Thursday March 11, 2021

Lloyd's List
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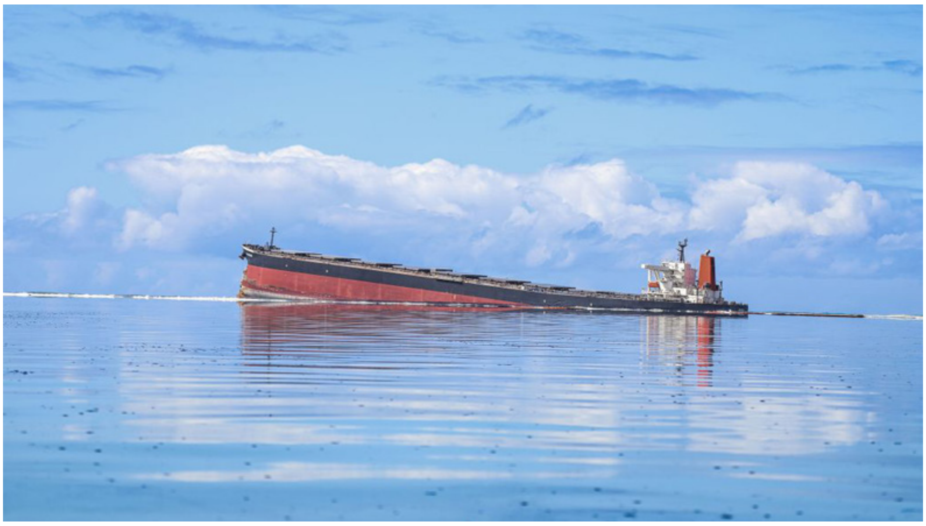
Casualty reporting falling short of targets



THE TREND FOR submitting casualty investigation reports is improving, but there is still much that needs to be done to get to a 100% filing rate required by flag states.

Following an initial investigation by Lloyd's List in 2018 which found that only about half of required submissions were being filed to the International Maritime Organization for lessons to be learned, its secretary-general Kitack Lim said that it would be his personal mission to improve the rate to 80% by 2022.

That target is unlikely to be met.

Of the 526 very serious shipping incidents that involve loss of life, major pollution or total loss of vessel that took place between 2017 and 2020, 322 accident reports have been submitted, according to data compiled by Lloyd's List from the IMO's Global Integrated Shipping Information System, or GISIS.

That gives a submission rate of 63%, which is an improvement from the almost 50% two years ago.

But, while that is the case, there are still 37% of reports outstanding over the four-year period. The reports are required under the Safety of Life at Sea (Solas) convention.

Indonesia tops the list for missing reports at 16, followed by Panama at 13 and Hong Kong at 11.

As has previously been mentioned, the reasons for not filing reports in a timely manner are varied, from lack of resources, to language barriers, or waiting for testimony. The investigations could even get held up due to legal battles.

Lloyd's List tried to reach Indonesia for comment.

A spokesperson for the Hong Kong flag said that it had met all its obligations, with a summary report submitted to GISIS within six months of the incident. The full report will only be submitted after completion of the investigation.

The whole process usually takes a year or more, depending on the complexity of the case, other parties involved, and collection of information.

The Panama flag said that it continued to strengthen its due diligence procedures.

It has not completed all its marine casualty reports due to various factors, including the health crisis, which prevented some of its investigations from being conducted as a result of travel restrictions. A few reports are still in the process of being compiled.

Although the flag released its preliminary findings two months after the *Wakashio* (IMO: 9337119) incident in July last year, it is still trying to get access to the Voyage Data Recorder, which is the ship's black box, as well as to the bulk carriers official documents/records, which have been retained by local police.

The Panama-flagged vessel was on its way to Brazil to pick up a cargo of iron ore when it grounded on a reef off Mauritius, causing more than 1,000 tonnes of fuel to spill. The incident was seen as the worst environmental disaster in the island's history.

Last year also saw the total constructive loss of the very large ore carrier *Stellar Banner* (IMO: 9726803), which grounded off Ponta da Madeira in Brazil soon after loading iron ore at the end of February.

The Marshall Islands, which flagged the 2016-built vessel, said that the report into the incident was currently going through a review process, and would be submitted to the IMO once completed.

According to a summary on the GISIS database, flooding of the fore tank void and No. 1 water ballast tank was reported, with additional flooding of a WBT on the starboard side. The ship was sunk in June 2020, some four months after the incident.

The Marshall Islands registry has however completed two reports for incidents that took place in 2020; that of the bulk carrier *Delicata* (IMO: 9613317) and the bulker *Singapore Spirit* (IMO: 9246308), the GISIS database shows.

Both incidents involved individual deaths; one crew member who fell off a ladder, and the other who entered an enclosed space "without following established procedures".

The best year for submitting reports was 2018, at 85%. That was the year that Lloyd's List first investigated the failure of flag states to file mandatory accident reports.

The IMO said that of 2,029 very serious casualties that took place between 2010-2019, it received 1,276 reports, giving a submission rate of 63%.

Of the reports filed, 72% were submitted within a three-year period following the occurrences, while 58% were submitted within a two-year period, and 26% were filed within a one-year period.

That compares starkly with the aviation industry, which is required to have a preliminary report within one month of an accident, with a final report within the year.

The timing of the delivery of the marine casualty reports has thus been a cause for concern for some time now, as the industry needs the official investigation write-up for lessons to be learned promptly and action taken for any obvious defects found, which can then be addressed in the appropriate forum.

A number of non-governmental organisations with consultative status at the IMO intend to propose amendments to the casualty investigation code to include defined and mandatory time limits for submissions of reports.

Where it is not possible to complete the investigation within this time period, a report is to be submitted to GISIS detailing why this has not been possible, and listing the investigative plan and actions in progress, according to the document that outlines the proposal. In addition, reports should be required to be submitted to GISIS at defined intervals until the investigation is completed.

The current code encourages reports to be filed "as soon as is practicable" without stipulating any time frame.

The proposal is expected to be discussed at the sub-committee for the Implementation of IMO Instruments, which meets in July.

"A strategy to improve reporting rates has been developed and work is ongoing in partnership with the Marine Accident Investigators International Forum and other stakeholders, to improve the collection rate and timeliness of reports," an IMO spokesperson said.

"A pilot project is currently being undertaken on training in how to deliver casualty investigations, with the aim of supporting and enhancing IMO member states' capacities to undertake marine casualty investigations and to report in a timely fashion."

Improvements are also being targeted for the GISIS database to "ease the display of reports that are outstanding."

The IMO's auditing system will also look to address any shortcomings.

Audits for flag states including North and South Korea, Liberia and the Marshall Islands, that were scheduled for last year have been moved to 2021.

Russia, Hong Kong, and Panama were among those flag states due to be audited this year, but it is likely the audits will move to 2022, while Indonesia's audit will have been moved back a year to 2023, according to a new schedule.

A number of shipping accidents have hit the spotlight in recent years, namely the sinking of the *Stellar Daisy* (IMO: 9038725) in March 2017, with 22 seafarers, mostly from the Philippines, presumed dead.

The Marshall Islands published a comprehensive report two years later in which it found that "catastrophic structural failure" led to the incident.

The Indonesia-flagged bulker *Nur Allya* (IMO 9245237), which was carrying nickel ore, sank in domestic waters in August 2019, claiming the lives of 25 seafarers. The incident has been linked to liquefaction, but with no official report available, lessons cannot be learned.

The wreck was located in September 2019, but Covid-19 may have prevented analysis from being carried out.

The *Sewol* (IMO: 9105205) disaster, which killed more than 300 people, mainly school children in South Korea in April 2014, was perhaps the most tragic.

While the incident caused the then-president to resign for his mishandling of the incident, a report has yet to be filed by South Korean authorities.

Since it was a non-Solas ship plying domestic waters, reporting is not required, according to the IMO.

A South Korean court ordered the government to pay compensation to the victims' families.

While steps are being taken to address some issues with casualty reporting, it is the responsibility of the flag state to ensure the reports are delivered in a reasonable time frame so that analysis can be carried out for the collective good.

WHAT TO WATCH:

Maritime Risk Briefing: Why subterfuge shipping requires greater industry scrutiny

REGULATORS have never scrutinised international shipping more closely, placing greater emphasis on effective due diligence and awareness of complex and evolving sanctions evasion tactics.

"There is a predator and prey relationship developing in shipping right now when it comes to sanctions compliance and whatever checks are being run today, there will be new measures adopted tomorrow to keep up with those evading scrutiny," said Daniel Martin, a partner and sanctions expert at the law firm HFW.

"Owners need to keep up to date with the latest intelligence and ensure the right checks are being carried out," he said speaking in the latest edition Lloyd's List's regular risk analysis expert discussion panel.

When it comes to the murkier end of shipping's deceptive practices, there has never been a bigger target on shipping's back.

As Lloyd's List's recent investigation series into 'subterfuge shipping' revealed, there is still a significant underbelly of shipping operators exploiting regulatory shortcomings.

The data-led investigation highlighted how some opaque operators go to great lengths to cover their tracks, not least through regular flag and class-hopping, ship-to-ship transfers, and deactivation of vessel-tracking systems.

Several high-profile shipping companies were exposed to sanctions compliance risk after their due-diligence checks failed to catch these tell-tale signs which hid illicit activity.

Deliberate evasion of sanctions would side-line insurance, which was especially relevant in the event of any accident or oil spill, said Neil Roberts, head of marine underwriting with the Lloyd's Market Association.

"Insurance is set up to run on rules and if people are outside the rules insurance is side-lined and is no longer part of the picture," he said.

"All we can do is try and run our checks — the due diligence that we would normally do — when risk assessing a particular assured [policy].

"We're not the police to step in at point of breach. We have no constabulary powers... but we have the law on our side. If there's a breach of law we're not on risk, if there's a breach of sanctions we're not on risk, and if there's ship-to-ship transfer we're not advised about, we're not on risk."

What shipping has is a "sympathetic regime problem" that overlooks sanctions evasion in seaborne trades, he said, making rigorous due diligence essential.

While this deceptive trading activity is limited to a small number of rogue actors, risks remain for third-party operators, according to Lloyd's List markets editor/analyst Michelle Wiese Bockmann, who investigated the subterfuge fleet.

"We're talking about 4.3% of the existing fleet of trading tankers over 55,000 deadweight being engaged in clandestine circumvention of US sanctions on oil exports from Iran and Venezuela," said Ms Bockmann.

"These activities are enabled by a cast of supporting institutions which means ship operators, insurers, flags and class societies have been caught out by association simply by not asking the right questions."

The geopolitical context of shipping's compliance gaps is also "a moving target" that the whole industry needs to be more aware of, according to Neil Roberts, head of marine underwriting at Lloyd's Market Association.

"This is a system whereby you are criminalised if you do not trade with a country at the behest of one other," he said.

"If the US says you can't do something, you are stuck because the EU, if you're an EU member, will take you to task and now we have the Chinese looking to combat US interventionist policies in Southeast Asia," Mr Roberts said.

The compliance landscape is unlikely to change even if the US removes or eases sanctions on Iran or Venezuela.

"I think what we'll see change are the specific restrictions, but I think for as long as the sanctions target trade, we will see a continued focus on shipping," said Mr Martin.

Kidnap risk remains undimmed for shipping

THE release of 10 hostages by Nigerian pirates on March 8 caps another brutal summer of piracy in the Gulf of Guinea.

Since September 2020, 78 seafarers have been kidnapped in nine major incidents, according to public data compiled from Lloyd's List Intelligence, the International Maritime Organization, and global piracy watchdog the International Maritime Bureau.

Barring any late surge in attacks, which tend to taper off by April due to adverse weather conditions, this season's piracy tally will represent another year of sustained violence and targeted seafarer kidnappings in the region. During the same core piracy season last year from September to April a total of 83 seafarers were taken hostage by pirates.

Piracy tallies and reported trends vary significantly by agency, and the true figure of attacks is known to be much higher because of underreporting.

Our interactive map below shows the most serious attacks of the past six months that have been verified. It excludes robberies and petty thefts at anchor, which make up significant portion of the total incidents reported to IMB.

Much of the established trends in attacks have continued unabated throughout this piracy season. While ‘low and slow’ ships with smaller freeboards make easier targets, the focus on hostages rather than cargo means that the frequency of attacks is not focused on any one specific type of vessel.

Of the 37 ships shown in the Lloyd’s List map, 11 were locally trading and 24 internationally trading. Nine vessels were shot at and others suffered damage to equipment.

One crew member, on the Turkish containership *Mozart* (IMO: 9337274), was shot dead. Security sources said it was only luck that more have not been killed or injured.

Pirates are also attacking further from their heartland in the Niger Delta, and are taking and holding more hostages per attack: 14 from the heavylift vessel *Zhen Hua 7* (IMO: 9166560), 10 from the hijacked fishing boat *Lianpengyu 809*; eight from the local cargoship *Stevia* (IMO: 8107000) to name only a few.

The problem remains at the forefront of shipping’s agenda, but with little hope among industry security experts that significant progress will be made in abating the issue before the next piracy season emerges with better weather conditions in September.

The heads of trade groups the International Chamber of Shipping, BIMCO, Intertanko and Intercargo last week ranked Gulf of Guinea piracy alongside decarbonisation and coronavirus at a roundtable meeting.

The groups noted that piracy continues to escalate and better law enforcement is long overdue, but the meeting also conceded that while Nigeria has promised more resources to fight the problem, improvement is unlikely in the short term.

Danish security consultancy Risk Intelligence has warned that not all attacks are random; some are pre-planned and related to local organised crime.

It has also warned that sensationalist headlines can oversimplify or exaggerate the problem. Different agencies also report different trends, adding to the confusion.

Risk Intelligence has said there were 25 successful kidnapping incidents in 2020 and 25 failed attacks, of which seven were random attacks on international ships.

In its annual report, the US Office of Naval Intelligence said total incidents of piracy and armed robbery in the Gulf of Guinea fell to 98 in 2020 from 132 in 2019, while kidnappings worldwide fell from 44 to 31.

The IMB, by contrast, reported 130 crew kidnapped in 22 incidents in the Gulf of Guinea in 2020, up from 121 in 17 in 2019, and 78 kidnapped in 2018.

But IMB assistant director Cyrus Mody says to get lost in the details, or to dismiss some incidents as minor, risks losing sight of the unacceptable threat to seafarers already suffering from the crewing crisis and a harsh life at sea.

“There is a problem and that problem needs to be addressed,” he told Lloyd’s List.

Mr Mody estimated 30% to 40% of attacks still went unreported and urged ships to report incidents to the IMB.

He said Nigeria, where attacks originate, has acknowledged it has a problem and pledged to do more. Mr Mody said it was now a question of turning words into action, and of how much help the international community was willing to give.

Over time, having enough antipiracy resources patrolling the region — backed up by the legal framework to ensure caught pirates were prosecuted — would tip the risk–reward ratio against the pirates, as it did in Somalia a decade ago when the international community rallied in response.

“Initially there was a lot of resistance against it,” Mr Mody said. “And it wasn’t done because it was the easy way out. It was done because at the end of the day, the seafarers had to be taken care of.”

ANALYSIS:

Flag states failing over seafarer work hours compliance

THERE is no silver bullet when it comes to tackling seafarer exhaustion, with crews working excessive hours an issue that has been quietly acknowledged for many years, a Nautilus International webinar heard.

This acknowledgement has enabled the shipping industry to build a commercial model on compliance with minimum manning levels. The International Maritime Organization has laid out provisions on hours of rest while International Labour Organization provisions cover hours of work.

But speakers on the webinar agreed not only that the deliberate falsification of work/rest hours records is unsustainable, but also that it would result in thousands of seafarers reconsidering their choice of career.

Prof Raphael Baumler, head of maritime safety and environmental administration at the World Maritime University, said research carried out by his team showed conclusively that adjustment of records was common practice.

“There is a culture of adjustment among seafarers,” he said. Senior officers cascade this culture of falsification of records to junior officers and cadets on the grounds that non-compliance with regulations will have consequences further up the corporate chain.

Even the introduction of software to record work hours has been turned into a way of ‘correcting’ violations when they are detected.

“Seafarers do not want to report [non-compliant work hours] to shore management because they are afraid,” said Prof Baumler. “They will either be ignored or blamed for reporting it. Perception of fear is the main driver for adjustment.”

Other drivers include seafarers’ Key Performance Indicators and bonuses, which depend on hitting work hours targets.

While recognising that seafarers shouldn’t be singled out as creating their own pain, it was observed that Port State Control inspectors — who are responsible to making sure conventions are complied with — have very limited time on board to do much more than carry out basic checks.

They have neither the time to verify the accuracy of work/rest hours nor the incentive to delay the departure of ships.

Speakers focused on the responsibility of flag states more than port states.

“The buck stops with flag states,” said Katie Higginbottom, chief executive of the ITF Seafarers Trust, who called for “an opening out of shipping’s corporate veil, the preference for staying in the shadows and for being lightly regulated.”

She urged the industry’s influential stakeholders such as financial institutions “to bring pressure to bear on regulators and flag states.”

World Maritime University president Cleopatra Doumbia-Henry agreed that the key to tackling seafarer exhaustion lay in puncturing shipping’s corporate veil.

“This can’t be left with seafarers,” she said. “There should be more emphasis on flag states; they should be more rigorous that requirements of the Maritime Labour Convention are being met. Flag states should enable seafarers to meet hours of work and rest requirements — it’s the minimum for safety at sea.”

Julie Carlton, head of seafarer safety and health at the UK’s Maritime and Coastguard Agency, admitted there was pressure to match other flags, but stressed the MCA took the guidelines very seriously.

“The MCA welcomes this report,” she said. “There is plenty of evidence that current hours of work regimes can lead to fatigue; [the WMU report] showed why the system is not working… MCA does receive complaints, which are investigated. Seafarers come to us when they have exhausted the means within the company.”

Nautilus International general secretary Mark Dickinson noted that the earlier Project Horizon focused on managing fatigue, “which was useful but started from the basis of how we can carry on as we are. This report is different.”

He wanted the WMU report to represent a line in the sand. “We cannot keep ignoring seafarers, who now believe this [recording malpractice] is the norm. Don’t complain; that’s what we have always been expected to do.”

However, Prof Baumler believed the concern runs deeper than seafarer rest hours.

“This problem is reporting in general,” he observed. “A major issue is lack of appropriate feedback, how to generate feedback that is relevant and accurate. There are already mechanisms in place for anonymous and confidential feedback — why are seafarers not using them?” he asked.

The answer, he said, was because seafarers had come to accept they work long hours, “even if that compromises their own safety and the safety of the vessel.”

Prof Baumler said it was a worrying development that the maritime community had accepted that falsifying records was normal behaviour.

“It’s a systemic failure. From ship crew to regulators to shipping companies, everyone is closing their eyes to this problem.”

Speakers concluded that failure to implement manning resolutions and further failure to chase flag states to enforce implementation had led to crew sizes that are inadequate for the work to be done onboard ship. This is compounded by a “clear mismatch between what the fatigue research is saying and what maritime regulation says.”

The shipping industry was complying with what was expected of it, not complying with reality, they said.

MARKETS:

Capesize recovery boosted by Brazil loadings

CAPESIZE rates are heading back up following an earlier lull.

The average weighted time charter on the Baltic Exchange rose to $17,889 per day at the close on March 9, up 29% from a week earlier.

The uplift has been attributed to higher iron ore exports from Brazil, which were reported to have been disrupted by rains and logistical issues.

Genco’s chief executive John Wobensmith had foreseen a recovery in rates by the end of March as the earlier problems in Brazil were likely to have been sorted out.

The Baltic Exchange said that the Brazil market was “highly active” and “surprisingly lifted strongly in the face of a solid ballaster fleet”.

According to brokerage Braemar ACM, Brazilian iron ore liftings so far this month have averaged just under 1m tonnes per day, an 11% improvement on February’s average pace.

It said that the country was on track to load about 28m tonnes in March, 21% higher month-on-month, and 24% higher year on year.

Shipments on capesizes and newcastlemaxes have averaged about 530,000 tonnes per day so far this month, up about 50% from February, according to Braemar.

Loadings on very large ore carriers, which are used on dedicated trades, have averaged 310,000 tonnes per day, down 24% compared with February, it said.

“This helps to explain why capesize rates have been so strong over the past few days, with healthy fixtures reported in the Atlantic,” the brokerage said in a report.

Forward freight agreements for near-term contracts have responded to the uptick in spot rates, gaining more than $2,000 in a day, climbing back above the equivalent panamax contracts, Braemar noted.

Indeed, according to GFI brokers, March traded at $18,000 as of end-Tuesday, up from $15,850 the day before, while April was at $21,500, an increase from $19,400 on Monday.

Transparent supply chain needed to avoid port congestion

EARLY warnings of emerging demand along the supply chain could help resolve some of the port congestion that has led to cargo delays in a number of major import gateways.

"There needs to be far greater transparency regarding the current capacity and performance of all the components of the supply chain at a regional level to facilitate better decision making," said Drewry ports and terminals analyst Eleanor Hadland. "It is premature to ask the industry to heed the early warning signs of congestion when these signs are not at all visible."

Given that terminals serving the Asia-Europe trade have a five weeks' notice of demand and those on the US west coast have two to three weeks' lead time, there is scope to proactively manage resources and put in place contingency measures, Ms Hadland told a webinar.

Seeing problems before they emerged would also allow for earlier cargo re-routing.

"Whenever warning signs of congestion are seen, shippers can be encourage or incentivised to use alternative routes to market," she said. "The concept of rerouting cargo to from congestion hotspots is not new but it is most effective when it is undertaken in a pro-active rather than a reactive manner, to help prevent congestion rather than react to it only when vessels are queuing at ports."

Earlier schedule adjustments by carriers would also take some of the pressure off bottlenecks when they were occurring, helping to prevent further problems.

"If carriers were actually to minimise their cut and run responses when faced with demand-led congestion and work with their terminal networks to introduce schedule adjustments earlier, then some of the worst of the gridlock could be avoided," said Ms Hadland. "Technologically and organisationally, the industry is now far better placed to handle this type of response.

"There is no doubt that improved data sharing across the supply chain could enable better planning of cargo movements and minimise costs associated with port congestion."

But even with better visibility, there are doubts that there is sufficient financial incentives for individual supply chain players to act for the common good.

Port authorities, however, could play a role in coordinating supply chain-wide responses to collaboratively work to remedy the problem.

"Smart port initiatives, like Los Angeles' Signal, which tells the market what is coming, need to be region-wide initiatives as opposed to a single port initiative," she said. "Regulators can act as a useful co-ordination body to spot issues early and co-ordinate a response for contingency measures to be put in place to avoid the worst of the congestion build-up."

But the role of regulators in managing the current crisis, which has been driven both by surging demand as reduced workforce capacity, was limited beyond anything other than the rearrangement of costs between supply chain players, she added.

"They can't equip the ports, they can't direct the trade and they can't train more port operatives. They certainly can't cure Covid-19."

The regulators' job was to ensure there was not "undue unfairness" in the costs that are levied on port users.

"But the port is only the visible sign of the issues that exist all along the supply chain, which starts with excess demand. "While rearranging the costs might make people feel better, fundamentally, it is the shippers that have created the problem as they are the ones that are bringing in all the goods.

Sooner or later, those costs would have to fall on the consumers of those goods.

"Regulators can look at equity and fairness but there is the risk of having only a partial picture. They don't have a magic wand to increase capacity in the market, which is what is needed."

IN OTHER NEWS:

Greece, Japan and others back industry's $5bn R&D fund proposal

MAJOR shipping nations are backing a proposal to develop a global research and development fund for maritime decarbonisation.

A new submission to the International Maritime Organization, sees Greece, Japan, Malta, Liberia, Singapore, Nigeria, Georgia, Switzerland and nine other leading industry associations urge regulators to set up the fund to help develop zero emissions vessels.

Official backing by major nations and flag states could give the industry's signature effort to contribute today shipping's decarbonisation a renewed impetus at the IMO's next Marine Environment Protection Committee in mid-June after surviving thorough questioning by governments last year.

Dollar Libor axed from 2023, says UK regulator

PUBLICATION of the London Interbank Offered Rate, the interest rate benchmark for the overwhelming majority of shipping loans, will be phased out in two stages in December this year and mid-2023, the UK's Financial Conduct Authority has confirmed.

While long expected, the move will present thousands of owners with the problem of having to amend loan agreements to incorporate a replacement method of interest determination, lawyers warned.

That effort could be complicated if widespread agreement cannot quickly be found on which of several other interest rates that have emerged should be used for such purposes.

LNG 'not a transition fuel', says BHP marine head

LIQUEFIED natural gas is "not a transition fuel", the marine head of the world's biggest bulk charterer said.

BHP maritime and supply chain excellence vice-president Rashpal Bhatti said LNG would form part of a mix of fuels "for a long time to come" as the industry seeks to reduce emissions.

The Anglo-Australian mining giant and the world's biggest bulk charterer awarded the first LNG-fuelled newcastlemax bulker tender last year to Eastern Pacific Shipping, which will charter five ships to deliver iron ore from Australia to China for five years.

LR approves ammonia-fuelled gas carrier design

LLOYD's Register has given in-principle approval to a design for an ammonia-fuelled gas carrier.

The classification society described the move as a "significant milestone" for the alternative fuel.

LR said it assessed the 40,000 cu m design by Belgian shipowner Exmar for compliance with gas-carrier rules, risks to people on board of using ammonia as fuel, structural integrity and hazard identification.

Keppel and Maersk join ammonia study in Singapore

MAERSK and Keppel Offshore and Marine are backing a second ammonia project which is set to be formalised within weeks in Singapore.

The Danish shipping giant and the Singapore yard group are part of a six-member group that is embarking on a feasibility study to commercialise ship-to-ship bunkering of green ammonia at Singapore, the world's top bunkering hub by marine fuel sales.

The other members are shipmanagement service provider Fleet Management, Japan's Sumitomo Corp, ammonia producer Yara International and the Maersk Mc-Kinney Møller Center for Zero Carbon Shipping.

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