

### FEATURE

## Yantian Express – A Plea for Cargo?

New casualties overview ▶

Over four months has passed since the first of this year's notable casualties was reported, the fire on board the *Yantian Express*, and yet despite the vessel and cargo being successfully salvaged and taken to a port of refuge, the sound cargo remains on board the vessel and has yet to be delivered to its market. Orders are months late, with seasonal and time sensitive products likely to arrive way beyond the due date and with the resulting loss of market. We have been advised of many claims whereby receivers have notified insurers of a potentially serious loss to their business with some even reported to be close to closing their doors as a consequence.

When the salvors brought the vessel and cargo into Freeport and the salvage services were terminated, salvage security became due from the property interests who had benefitted from the salvor's efforts.

Many cargo interests, our clients included, sought to provide salvage security immediately hoping that early provision of security would ensure that the cargo could be delivered as soon as practically possible. Our clients also provided General Average security which is not strictly due to be provided until the cargo is delivered at destination but it made sense to deal with the security aspects in one go. Unfortunately other property interests opted to delay provision of security for many different reasons, and some property interests who may not have insurance for their cargo, may have no intention to provide security. The result being that the *Yantian Express* is sitting in Freeport and unable to depart due to a lack of security from a large proportion of cargo, leading to further delays in the cargo reaching its market.

The issue is further compounded where there are containers with consolidated cargo on board. Many of the parcels of cargo may be low value or uninsured and if the cargo owner does not take steps to provide security, which as an uninsured interest is generally required in the form of a cash deposit, then the other parcels of cargo in the container which may be insured and may be fully secured, remain held within the container.

Those cargo interests cannot understand why their container is not listed as released and this results in a seemingly endless stream of enquiries regarding release of consolidated (LCL) containers. This is the case where there is only a salvage claim or there is a salvage claim and a General Average claim, where two lots of securities are requested, and that is without having regard to the collection of a GA Bond, which in itself requires detailed explanation as to why it is necessary for a cargo owner who has insured their property for General Average, has to sign a separate undertaking in addition to the General Average Guarantee which is provided by the cargo insurer. Only in a very few multi-party General Average matters have we experienced a shipowner willing to forgo collection of this additional layer of security from insured interests. We proposed at the outset of this matter that Hapag Lloyd agree not to insist on a GA Bond, our request was denied. That is all very well but when a cargo has been adequately secured for salvage at the intermediate port, and secured by way of a General Average Guarantee at that same port, well in advance of when General Average security is in fact due, then surely that cargo should be released for on-carriage with, if absolutely necessary, a GA Bond collected at destination!

When the benefit of a salvage service is assessed, an important factor is the prompt redelivery of the property at risk. The quicker that is achieved, the better and the more valuable the service performed. The problem arises when the property is redelivered, as in the case of the *Yantian Express*, at an intermediate port which on the face of it is lacking in facilities to deal with a casualty of this nature, leading to substantial delays in the actual and real delivery of the cargo. Combine that with delays in provision of security and the release of the vessel to prosecute the voyage and there are potentially serious problems with assessing the value of the property and any benefit conferred upon that property. In this regard it should be noted that the value for assessing salvage contributions, 'salved value', is taken at the time and place the salvage services

terminated or simply if there is no market, then at the nearest available market. However, the reality in this case is the property is not available to the intermediate market or the destination market, it is stuck on the ship and all the while it may be reducing in value, in some cases considerably. All of the above again prompts the question as to why Freeport was chosen but perhaps this is best addressed on another day.

We have addressed above the issue of LCL containers. The reality is that a containership is akin to a consolidated container, only with many thousands of parcels of cargo rather than say twenty within an LCL box. Collecting multiple securities and the associated documents is like herding sheep. Some go in the right direction and others do not, and whilst perhaps they do eventually in up in the pen, it takes time. Time is not kind to cargo, or to those importing cargo, particularly if the cargo is to meet a particular seasonal market or to be used as a component for some production which cannot proceed without it. This highlights the importance of prompt salvage assistance and of choosing the appropriate port or refuge but most particularly it calls for shipowners, charterers, freight forwarders, consolidators and salvors for that matter to work together and to provide bridging security or to consider taking out lien insurance for these situations to enable the unsecured

cargo to go forward to destination where, at that point security can be provided. There is no greater incentive to provide security and documents when your cargo is waiting for you are the delivery port. Bridging security can work very effectively and, now that the *Yantian Express* is by all accounts, passed to sail, and where the only thing preventing the progress is a lack of security, all those involved in shipping cargo should work together to ensure the job gets done. There is little doubt costs associated with insuring a bridging guarantee or taking out lien insurance would be recoverable by the salvors or by the shipowners and charterers via the mechanism of General Average.

And one final comment, information makes people happy. In this case there has been a notable absence of pertinent information about progress or intentions. A lack of information leads to speculation and perhaps here has exacerbated the delays in security provision. Why should an uninsured cargo interest provide security when there is no promise as to the ultimate delivery of their cargo. All we suggest is that a sensible approach is adopted in these multi bill of lading matters and that the customer, the cargo owners, are kept well informed and their best interests considered at all time, otherwise the benefits to them are considerably diminished.



# Roose + Partners

## NEW CASUALTIES 319

### Dattaram I/Maria Laura 1

*Dattaram I* – General cargo lightering vessel, IMO 9091739, Built 2005, 2,050 dwt

*Maria Laura 1* – Crane barge, IMO 8655813, Built 2011, 1,255 dwt

**Date of Casualty** 29 April 2019 – Late Notification

**Voyage** At Mormuago, India

**Cargo** 1,600 m/t of iron ore

**Type of Casualty** The barge capsized after cargo was loaded by the *Maria Laura I* at Mormuago. The crew were safe.

**Type of Claim** salvage claim



### Saginaw

Bulk carrier, IMO 5173876, Built 1953, 19,377 dwt

**Date of Casualty** 30 April 2019 – Late Notification

**Voyage** Windsor, Canada to Marquette, USA

**Cargo** No details

**Type of Casualty** Allided with a railroad bridge spanning the Maumee River near Middlegrounds Metropark whilst en route to Lake Erie.

**Type of Claim** Allision damage claim

**P&I** North of England

### Peace N Plenty

Fishing vessel, No other details

**Date of Casualty** 30 April 2019 – Late Notification

**Type of Casualty** Caught fire off Salcombe, Devon, UK. The skipper abandoned the vessel to a lift raft. The vessel was later towed into Brixham.

**Type of Claim** Fire damage and possible salvage claim

### Happiness I

Crude oil tanker, IMO 9212905, Built 2003, 299,214 dwt

**Date of Casualty** 30 April 2019 – Late Notification

**Voyage** Kharg Island Oil Terminal, Iran to Suez, Egypt

**Cargo** 140,000 m/t of crude oil

**Type of Casualty** Suffered engine and steering gear issues whilst transiting in the Red sea south of Jeddah. Tugs were deployed and towed the tanker to Jeddah. This is a sanctioned vessel.

**Type of Claim** Possible salvage claim

### Sabuk Nusantara 97

Passenger ro-ro, IMO 9821184, Built 2018, 800 dwt

**Date of Casualty** 1 May 2019

**Type of Casualty** Ran aground near the Port of Kwandang, Indonesia.

**Type of Claim** Possible hull damage and salvage claim

### Thalassa Elpida

Fully cellular containership, IMO 9665621, Built 2004, 152,344 dwt

**Date of Casualty** 1 May 2019

**Voyage** Zeebrugge, Belgium to Piraeus, Greece

**Cargo** General containerised cargo

**Type of Casualty** Allided with a pier during berthing operations at Piraeus.

**Type of Claim** Allision damage claim

**P&I** Swedish Club



### Cindy R

Tug, No other details

**Date of Casualty** 2 May 2019

**Type of Casualty** Sank on the Intracoastal Waterway near Lafitte, Louisiana, USA. The tug was pushing six barges at the time, one loaded with scrap and the others empty. The crew escaped without injury and the barges were recovered.

**Type of Claim** Salvage claim

### Sylve

General cargo vessel with container capacity, IMO 8906286, Built 1990, 3,030 dwt

**Date of Casualty** 2 May 2019

**Voyage** Riga, Latvia to Goole, UK

**Cargo** 3,325 m/t of timber

**Type of Casualty** Suffered engine failure and grounded. The vessel was refloated and taken in tow to Goole.

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

**P&I** Hanseatic

### Ursula Klaus

Self-propelled barge, No other details

**Date of Casualty** 2 May 2019

**Voyage** Flushing to Rotterdam, Netherlands

**Cargo** Loaded, no details

**Type of Casualty** Grounded on the Wester Scheldt near Everingen. The vessel was eventually able to free itself although tugs attended.

**Type of Claim** Possible hull damage claim



### Legacy

Tug, No other details

**Date of Casualty** 2 May 2019

**Type of Casualty** Allided with the Eads Bridge near Illinois on the Mississippi River.

**Type of Claim** Allision damage claim

### Barranco

Fishing vessel, Built 2006, 100 gt

**Date of Casualty** 3 May 2019

**Type of Casualty** Caught fire 11 nm east north east of Selva, Spain. Three of the four crew were rescued from the sea. One fisherman drowned. Click [here](#) for video.

**Type of Claim** Total loss and loss of life claim



### Gretha van Holland

River cruise ship, 250 ts

**Date of Casualty** 4 May 2019

**Type of Casualty** Allided with a lock gate in Parchim on the Müritz-Elde-Waterway. The vessel was involved in two accidents last week which were reported in edition 318.

**Type of Claim** Allision damage claim

### Yuan An Hai

Bulk carrier, IMO 9446128, Built 2009, 56,957 dwt

**Date of Casualty** 4 May 2019

**Voyage** Skikda, Algeria to Southampton, UK

**Cargo** No details

**Type of Casualty** A fire broke out in cargo holds 1 & 2. Local fire-fighters in Southampton attended.

**Type of Claim** Fire damage claim

**P&I** UK Club

### Jewel of London

River cruise vessel, 267 gt

**Date of Casualty** 4 May 2019

**Type of Casualty** Ran aground on the River Thames near Hammersmith bridge. The vessel was refloated with assistance.

**Type of Claim** Possible hull damage claim

### Oosterdam/Nieuw Amsterdam

*Oosterdam* – Passenger cruise vessel, IMO 9221281, Built 2003, 10,965 dwt

*Nieuw Amsterdam* – Passenger cruise vessel, IMO 9378450, Built 2010, 8,754 dwt

**Date of Casualty** 4 May 2019



Further casualties overleaf

**Type of Casualty** The vessels came into contact during berthing operations in Vancouver.

**Type of Claim** Collision damage claim

**P&I** Both entered with Steamship Mutual

### KMP Jambo VI

Landing craft, IMO 8742800, Built 2009, 788 gt

**Date of Casualty** 4 May 2019

**Type of Casualty** Ran aground near the port of Gilimanuk, Indonesia. All passengers were evacuated and the vessel was refloated with assistance.

**Type of Claim** Possible hull damage and salvage claim

### Castor

Self-propelled barge, 1,754 ts

**Date of Casualty** 4 May 2019

**Type of Casualty** Collided with and severely damaged a yacht whilst mooring on the Kiel

## IN OTHER NEWS

In the afternoon of 6 May 2019 in the port of Mörbisch, Austria fire destroyed four excursion vessels which were moored there. Strong winds fanned the fire causing it to spread rapidly.



## PIRACY NEWS

The semi-submersible heavy lift vessel *Blue Marlin* (MO 9186338, Built 200, 76,292 dwt, Standard Club P&I) was attacked and boarded by pirates south west of Luba, Equatorial Guinea in the Gulf of Guinea. The crew assembled in the citadel. A Spanish Navy vessel was deployed and freed the vessel. Her bridge and control systems have been heavily damaged and the vessel is disabled awaiting a tow.

# Roose + Partners

## NEW CASUALTIES - Continued - edition 319

Canal at Hohenhörm, Germany.  
**Type of Claim** Collision damage claim

### VOS Primrose

Support vessel, Built 2016, 3,548 gt  
**Date of Casualty** 4 May 2019  
**Type of Casualty** Suffered extensive damage after a fire broke out in the engine room whilst at the ST Engineering yard, Jurong.  
**Type of Claim** Fire damage claim  
**P&I** North of England

### Suzaku

Bulk carrier, IMO 9317377, Built 2006, 54,881 dwt  
**Date of Casualty** 5 May 2019  
**Voyage** At Santa Marta, Colombia  
**Cargo** Coal  
**Type of Casualty** A gangway of the vessel collapsed whilst the vessel was berthed at Santa Marta loading a cargo of coal. One crew member and a dock worker died.

**Type of Claim** loss of life claim  
**P&I** Japan Shipowners



### Syros Wind

General cargo vessel with container capacity, IMO 8707771, Built 1987, 3,173 dwt  
**Date of Casualty** 5 May 2019  
**Voyage** Serifos Island, Greece  
**Cargo** No details  
**Type of Casualty** The vessel broke from her moorings during poor weather at Serifos and began drifting in the harbour. Tugs brought the vessel under control. Click [here](#) for video.

**Type of Claim** Possible damage and salvage claim



### Sepia

Tug, No other details  
**Date of Casualty** 5 May 2019  
**Type of Casualty** Suffered water ingress on the Ijssel Sea between Lemmer and Urk. The tug was run aground and then sank. Click [here](#) for video.  
**Type of Claim** Hull damage and salvage claim

### Eurocargo Livorno

Passenger ro-ro, IMO 9471070, Built 2012, 10,438 dwt  
**Date of Casualty** 6 May 2019  
**Type of Casualty** Allided with a jetty in the southern port of Patras, Greece during mooring operations.

**Type of Claim** Allision damage claim  
**P&I** North of England



### Moonlight/Mustang

*Moonlight* – Fishing vessel, IMO 8944434, Built 1985, 171 gt  
*Mustang* – Tug, IMO 9555383, Built 2009, 332 gt

**Date of Casualty** 6 May 2019  
**Type of Casualty** The vessels were in collision north of Skagen, Denmark. *Moonlight* was holed and suffered water ingress. Danish rescue services responded and assisted in controlling the ingress with pumps. The *Moonlight* headed to Skagen under its own power whilst the *Mustang* continued to Frederikshavn.

**Type of Claim** Collision damage claim

### Rix Atlantic

General cargo vessel with container capacity, IMO 9194270, Built 1999, 3,793 dwt  
**Date of Casualty** 7 May 2019  
**Voyage** Klaipeda, Lithuania to Kolding, Denmark.  
**Cargo** Maize  
**Type of Casualty** Ran aground in Kolding Fjord, Denmark.

**Type of Claim** Possible hull damage, salvage claim and/or General Average declaration  
**P&I** Hanseatic

### Tenn Ming Yang No. 268

Fishing vessel, Built 2005, 100 gt  
**Date of Casualty** 7 May 2019  
**Type of Casualty** Reported a serious fire on board with crews abandoning the vessel into life-rafts some 63nm east of Durban, South Africa. The crew have since been picked up by another fishing vessel.

**Type of Claim** Fire damage and salvage claim or possible total loss

### Masonic

Fishing vessel,  
**Date of Casualty** 7 May 2019

**Type of Casualty** Abandoned by her crew after suffering water ingress southeast of Sitka. The crew were recovered by a Coast Guard helicopter. The vessel was found partially grounded.

**Type of Claim** Salvage claim

## CASUALTY FOLLOW-UP



**Norman Atlantic** – editions 92, 93, 109, 114, 127, 133, 140, 144, 245 & 271 – more than four years after the fire on board the passenger ro-ro, the *Norman Atlantic* was released from arrest in Bari on 30 April 2019. On the same date the criminal case against 30 defendants commenced in the town of Bitondo near the port city of Bari. Included in the criminal action are the manager of the Greek shipping company Anek Lines, which chartered the vessel, the Italian shipowner Visemar di Navigazione, several officers, sailors and the captain of the ro-ro. Prosecutors allege that prior to departure from Patras there were already major issues including an incomplete passenger list and the crew had parked the trucks and cars too close to each other preventing adequate safety checks. In addition after the fire was discovered on deck 4 the sprinkler system on deck 3 was activated by mistake allowing the fire to spread and several crew members abandoned the vessel before ensuring the evacuation of all the passengers.

**KNM Helge Ingstad** – editions 294, 295, 296, 297, 298, 299, 302, 303, 304, 307, 308, 309, 310 & 314 – the Norwegian Defence Ministry has halted all work on the vessel pending a further assessment on the costs of the repair. A final decision is expected before the summer. The frigate remains in dry-dock at the Navy's yard in Haakonvern.

**Solomon Trader** – editions 307, 308, 309, 310, 311 & 314 – the National Disaster Council have announced that final preparations to refloat the bulk carrier from the reef at Rennell are underway with the operation to pull the vessel free expected to begin within the next two weeks.

**Oasis of the Seas** – editions 314 – repairs to the passenger cruise ship were completed in Cádiz on 22 April 2019. The vessel was damaged after a crane collapsed on to it damaging the amphitheatre on the upper deck and numerous cabins. It is expected to resume operations shortly. In the meantime Royal Caribbean Cruises have revealed that the incident will probably cost USD0.25 per share in adjusted earnings. Despite this the company recorded record earnings in the first quarter of 2019.

**APL Danube** – editions 317 & 318 – the cargo discharge operation to lighten the vessel for repairs to her steering gear was completed in Sokhna port on 1 May 2019 and permanent repairs are now underway.

**Zeynalabdin Tagiyev** – edition 318 – repairs to the vessel have been completed by the crew along with shore based support and both Class and the vessel's Flag State Authority have approved the vessel to proceed. A payment for tug assistance was made to the Coastal Safety account. The vessel departed the Istanbul Anchorage on 6 May 2019.

**New Glory** – edition 318 – is now under tow bound for Tuzla where she will undergo repairs. Her eta is 27 May 2019.

**Pont-Aven** – edition 318 – is expected to return to service on 12 May 2019 although she will only have three of her four engines operational. Her operational speed will be slightly affected. The fire damaged engine will be replaced early next year during an eight week maintenance period.

Access all our previous casualty newsletters here 

