc Island in Tubigon. The vessel was refloated after passengers were evacuated.

Type of Claim Possible hull damage and salvage claim

Priamos

Fully cellular containership, IMO 9412531, Built 2011, 12,300 dwt

Date of Casualty 12 September 2018

Voyage Kotka, Finland to Rotterdam, Netherlands

Cargo General containerised cargo

Type of Casualty The vessel ran aground shortly after departing Kotka. The vessel was refloated with tug assistance and towed to port by the tugs *Castor* and *Viikari*.

Type of Claim Possible hull damage, salvage claim and/or General Average declaration

P&I West of England

Jacob Kyle Rusthoven

Tug, Built 1968, 218 gt

Date of Casualty 12 September 2018

Type of Casualty Caught fire whilst on the lower Mississippi River near West Helena, Arkansas. The vessel was pushed to the river bank where fire-fighters boarded and extinguished the fire. All her crew were reported safe.

Type of Claim Fire damage claim

Med Denizli

Fully cellular containership, IMO 9106493, Built 1996, 13,623 dwt

Date of Casualty 12 September 2018

Voyage Tekirdag to Izmir, Turkey

Cargo General containerised cargo

Type of Casualty Disabled whilst transiting the Dardanelles off Çanakkale. A Coastal Safety team and tugs assisted.

Type of Claim Possible salvage type claim of fine

P&I Swedish Club

Kapitan Permyakov

Product tanker, IMO 8727953, Built 1987, 5,630 dwt

Date of Casualty 12 September 2018

Voyage Kavkaz, Russia to Constantza, Romania

Cargo 4,294 m/t of bunker oil

Type of Casualty Ran aground on the river Don during anchoring operations. The vessel was refloated with tug assistance after lightering operations.

Type of Claim Possible hull damage, salvage claim and/or General Average declaration

P&I Hydor AS

Hercules I

General cargo vessel, IMO 9379480, Built 2006, 3,875 dwt

Date of Casualty 13 September 2018

Voyage Mykonos to Volos, Greece

Cargo Plaster

Type of Casualty Disabled between Kythnos and Syros during poor weather. Tug *Apollon* was contracted to tow the vessel to destination.

Type of Claim Possible salvage claim and/or General Average declaration

Sormovsiky 123

General cargo vessel, IMO 8725632, Built 1985,

Date of Casualty 13 September 2018

Voyage Azov, Russia to Tekirdag, Turkey

Cargo 3,201 m/t of wheat

Type of Casualty Ran aground in the Don estuary in limited visibility. The vessel was refloated and anchored off Azov for inspection.

Type of Claim Possible hull damage, salvage claim and/or General Average declaration

Further casualties overleaf ▶



Imperial Gas 82

Inland tank barge, 1,354 ts

Date of Casualty 13 September 2018

Voyage Dusseldorf, Germany to Rotterdam, Netherlands

Cargo Propylene gas

Type of Casualty Ran aground on the Rhine in Cologne just north of the Severins Bridge. The vessel was refloated with the assistance of a container barge.

Type of Claim Possible salvage claim

Real Magic

Fishing vessel, No other details

Date of Casualty 14 September 2018

Type of Casualty Caught fire 46 miles southwest of Serranilla Bank, Colombia. The 28 fishermen on board were evacuated onto a Colombian Naval vessel. Some were suffering from burns. The vessel is thought to have sunk.

Type of Claim Total loss and crew claims

Langeland

Passenger ro-ro, IMO 9596428, Built 2012, 972 dwt

Date of Casualty 14 September 2018

Type of Casualty Allided with a breakwater whilst entering the port of Spodsbjerg, Denmark. Some cars on board were damaged.



Roose + Partners

NEW CASUALTIES - Continued - edition (286)

Type of Claim Allision damage and passenger claims

P&I Skuld



KM Fungka Permata V

Ferry, No other details

Date of Casualty 14 September 2018

Type of Casualty Caught fire and sank east of Central Sulawesi. The passenger manifest was inaccurate with only 91 people listed whereas authorities believe 146 passengers were on board. Some 20 people are thought to have died.

Type of Claim Total loss and passenger claims



Sassi

Yacht, Completion due 2020

Date of Casualty 14 September 2018

Type of Casualty A fire broke out on the 146 metre vessel which was under construction at the Lürssen-Yard in Bremen-Vegesack.

Type of Claim Fire damage claim

Rialto

Self-propelled barge, 1,287 ts

Date of Casualty 15 September 2018

Type of Casualty Collided with a yacht whilst on the Easter Scheldt at Kats.

Type of Claim Collision damage claim

Taimyr

General cargo vessel, Built 1978, 3,360 dwt

Date of Casualty 15 September 2018

Voyage No details

Cargo 2,916 m³ of crushed stone

Type of Casualty Allided with the sluice gate at Belousovskiy hydroelectric complex on the

Volgo-Balt Canal.

Type of Claim Allision damage claim

Princess Vanessa

General cargo vessel, IMO 6808454, Built 1967, 3,584 dwt

Date of Casualty 15 September 2018

Type of Casualty Driven aground at Tanza in Manila Bay during typhoon Mangkhut. Voyage and cargo details unknown.

Type of Claim Possible hull damage, salvage claim and/or General Average declaration

Hai Yang Shi You 202

Crane ship, Built 2009, 38,639 dwt

Date of Casualty 16 September 2018

Type of Casualty Draggd at anchor and was closing on Dalajia Island, Huizhou, north east of Hong Kong. The vessel, which had 73 people on board, was taken in tow.

Type of Claim Salvage claim

Atlantic Star/KSL Pride

Atlantic Star - Fully cellular containership, IMO 9138240, Built 1997, 26,260 dwt

KSL Pride - General cargo vessel with container capacity, Built 2008, 2,650 dwt

Date of Casualty 16 September 2018

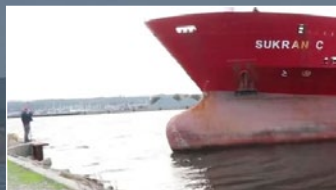
Voyage Singapore to Chittagong, Bangladesh / Haldia, India to Chittagong, Bangladesh

Cargo General containerised cargo / No details

Type of Casualty The vessels came into contact at Chittagong port.

Type of Claim Collision damage claim

P&I London Club / Shipowners Club



Sukran C

Combined chemical and oil tanker, IMO 9280196, Built 2004, 4,274 dwt

Date of Casualty 16 September 2018

Voyage Åbenrå, Denmark to Saint Nazaire, France

Cargo No details

Type of Casualty Ran aground at Åbenrå. The vessel was refloated with assistance. Click

here for video.

Type of Claim Possible salvage type claim and/or General Average declaration

P&I Standard Club

Wappen von Trier

Inland cruise vessel, No other details

Date of Casualty 16 September 2018

Type of Casualty Suffered a loss of stability whilst in a lock on the Mosel. 10 passengers were injured.

Type of Claim Passenger claims

Fame

General cargo vessel, IMO 6609901, Built 1996, 788 dwt

Date of Casualty 16 September 2018

Voyage Campbeltown to Mallaig UK

Cargo Salmon feed pellets

Type of Casualty Suffered bottom damage and water ingress after a partial grounding off Tarbert, Harris, Western Isles of Scotland. The vessel was able to make it into Tarbert.

Type of Claim Hull damage claim



Tumberry

Yacht, Built 2004, 164 gt

Date of Casualty 16 September 2016

Type of Casualty Driven aground at Sai Kung district, Hong Kong during typhoon Mangkhut

Type of Claim Possible hull damage and salvage claim



Access all our previous casualty newsletters here



IN OTHER NEWS

On 15 September 2018 the superstructure block of a VLCC under construction at Hyundai Heavy Industries Shipyard sank off Ulsan, Korea after it slipped off a barge which was approaching the port.

Bukhoro

Fishing vessel, IMO 8831340, Built 1990, 129 dwt

Date of Casualty 16 September 2018

Type of Casualty Engine failure in the Sea of Okhotsk. Salvage tug *Sibirskiy* was dispatched.

Type of Claim Salvage claim

S'Esturión

Ferry, No other details

Date of Casualty 17 September 2018

Type of Casualty Suffered water ingress and partially sank four miles from Es Vedrà, Ibiza. The six passengers and three crew were rescued by a nearby yacht.

Type of Claim Total loss or wreck removal

Satria Pratama

Ferry, IMO 6502725, Built 1992, 189 dwt

Date of Casualty 18 September 2018

Type of Casualty Ran aground off Batam, Indonesia. Passengers were evacuated.

Type of Claim Possible hull damage and salvage claim

Doggy

Fishing vessel, IMO 9233117, Built 2001, 691 gt

Date of Casualty 18 September 2018

Type of Casualty Capsized whilst entering a floating dock in Eidkjosen.

Type of Claim Hull damage and salvage operations

P&I Hydror AS

CASUALTY FOLLOW-UP



El Faro - editions 132, 133, 134, 136, 138, 139, 143, 145, 147, 148, 151, 160, 162, 165, 166, 171, 177, 179, 193, 236 & 248, 254 - a video summarising the two year investigation into the sinking of the containership in October 2015 has been released by the National Transportation Safety Board. Click [here](#) to view the video.

Gulfem Kalkavan - editions 97 & 281 - the operation to remove the wreck, which was driven aground at the Cape Tuzla Shipyard during poor weather on 2 February 2015, was completed on 13 September 2018.

Hephaestus - editions 255, 256, 268, 269 & 282 - the vessel which grounded on rocks off Qawra in Northern Malta on 10 February 2018 and was finally refloated in August, will not be repaired. She will either be sold as scrap or sunk as a diving attraction. The cleaning process, removing the oil and making the vessel safe, will probably take about two months.

Hardhaus - editions 282 & 283 - the damaged trawler has been towed to Frederikshavn where she will be repaired. It was initially thought the vessel would be written off due to the cost of the damage. Repairs are expected to take three months.



Eleftherios Venizelos - editions 283 & 284 - the fire on board the ferry has continued to have resulted from a short circuit in one of the trucks on board. Investigators found the vessel's good condition and her fire safety system prevented the spread of the fire to her upper decks.

Britta K - editions 284 & 285 - the livestock carrier arrived in Beirut, Lebanon for repairs to her engine damage on 16 September

