

Roose + Partners

Casualty Newsletter ⑨

15th May 2013

FEATURED CASUALTY

Asir

Containership, Built 1998, 49,856 dwt

Date of casualty 12 May 2013

Voyage USA, Italy and Spain to Jeddah Saudi Arabia

Cargo General containerised cargo

Type of Casualty Explosion and fire in engine room.

Type of Claim See below

It is reported that the whilst she was in a position off off Abu Elkizan Island, the fully cellular containership ASIR, which is operated by United Arab Shipping Company (UASC), suffered an explosion in her engine room on 11 May 2013. Three of the vessel's crew were injured as a result of the explosion and two have been airlifted to hospital. The *Asir* was en-route from Suez to Jeddah laden with general containerised cargo loaded in the USA, Italy and Spain. The explosion has disabled the vessel and she is presently drifting awaiting towage assistance. Smit Salvage BV have been contracted to tow the vessel to her destination port, Jeddah. The UASC vessel *Jebel Ali* is standing by until tugs arrive. UASC have confirmed that there has been no damage to any of the cargo on board and no pollution has occurred. The towage operation is expected to take a couple of days and upon arrival in Jeddah the cargo will be discharged.

Cases such as these can often result in a salvage claim or a declaration of General Average by the vessel's owners. However, given that it seems the assistance by Smit Salvage has been contracted on commercial terms, no salvage claim is likely. UASC could of course look to recover their outlay in respect of the towage, and any sacrifice damage that might have resulted from the fire-fighting efforts, by declaring General Average but the



overall expenses which ordinarily would be recoverable in this General Average situation are expected to be relatively low. It is possible that a GA absorption clause might be sufficient to cover the costs of this incident. In any event Owners and operators of containerships have to strike a careful balance when considering the merits of declaring General Average and the effect that this can have on their relationships with their customers. GA declarations inevitably delay the forwarding of cargo but also can result in significant costs being incurred simply collecting security, and in some cases these costs can be disproportionate to the actual GA expenses. Owners also face the possibility that cargo and container interests will defend any GA claim, and refuse contributions, relying on a Rule D defence. Owners will have to demonstrate that they exercised due diligence to ensure that vessel was seaworthy at the commencement of the voyage to recover contributions.

CASUALTY FOLLOW UP

City of Xiamen – Five of the officers have been released by pirates. Seven other crew members remain captive

Rio Gold – Has been successfully refloated by Tsavlis Salvage and is currently undergoing an inspection. Reports suggest that the Tsavlis Unity will escort the vessel, which is able to proceed under its owner power, to Chittagong



Conmar Avenue – Following the collision which we reported in edition 8, Kotug, Bugsier and Urage assisted the Conmar Avenue under the terms of a Lloyds Open Form of Salvage Agreement. Unless the shipowners/carriers provide security for the entire salvaged property, salvage security will be required to be provided by cargo and container interests before the vessel is allowed to continue with the voyage.

NEW CASUALTIES

Ufa

General cargo vessel, Built 1997, 4,337 dwt

Date of casualty 8 May 2013

Voyage Klaipeda, Lithuania to Ayr, Scotland

Cargo unknown

Type of Casualty Allision with pier at Ayr. Vessel now undergoing repairs to a hole in her hull

Type of Claim Allision damage claim

Siem Sailor

Supply cargo vessel, Built 2007, 4,800 dwt

Date of casualty 11 May 2013

Voyage From Stavanger

Cargo n/a

Type of Casualty Engine fire off Stavanger. The vessel is now berthed at Dusavik

Type of Claim Hull damage claim

Ussuri

General cargo vessel with container capacity, Built 2002, 7,212 dwt

Date of casualty 11 May 2013

Voyage Vladivostok, Russia to Taicang, China

Cargo General cargo

Type of Casualty Grounding in Dzhigit Bay, Sea of Japan. Salvage vessel *Lazurit* is assisting

Type of Claim Possible salvage claim

Hua Jie 17

Chemical tanker, Built 2011, 5,667 dwt

Date of casualty 11 May 2013

Voyage Gwangyang, South Korea to Wenzhou, China

Cargo Unknown

Type of Casualty Collision with fishing vessel Wenzhou, Zhejiang Province, southern East China sea leading to the loss of five of the fishermen.

Type of Claim Collision damage and personal injury/loss of life claim

Herbert C. Jackson

Bulk carrier, Built 1959, 24,536 dwt

Date of casualty 12 May 2013

Voyage to Detroit Michigan

Cargo 23,000 m/t of iron pellets (taconite)

Type of Casualty Allision with bridge leading to damage to the vessel's hull above the waterline. Reports suggest the operator of the bridge closed it as the vessel was about to pass under it.

Type of Claim Hull damage claim. Possible claim against the operators of the bridge



Xin Chuan 8

Bulk carrier, Built , 8,966 gt

Date of casualty 12 May 2013

Voyage Tongling, Anhui Province to Luoyuan, Fujian Province, China

Cargo 12,000 m/t of limestone

Type of Casualty Allision with bridge leading to the vessel sinking in Yangtze River near Nanjing. Reports suggest oil from the vessel is leaking into

the river and anti-pollution measures are in place to prevent damage to the environment.

Type of Claim Total loss of ship and cargo. Pollution claims.

Maykop

General cargo vessel, Built 1973, 3,506 dwt

Date of casualty 13 May 2013

Voyage Syzran, Russia to Cherepovets, Russia

Cargo Scrap metal

Type of Casualty Grounding on Volga River following a reported failure of the vessel's navigation equipment. Salvage vessel *Bereg* has been dispatched to assist in the refloating operation

Type of Claim Possible salvage claim and GA declaration

Ai Feng Yuan/ Settsu

Ai Feng Yuan - General cargo vessel, Built 1986, 1,007 dwt

Settsu - Fully cellular containership, Built 1998, 17,221 dwt

Date of casualty 14 May 2013

Voyage Fukuyama, Japan for Mokpo, South Korea / Shanghai, China for Busan, South Korea

Cargo In ballast / General containerised cargo

Type of Casualty Collision between the two vessel leading to the loss of the *Ai Feng Yuan*. Her crew were rescued but the Master died en-route to hospital. The *Settsu* sustained slight damage to her bulbous bow but was able to resume her voyage to Busan. Her cargo has been discharged and she is undergoing temporary repairs

Type of Claim Collision damage claim