LLOYD’S MARINE CONFERENCE
FOCUS: WRECK REMOVAL

7 NOV 2012
WHO IS HERE: 440 REGISTERED ATTENDEES MAKE UP

- 14% Brokers
- 36% Lloyd's Syndicates - could be claims or underwriters
- 6% Claims
- 8% Lloyd's
- 13% lawyer
- 7% Insurance Companies
- 5% Marine Consultants or organisations
- 5% P&I Clubs
- 3% Loss Adjuster
- 2% Salvors
- 1% Education
- 1% Press
- 1 SOSREP
LOF – LLOYD’S OPEN FORM

► No Cure – No Pay
► Easily understood
► Salvors’ basic obligation to use their “best endeavours”
► No prior negotiation – start work immediately
► Avoids unnecessary arrest of vessel
► Lloyd’s Agency administrative system in place
SCOPIC
► Supplementary to LOF
► Tariff rates to calculate Salvors’ “Special Compensation”
► Uplift fixed at 25%
► Appointment of Special Casualty Representative (SCR)
► Traditional Article 13 (salvage) Award discounted by 25% of the amount by which the Article 13 Award exceeds the SCOPIC remuneration
LLOYD’S WRECK REMOVAL REPORT

► Wreck removal more visible, common and expensive
► presumption now that a wreck should be removed
► rising cost means that all players are increasingly drawn in…
ISU Salvage Statistics; 1999 - 2008
Increasing Costs of Salvage

US DOLLARS (Millions)

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INTERNATIONAL SALVAGE UNION

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US DOLLARS (Millions)
INTRODUCING THE SPEAKERS

► Michael Kingston, Nigel Chapman and Andrew Bicknell
► Mark Hoddinott
► Michael Kelleher
► John Wickham
Why are wrecks an issue?

- Hazard to navigation
- Risk to the environment from remaining cargo and bunkers
- Increasing cost of removal
- Pressure by port authorities/coastal States
Existing wreck removal laws

- Reliance on domestic law
- Limited geographical area of applicability
- Enforcement problematical
- Financial uncertainty
Who pays following a casualty?

CASUALTY COST LINE

Three stages:

1. Salvage  
   - The ship = H&M insurers  
   - The cargo = property interests / insurers

2. Scopic  
   - P&I insurers

3. Wreck removal  
   - P&I insurers
Who pays for wreck removal?

P&I insurance may exclude wreck removal liabilities!

IG P&I cover wording

“Costs and expenses relating to the raising, removal, destruction, lighting and marking of the Ship or of the wreck of the Ship or parts thereof or of its cargo lost as a result of a casualty, when such raising, removal, destruction, lighting and marking is compulsory by law or the costs or expenses thereof are legally recoverable from the Member;

Liability incurred by reason of the Ship or the wreck of the Ship or parts thereof as a result of a casualty causing an obstruction”
IG P&I cover, cont.

Provided that:
Recovery from the Association under this Rule shall be conditional upon the Member not having transferred his interest in the wreck otherwise than by abandonment; and the realised value of the wreck and other property saved shall be credited to the Association.
Nairobi Wreck Removal Convention 2007

**Entry into force** – 12 months following 10 or more States ratification.

**Area of jurisdiction** – Exclusive Economic Zone – 200 nautical miles.

**Ship** – Seagoing vessel of any type including floating platforms except if engaged in exploration, exploitation or production.

**Hazard** – Poses a danger or impediment to navigation, or risk to environment.

**Wreck** – Ship or part of, or object lost overboard e.g. cargo, that has sunk or stranded or is adrift that may be *reasonably expected* to become a wreck, provided *effective measures* are not already being taken.

**Reporting** – State Party shall require the master and operator to report.

**Compulsory Insurance** or other financial security – every ship over 300gt.

**Direct action** – Against the party providing insurance or security.

**Limitation** – Shipowner has the right to limit liability for wreck removal costs under any applicable national or international regime such as LLMC, 1976, as amended.
An Act to implement the Nairobi Convention 2007

Enacted on 12th July 2011

In force 12 months following the date on which 10 States have signed the Convention without reservation.
What do these countries have in common?

BULGARIA
INDIA
IRAN
NIGERIA
PALAU

Ratified
Nairobi Convention 2007
“NEW FLAME” – Wreck Removal August 2007

44,000 gt bulk carrier
Built 1994
Panama flag
Collision with oil tanker “TORM GERTRUD
Location 0.7 miles south of Europa Point
Time line:
LOF with Scopic invoked with Tsavliris
Terminated Scopic
Wreck removal contract with Titan
‘MAJOR MARINE DISASTER’

Challenges for the Salvor

Presented by
Mark Hoddinott
General Manager
International Salvage Union
Presentation Summary

• ‘New Flame’ case study
  ➢ Initial Casualty
  ➢ Moving from LOF to Wreck Removal
  ➢ Salvage Plan
  ➢ The Operation
  ➢ The Difficulties and Challenges
The Difficulties and Challenges
Summary

- Contract Terms
  - basis BIMCO Wreckhire
- Politics
- Weather & Sea Conditions
- Environmental
MAJOR MARINE DISASTER

- 12th Aug 2007 Collision with ‘Torm Gertrud’
- Lloyd’s Open Form signed with Tsavliris Salvage
MAJOR MARINE DISASTER

- December 2007 breaks in two – LOF terminated
- Wreck Removal tender issued
MAJOR MARINE DISASTER

• January 2008 Titan Salvage awarded contract
MAJOR MARINE DISASTER

• Initial plan to cut forward No.5 hold and refloat stern
MAJOR MARINE DISASTER

- 29th Feb 2008 – stern sank in severe weather

Plan B!!!!
MAJOR MARINE DISASTER

• Cargo Recovery – 42,000 tonnes scrap metal
MAJOR MARINE DISASTER

• Cargo Recovery Tools
MAJOR MARINE DISASTER

- 39,388 tonnes cargo recovered – 12 coasters
MAJOR MARINE DISASTER

- Recovery of Accommodation Block
MAJOR MARINE DISASTER

- Transferred to Cammell Laird for recycling
MAJOR MARINE DISASTER

• Innovation – the ‘Dive Tube’
MAJOR MARINE DISASTER

- Innovation – the ‘Dive Tube’
MAJOR MARINE DISASTER

- Recovery of Forward Section’
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• Removal of Stern Section’
MAJOR MARINE DISASTER

- Removal of Stern Section’
MAJOR MARINE DISASTER

- Minimum clearance required
MAJOR MARINE DISASTER

• Final Survey
Difficulties and Challenges

• Daily Rate Contract – Salvor’s Incentive?
• Discounted rates
• Bonus Incentives
  ➢ Cargo Recovery
  ➢ Ship Structure Recovery
  ➢ Completion of Defined Tasks
MAJOR MARINE DISASTER

Difficulties and Challenges

• Politics
  ➢ Gibraltar v. Spain
    ❖ Sovereignty
    ❖ Territorial Waters
  ➢ UK SOSREP
  ➢ Local
    ❖ Politicians
    ❖ Licensing
    ❖ Irrational Exuberance
MAJOR MARINE DISASTER

Difficulties and Challenges

- Weather, sea and tidal conditions
  - Open, exposed location
  - Gibraltar ‘micro climate’
  - Tidal predictions
  - Tidal Current
  - Dive Tube
  - ‘Fedra’ incident
MAJOR MARINE DISASTER

Difficulties and Challenges

- Environmental
  - Considerations played a major part
  - Common sense prevailed at final part
  - Authorities enforced requirements
The Increasing Costs of Wreck Removal…
Preliminary Trends Identified by the International Group’s Large Casualty Working Group

Michael Kelleher
POOL CLAIMS VALUES 2002 - 2012

Incurred cost on Pool (Lower, Upper and Co-reinsurance Layers) (USDm) as at 20 August 2012

[Graph showing the incurred cost for each year from 2002 to 2012, with different colored lines for each year.]
<table>
<thead>
<tr>
<th>VESSEL</th>
<th>YEAR</th>
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<tbody>
<tr>
<td>TRICOLOR</td>
<td>2002</td>
</tr>
<tr>
<td>HYUNDAI NO 105</td>
<td>2004</td>
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<td>SELENDANG AYU</td>
<td>2004</td>
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<td>CP VALOUR</td>
<td>2005</td>
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<td>TWIN STAR</td>
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<td>CALIFORNIA</td>
<td>2006</td>
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<td>GIANT STEP</td>
<td>2006</td>
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<td>OCEAN VICTORY</td>
<td>2006</td>
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<td>2006</td>
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<td>2007</td>
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<td>NEW FLAME</td>
<td>2007</td>
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<td>EASTERN BRIGHT</td>
<td>2007</td>
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<td>FEDRA</td>
<td>2008</td>
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<tr>
<td>MSC CHITRA</td>
<td>2010</td>
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<tr>
<td>JOLLY AMARANTO</td>
<td>2010</td>
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<tr>
<td>B OCEANIA</td>
<td>2011</td>
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<td>RENA</td>
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<tr>
<td>COSTA CONCORDIA</td>
<td>2011</td>
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<tr>
<td>BARELI</td>
<td>2012</td>
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</table>

“NEW FLAME” – 12 August 2007
FOCUS FOR THE WORKING GROUP’S REVIEW

- Vessel type / location / wreck situation / effect on mobilisation
- Contractual arrangements – Contract forms used
- Location of salvage equipment – Effectiveness of Salvage teams and SCR’s in attendance
- Bunker Removal – quantities removed, time taken and cost analysis
- Incidents involving loss of containers – particular consequences
- Impact of Government / other authority influence and/or interference in operations on time and costs
PHYSICAL CRITERIA

- Vessel Type
- Location
- Wreck Situation (Hazard to Navigation)
- Effect of Mobilisation
- Effect on contract overrun
- Comment – Role of Chance

“TRICOLOR” – 14 December 2002
CONTRACTUAL ARRANGEMENTS

- LOF / SCOPIC
- Bunker Removal (Interim Contracts generally)
- Wreck Removal Contracts
- Bonus and Penalty Provisions (carrot and stick approach)
- Comment: Tender Process Focus

“OCEAN VICTORY” – 24 October 2006
FOCUS OF BUNKER REMOVAL

- Quantities Removed
- Time Taken
- Cost Analysis
- Comment

“SEA DIAMOND” – 6 April 2007
LOCATION OF HEAVY SALVAGE EQUIPMENT
EXPERT COMPETENCE

- Salvage Masters
- SCR’s comment
- Availability
CONTAINER VESSEL INCIDENTS

- Container Removal Costs Analysis
- Disposal Ashore - Recycling

“MSC NAPOLI” – 18 January 2007

“MSC CHITRA” – 7 October 2010
STATE, LOCAL AND PORT AUTHORITIES

■ INFLUENCE ?

“RENA” – 5 October 2011

■ INTERFERENCE ?

“COSTA CONCORDIA” – 13 January 2012
INTERIM COMMENTS

- Impact of Lady Luck
- Clubs Control Contractual Arrangements Adequately
- Salvor Competence Presently Satisfactory: The future?
- Cargo / Containers = Higher Disposal Costs
- Governmental / State / Port Interference is the Key Determining Factor
Reputation Management: Handling the Media Fallout

John Wickham, MTI Network
Crisis...

...the severest test for managing and protecting corporate reputation
What do the media want?

Built in Spain owned by a Norwegian; registered in Cyprus; managed from Glasgow; chartered by the French; crewed by the Russians; flying a Liberian flag; carrying an American cargo; and pouring oil to the Welsh coast

But who takes the blame?

*The Independent 22 Feb 1996*
Deepwater Horizon

The impact to reputation when media response goes wrong

“I think the environmental impact of this disaster is likely to have been very, very modest” - Tony Hayward,
Corporations fight over oil leak as spill continues

Now BP is pointing the finger at its rig operator, Transocean Deepwater Horizon drilling company, who is pointing the finger at Halliburton (a favorite villain), who allegedly supplied bad materials. Halliburton says it followed BP's directions

"Corporations fight over oil leak as spill continues"
“ALL CRISSES ARE HUMAN EVENTS”

Why are the media interested in shipping incidents?

- Loss of life
- Pollution and environmental damage
- Rescues and ecological damage
- Dramatic pictures
Managing a crisis

- How do you manage the media?
- Can you influence the media?
- 24/7 global response capability?
- Local media response centre?
Effective Incident Response

Objective:
- Have a Media Response Plan in place
- Train your Management
- Minimise Unwanted Publicity
- Set Media Agenda
- Obtain Share of Voice
- Correct Misperceptions
- Provide an efficient flow of balanced information
Effective Incident Response

“One Voice One Message”

- Owners/Managers/Operators/Salvors
- Charterers/Customers
- Regulators
- Insurers
- Authorities
- Emergency Services
Protecting your reputation

There will be interest from:

- Regulators
- Customers
- Unions
- Pressure Groups
- Legislators
- Shareholders
- Environmentalists
- And THE MEDIA
Anatomy of a news story

Level of media interest

No. days into story

MTI NETWORK
New Media Trends

Traditional Media no longer has monopoly on news...

- Speed of communications on a global scale
- Increasingly sophisticated mobile technology
- Increase in channels
- Shifting patterns of influence
The public have become citizen journalists, breaking news stories due to the speed of social technologies.
Stakeholders and Authorities are taking advantage of social technology to produce fast and effective communication on both a local and global scale.
We're out of the water, but it's not over

Posted by jamess on 29 September 2010.

After a mammoth 50 hours in the water in front of their drill ship, following 100 hours on Chevron's anchor chain, the oil giant's lawyers have again stopped our protest.
Impact of engaging the media!
Salvage teams are racing to extract oil from a leaking container ship stranded off New Zealand, ahead of gale-force winds and swells forecast for Monday.

The MV Rena has already leaked 20-30 tonnes of oil since it struck a reef in the Bay of Plenty on Wednesday.

Some of the oil has reached land. Officials fear that if the ship breaks up in the bad weather, 1,700 tonnes of fuel could be released into the area.

Ross Henderson, a spokesman for Maritime New Zealand's salvage response team, told the BBC it was "a very complicated, challenging task".
High profile maritime casualties result in high profile maritime salvage operations:
Preparation is Key

Salvage crews are trying to secure the Costa Concordia to rocks with heavy cables as the cruise ship slips at a rate of 1.5cm per hour.

Coastguards fear big waves forecast for the next 36 hours could push the ship off its perch, sending it to the bottom of the sea.

The ship's movements are being carefully monitored - and have halted divers' attempts to find the 21 passengers still unaccounted for.
The “ART” of good ‘Reputation Management’

Accountability

Responsibility

Transparency
INTRODUCING THE PANEL

► Moderator: Captain Keith Hart
► Martin Hall
► Mark Edmondson
► John Boreman
► Philip Sandle
► Paul Cunningham