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### 150 years and adapting

Readers of Triton have will not missed the fact that The Swedish Club celebrated its 150th anniversary in Gothenburg in June with a record number of participants sharing a moment of mutual partnership and pride. However, the formal date of the Club's establishment was in fact 7 December 1872, when Captain William Fleetwood signed the document that came to be the official beginning of Sveriges Angfartygs Assurans Förening, The Swedish Club. Captain Fleetwood became the first Chairman and Managing Director for four years and remained on the Board until 1895. Interestingly, in 1878 he suggested that the Club should extend its business to include non-Swedish vessels. Still, it took until 1971 before the articles were changed and the first non-Swedish vessel was entered.

On 26 October 2022, we inaugurated our new office in Singapore on Shenton Way to work in tandem with the Hong Kong office. Asia is an expanding region, and we see many opportunities to service the shipping community with an improved presence. The Club is not new in Singapore, and in fact, the Club's first Asian Board member Mr Ng Siong Tee is from Singapore. Mr Ng joined the Board back in 1982 and has been a strong and staunch supporter and friend ever since.

The strength of the Club has been its ability to adapt over the years. The Club has been responsive to changing needs, as in the case of P&I in 1910, and to structural changes in the shipping market. The oil crisis in 1973 and uncompetitive conditions for Swedish shipowners led to the internationalisation of the Club. Offices were established in Piraeus in 1980 and in Hong Kong in 1982.

2022 has been a challenging year for the Club. Coming out of the pandemic restrictions in good shape, we are faced with geopolitical tensions, comprehensive sanctions, and declines in investment markets. As an underwriter, we know that we can expect the

unexpected. I am sure our strong values will help us to navigate through these uncertainties.

During the 150 years, there have been eight Managing Directors of the Club. I am due to hand over the baton to Thomas Nordberg at the end of the year after nearly 15 years heading the Club. I thank you for your support and friendship over the years, and am sure that you will give Thomas a flying start.

Lars Rhodin Managing Director



## Safety scenario,

### Injury while climbing



By Joakim Enström, Senior Loss Prevention Officer

Each month the Club's Loss Prevention team issues a new safety scenario to assist members in their efforts to comply with international safety regulations and to follow best practice. Visit Swedish Club OnLine (SCOL) for more examples.

### **CASE STUDY**

The bulk carrier was alongside waiting to prepare for dry-docking. For cargo operations, the vessel was fitted with cranes that were more than 4 metres tall and had grabs weighing 10 tonnes.

During the daily safety meeting the superintendent informed the crew that four grabs were to be taken ashore. The Chief Officer had carried out a risk assessment of the operation and was monitoring the operation on the vessel. The plan was to land the grabs in the open position onto a trailer on the quay.

An AB was operating the crane that was to be used to lift the grabs. On the quay were two cadets, the Third Officer, two ABs and the vessel's superintendent. The Chief Officer had instructed the two cadets to help only if specifically needed. The ABs were instructed to remove the wires when the grab was safely secured on the trailer.

The AB operating the crane landed the grabs on the trailer in the open position with the bucket in a forward and aft direction. As soon as the grab was landed on the trailer one of the cadets climbed onto the grab to release the wires. The Superintendent shouted to the cadet to get down at once.

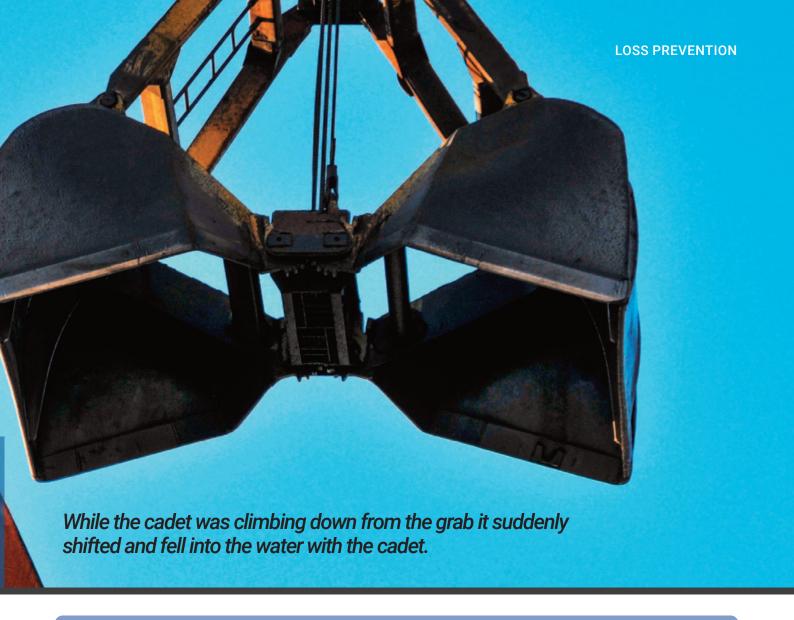
It was observed that when the grab was on the trailer, the total height of the vehicle was about 10 metres, which was above the height restriction at the shipyard and on the roads, and so the plan had to be changed.

The decision was made to lay the bucket in the closed position with one side resting on the trailer bed. The bucket was closed and the grab was lifted and swung to stow the bucket in an athwartship direction. When the grab was landed it was secured by thick wooden planks below the bucket sides. Once the grab was stable the cadet once again climbed up on the grab to release the two hoisting wires from the crane.

This was not noticed as the superintendent's focus was elsewhere and the other ABs and cadet were working with other wires on the trailer and didn't notice that the cadet had once again climbed up.

The cadet removed the wires from the grab. He had originally secured his safety harness to the grab but released the harness when he was climbing down. Instead, he had secured a rope to the top of the grab to assist him in climbing down. The grab appeared to be stable but was actually top heavy as it was in the closed position. While the cadet was climbing down from the grab it suddenly shifted and fell into the water with the cadet.

The Third Officer threw a lifebuoy to the cadet in the water. He was taken to the hospital where he was diagnosed with serious injuries and internal bleeding.



### **Questions**

When discussing this case, please consider that the actions taken at the time made sense for all involved. Do not only judge but also ask why you think these actions were taken and if this could happen on your vessel?

- 1. What were the immediate causes of this accident?
- 2. Is there a risk that this kind of accident could happen on our vessel?
- 3. How could this accident have been prevented?
- 4. What sections of our SMS would have been breached if any?
- 5. Is our SMS sufficient enough to prevent this kind of accident?
- 6. If procedures were breached why do you think this was the case?
- 7. Do we have a risk assessment on board that addresses these risks?
- 8. Is this height a concern?
- 9. The risk of serious injuries increases substantially with height. In this case it should be obvious that climbing onto a grab like this is very dangerous.

- Would these risks be discussed before a job like this is carried out?
- 10. If we have cadets on board what jobs are they involved with?
- 11. How are cadets trained when joining our vessel?
- 12. What are our procedures for training new crew members?
- 13. What limitations are set for cadets?
- 14. Do we correct an identified issue with any safety issues immediately?
- 15. If someone is not wearing his required safety equipment, or wears it incorrectly, do we tell him?
- 16. What do you think is the root cause of this accident?



# Protecting fragile cargoes Preventing refrigerated container claims

The Swedish Club has launched a new loss prevention publication, Container focus: Refrigerated cargo analysis. The report looks at more than 300 cargo claims on container vessels which have occurred over the last five years, and investigates the story behind the refrigerated (reefer) container claims. The Club advises how to avoid the risk of claims through loss prevention advice and by sharing a series of real life case studies which shine a light on common mistakes made when dealing with reefer containers on board ship.

A younger relative of the original container, refrigerated containers have only been with us since the 1970s. This complex piece of engineering, has, over the years, become more reliable, and can be trusted to transport perishable goods vast distances, with little or no impact on quality.

It is easy to forget therefore, that the vessel crew still has an important part to

play in ensuring that these fragile cargoes are delivered safely, and that the actions of those on board can make a significant difference to the claims experienced by an operator.

Explains Joakim Enström, Senior Loss
Prevention Officer at The Swedish Club
and author of the report: "Issues with
reefer containers are the main overall
cause of all container claims, and yet in
many cases this damage can be
prevented through following good
practice. We have also seen problems
that are not directly due to the actions of
the crew, and so we provide advice to
help shipowners protect themselves
from circumstances that are out of their
control."

Perhaps unsurprisingly, when considering the nature of the freight carried, a key finding of the report was the identification of a peak in reefer container claims during the pandemic years as a result of disruptions in the

"Issues with reefer containers are the main overall cause of all container claims, and yet in many cases this damage can be prevented through following good practice."

### LOSS PREVENTION

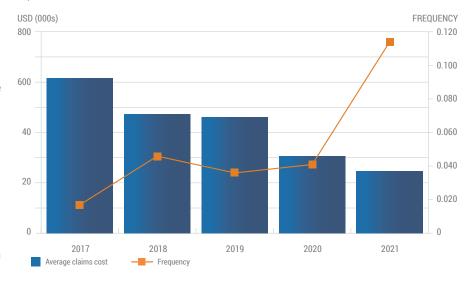
supply chain. A high number of reefer containers were delayed either in port or during transportation to and from port via road or rail.

Joakim Enström says: "Reefer containers are very sensitive to fluctuations in temperature. During the pandemic, we saw disruptions during the many regional lockdowns – the majority of the claims were from China, but the situation was widespread.

"This emphasises the importance of monitoring cargoes properly and keeping correct records. If goods have already been damaged down the supply chain, then the onus is on the crew to demonstrate they have taken proper care of the container, from the moment it is on board until it leaves the vessel," he says.

Between 2021 and 2022 the Club saw an increase in reefer container claims of 270%, with 4.1% of all container vessels having a reefer claim in 2020 compared with 11.4% in 2021. This compares with an average frequency over the past five-year period of 0.045, i.e. where 4.5% of all container vessels have had a reefer cargo claim.

But there was good news too, says Enström. "The average cost of a reefer container claim has been going down Cargo: Reefer container claims, 2017-2021 Claim cost: USD 5,000 - 3,000,000 As per 05/07/2022

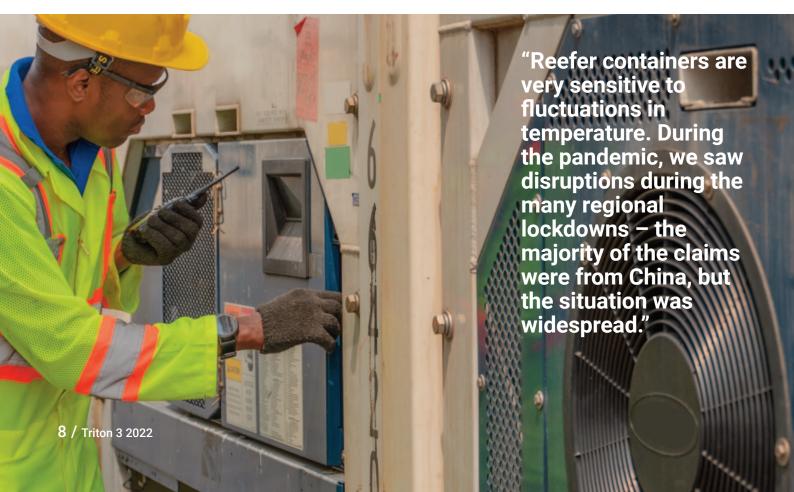


over this five-year period and is now on average about USD 38,000 after the deductible, which would indicate that the industry's loss prevention measures are bearing fruit."

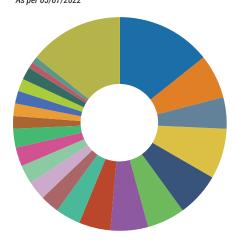
Reefer containers are the main overall cause of all container claims with 30% of the Club's total container claims being due to refrigerated cargo damage over the last five years.

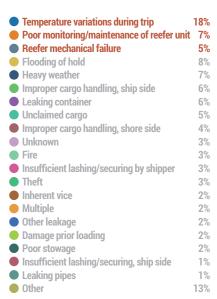
The figures show that the most common cause of all container claims is variation of temperature during the trip (18%). This is followed by flooding of the hold (8%).

"However, if we re-examine the figures it can be seen that the causes which specifically relate to reefer containers make up a considerable element of the claims picture," says Enström.



Cargo: Cause of claims
Number of claims
Claim cost: USD 5,000 - 3,000,000
All container vessels, 2017-2021
As per 05/07/2022





Over the last five years temperature variation (18%), poor monitoring of the reefer unit (7%) and reefer mechanical failure (5%) have in total contributed to 30% of total container claims, demonstrating that reefer failures are the main cause of container claims.

It must also be remembered that a single reefer container may carry a cargo value of several hundred thousand US dollars or more," explains Enström.

"Pharmaceuticals are the most expensive cargoes, but as food prices continue to rise then the cost of spoiled meats, fish and speciality fruits and vegetables cannot be underestimated."

"In the event of a claim, one of the most effective defences is the maintenance of clear and accurate records and documentation of each stage of the voyage."

### Loss prevention

So how do we reduce the risk of temperature damage to reefer containers? Each type of cargo varies in its requirements for carriage temperature, humidity, stowage arrangements and ventilation, explains Joakim Enström.

### **Temperature**

Temperature abuse affects cargoes in different ways depending on the cargo. For fresh or frozen products this might include premature ripening, freezer burn, frosting and textural changes.

"It is important to note that the reefer container is designed to maintain the cargo temperature rather than cool it. Ideally, all cargoes should be loaded at the intended carriage temperature to ensure product quality is maintained. The most important point for carriers is to ensure that the carriage instructions and set temperature are checked and adhered to at the time the reefer container is loaded," says Enström.

### Ventilation

Poor airflow/ventilation through the cargo can lead to temperature hotspots developing. This can be due to poor stowage or packaging of cargo preventing airflow through the cargo or over stowage of cargo preventing return air to the refrigeration unit.

Ventilation can be tricky. "When carrying frozen cargo, the fresh air ventilation ducts should always be closed", says Enström. However, in contrast, for chilled live cargoes such as fruit and vegetables the products should be stowed to allow air flow to circulate throughout the cargo stow. "This will remove product heat, as well as moisture and gases such as carbon dioxide and ethylene. The exact ventilation requirements will depend on the type of product carried," he adds.

### **Power**

Continuous supply of power to the reefer containers is also of utmost importance during the voyage. The vessel's crew should regularly monitor this and ensure that all incidents regarding the vessel's diesel generators and reefer circuit breakers and their associated alarm systems are meticulously recorded.

### **Monitoring**

"Proper container monitoring and prompt action during a voyage will provide helpful information as to whether the carrier should appoint a surveyor to be present for opening of the container at the destination," Enström explains. "Couple this with good record keeping: In the event of a claim, one of the most effective defences is the maintenance of clear and accurate records and documentation of each stage of the voyage from loading through to discharge."



To download your own copy of The Swedish Club's Container Claims – Refrigerated Containers please visit https://www.swedishclub.com/films-and-publications/publications/loss-prevention-and-brochures

Club launches new cargo claims advice

The Swedish Club is releasing a new set of Cargo Claims factsheets to add to the portfolio it launched last year. The new factsheets cover the following:

- Bulk urea cargoes
- Liquefaction
- Fumigation
- · Ventilation of bulk grains and oilseeds

Available to members, they are designed to provide straightforward and easily accessible loss prevention advice for ship operators.

Below, we publish extracts from 'Ventilation of bulk grains and oilseeds' written in response to the large volume of queries that we receive from members concerning the topic.



Ventilation can be summarised as the act of replacing warm and humid air in the headspace with relatively cooler and dryer ambient air.

### Ventilation of bulk grains and oilseeds

The ventilation of bulk cargoes, especially agricultural commodities, is a recurring theme in claims brought against shipowners. But how does a crew know when to ventilate a cargo, and why should they do it?

### What is ventilation?

Agricultural bulk cargoes are usually hygroscopic; they possess a natural moisture content, and they may absorb, retain or release moisture into the environment depending on the surrounding atmosphere. This can lead to condensation issues particularly if the loading port was in a relatively warm area.

Ventilation can be summarised as the act of replacing warm and humid air in the headspace with relatively cooler and dryer ambient air. The most commonly used ventilation on bulk carriers is natural ventilation (as opposed to mechanical ventilation). The hatch covers are usually equipped with a total

### Webinar: Safe transportation of troublesome bulk cargoes

On 29th September The Swedish Club invited the authors of the latest Cargo Claims factsheets to host a webinar providing an introduction to the new topics. CWA International experts Dr Jean-Baptiste Lopez, David Duckworth and David Thompson provided an introduction to these bulk cargoes, discussing the nature of the problems that could be encountered by the ship operator, loss prevention measures and sharing real life case studies showing what can go wrong. In some instances the worst outcome is a spoiled cargo, but in others - as with liquefaction and fire due to fumigation errors – the results of errors are more tragic and have involved loss of life.

To watch the webinar, please visit: https://www.swedishclub.com/training/webinars/



of four ventilation windows with two windows forward and aft or two windows port and starboard.

### Why do we ventilate?

The main goal of ventilation of a bulk grain or oilseed cargo is to reduce the incidence of cargo damage due to condensation of water vapour in the holds.

Some routes/ environments are more likely to lead to condensation than others. For example, condensation is rarely seen during a short voyage in the same temperature range. On the other hand, for example, if we look at a soya bean cargo loaded in in a warm climate that will be discharged in Northern China at freezing temperatures, it is likely that condensation would occur as the warm and humid air in the headspace would condense on the steelwork cooled by the external temperature.

### Ship's sweat and cargo sweat

Ship's sweat is the condensation that forms on interior steelwork, which often drips down onto the cargo surface. The condensation forms upon contact of the warm humid air in the headspace with the relatively cooler steelwork, such as the hatch covers. This drips back onto the cargo and runs down the sides of the holds, creating a characteristic pattern of damage 'drip lines'.

### It is essential, no matter the ventilation rule, to keep a detailed record of the ventilation details as this will be crucial evidence in case of a claim at the discharge port.

Cargo sweat occurs under the same principle as ship's sweat: but in this case however, the cooler surface is not the steelwork but the upper layer of the cargo itself. This will occur if a cargo loaded in a cold climate is exposed to warmer air, either due to the hatch covers being opened or incorrect ventilation of the holds.

Both cases can lead to mould growth and localised heating in the cargo.

### How to ventilate

A proper ventilation regime helps by minimising the risk of ship's sweat related damage and prevents the formation of cargo sweat.

There are two rules that the crew can use to determine if ventilation is necessary:

### **Dew Point Rule**

This is the most commonly seen rule when dealing with cargo claims. It requires that a cargo hold should be ventilated when the dew point of the outside ambient air is lower than the dew point of the air inside the headspace of the hold.

### Three Degree Rule

This rule states that a cargo hold should be ventilated when the outside ambient dry bulb temperature is at least 3°C lower than the cargo temperature.

Both rules have their advantages and disadvantages, which are covered in detail in the factsheet.

### **Ventilation record keeping**

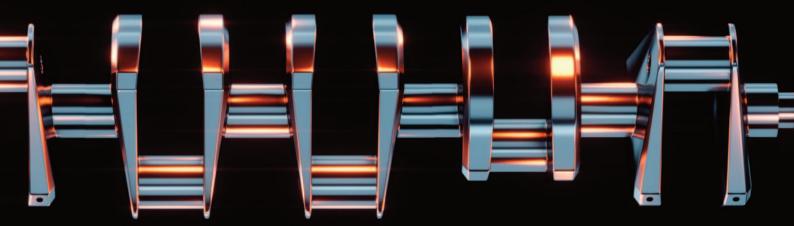
It is essential, no matter the ventilation rule, to keep a detailed record of the ventilation details as this will be crucial evidence in case of a claim at the discharge port. The charterparty or voyage orders may contain instructions as to what information and items should be recorded.

Proper ventilation is the only cargo care that a Master and crew can provide during voyage to limit condensation damage. Unfortunately, despite their best efforts, claims can still arise at discharge port from condensation related damage.

To download your copy of the factsheets please visit the Loss Prevention area of SCOL or contact:

lossprevention@swedishclub.com





## Wesinar Dealing with crankshaft damage



Peter Stålberg, Senior Technical Advisor, The Swedish Club



Henrik Karle, Technical Manager, The Swedish Club



Johannes Roberts, Manager, QuantiServ Sweden

On 26 October we invited maintenance and repair experts, QuantiServ, to join us in a webinar entitled 'Dealing with crankshaft damage'.

Peter Stålberg, Senior Technical Advisor and Henrik Karle, Technical Manager both from The Swedish Club were joined by Johannes Roberts from QuantiServ. They explored the common causes and types of damage to the engine crankshaft, how to carry out repairs, and discussed the steps that can be taken to prevent the damage occurring in the first place.

Peter Stålberg introduced the session with a series of sobering images of crankshaft damage. He highlighted the fact that crankshaft damage is the most expensive class of engine damage seen by insurers. It has a relatively low frequency, he explained - the Club has seen 220 incidences in the past ten

years - but the cost is very high. With the average cost of USD 1,200,000 for a main engine crankshaft claim and USD 270,000 for an auxiliary engine damage claim, the Club has paid out 110m USD in the period.

Henrik Karle then discussed the loss prevention measures that could be taken to prevent damage to the crankshaft. By far the most common cause of damage to the main engine is due to problems with lubrication, and for the auxiliary engine both lubrication and incorrect maintenance repairs take the top spot.

Of course, despite the best loss prevention efforts there will always be issues on board, and Johannes Roberts from QuantiServ reviewed the types of repairs that could be carried out on site. He introduced the audience to a range of



damage - wear on crank pins, rumble and tumble, and seizure - and then gave an insight into the repair process.

At the beginning of the webinar Peter Stålberg promised that the team would do everything they could to make a technical subject easy to understand, and this they achieved admirably. However, Peter did promise that the Q&A could be used for more technical questions, and the audience obliged with a diverse range of queries, providing a challenging finish to the event.

# Cyber security in the maritime industry



Christopher Scott
UK Practice Leader – Cyber Risk at Aon

Cyber attacks are increasing in frequency – and their impact can be devastating. That's a statement that applies to every industry but as the marine sector becomes ever more reliant on data, technology and connectivity, so all players must be aware that the 'attack platform' is becoming broader and the consequences of an attack can be ever more concerning.

Christopher Scott UK Practice Leader – Cyber Risk at Aon is in no doubt that the marine industry can be seen as a target of increasing interest for hackers: "What we have seen in general is that there has been an increase in the volume, velocity and global nature of cyber attacks. Attackers are increasingly looking at different industries to understand if there is any value in targeting them."

The International Maritime Organization (IMO) has released guidelines to help companies deal with the threat, he said, but the vulnerabilities are only going to increase.

### Increasing reliance on technology

Looking at the technology asset landscape, he emphasised that there are many different types of technology in the shipping industry – operational and information – as well as increasing reliance on data. "That means the attack surface is getting broader. We are talking about navigation, propulsion, ECDIS, radar, engine management systems, power control, specific operational tech on certain vessel types," he said.

"We also see an increasing number of third-party connected systems – ship tracking tools, cargo management, etc. – which could increase the attack surface on vessels that attackers look to leverage. Businesses themselves are heavily reliant on IT systems in order to manage and track operations. Any disruption or interruption could have consequences."

There is in general an increasing frequency of cyber attacks and crime, but an ever more unstable geopolitical landscape is increasing the threat.

### Digitalisation of the industry

The attack surface is continuing to expand, in part due to the continued digitalisation of the marine industry. "We are trying to mine and leverage data as an industry more effectively and this has huge benefits in terms of operational efficiency, just-in-time maintenance, etc.," said Scott. "However, as we become more reliant and dependent on these data sources and connecting to more areas of the network, and as we start to create more autonomous systems, including the potential for autonomous vessels, the threat of an attack increases and our ability to respond becomes ever more crucial."

### Physical consequences

This is not just an IT issue but an issue that comes with the threat of physical consequences.

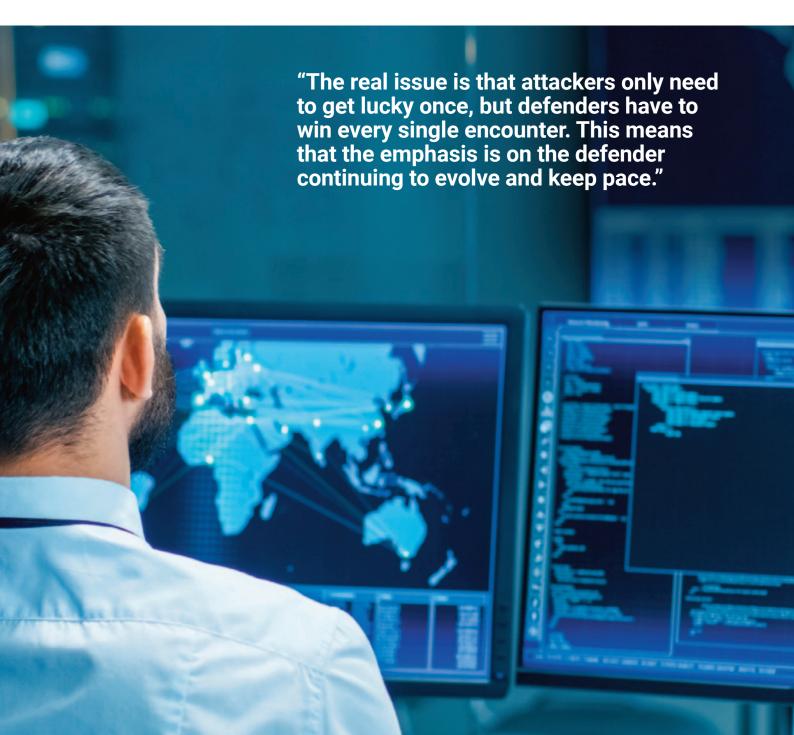
As the two worlds of OT (operational technology) and IT combine and collide, there is increased risk that a cyber event could lead to a physical event where OT is impacted and subverted in some way. "So we are starting to see a shift towards a potential increase in risk for physical consequences. As the marine industry looks to leverage real time data, semi-autonomous vessels etc., the risks increase in this industry specifically and the nature of the risk could also

change." In other words, actual impact on essential technology such as vessel controls systems.

### Key messages

All of this sounds – and should sound – alarming. What key messages should we take away from this?

"First, cyber risk can have a significant impact on the business, even if the vessels themselves are not directly impacted. Second, most cyber events can be mitigated via basic security hygiene. And third, organisations should go through a structured process to determine their high-risk scenarios and evaluate how their control environment



reduces the risk of these scenarios materialising or can reduce scenario impact," he said.

### Information fatigue

It is not as if cyber attacks are a 'new' thing to worry about – indeed, do some companies think they have done what's needed and get too relaxed?

"I think there is a degree of information fatigue that has led to a reduction in focus," said Scott. "The real issue is that attackers only need to get lucky once, but defenders have to win every single encounter. This means that the emphasis is on the defender continuing to evolve and keep pace."



"We have a pure play cyber security business, which means we are able to provide insight into how technical risk impacts insurable risk."

### **Easy wins**

However, he said, hackers are actually quite keen to leverage tactics and techniques that have worked in the past: "Most of the time they are looking for easy wins, as they are primarily financially motivated. The big risk for a security team is to think that once they have executed on a security road map, they are now secure. They must continuously keep moving forward. If you are not moving forward, you are at risk of falling behind the curve and leaving proven exploits open for opportunistic hackers."

### Minimising risks

The relevance for Aon is clear. The company does a lot of work in the marine industry, from an insurance and reinsurance perspective, said Scott. "We have a pure play cyber security business, which means we are able to provide insight into how technical risk impacts insurable risk."

Incident response costs are continuing to increase, Scott warned. "With vessels and offshore assets in particular, it can be really challenging to find the right expert to truly understand the specific technologies you have in place, and difficult to get those experts on board."

There are business disruption costs and demurrage charges to consider: "Even a cyber event that doesn't affect your operational technology could lead to you being unable to charter your vessels or unable to bill for operations, and you could end up with vessels stranded at dock unable to unload cargo. Reputational damage is something we need to consider, especially with respect to our commercial customers. If there is

a major cyber event occurring, people are going to start asking questions – is this an organisation I really want to do business with?"

Other companies may even prevent you from connecting to their platforms out of fear of contagion and that can lead to downstream business disruption not connected with the cyber event itself but nonetheless significant, he said. On top of that, there is the potential for fines, legal costs, product damage, third-party claims, environmental impact and even the potential for a collision in a high-risk area, with significant liability claims, Scott warned.

### A losing battle?

Given that our entire world is becoming more and more digitalised and connected, it seems the cyber threat can only increase. Are we in danger of fighting a losing battle?

"The potential risk is only going to get larger," he said "However, it is not a losing battle in general. The key is for organisations to be proactive, work to articulate their risk profile into tangible scenarios and then focus on uplifting targeted control sets that reduce the likelihood or impact of these scenarios.

### Return on Security Investment

"Increasingly people are focused on Return on Security Investment (ROSI). For me, this is key as IT and security teams look to align on how to spend effectively in this space. Quantify the risk and then you can understand how to structure the security improvement roadmap and secure appropriate budget."

Quantify the risk and then you can understand how to structure the security improvement roadmap and secure appropriate budget."

# Welcome to our new board members

In the last issue of Triton we interviewed new board members Konstantinos Zacharatos of Costamare Inc. and Mingfa Liu of IMC Industrial Group. Today meet Chen Xiaoxiong of Cosco Shipping Bulk and Tony Sun of Winning International Group.

### **Chen Xiaoxiong**

Vice President, Cosco Shipping Bulk

Chen Xiaoxiong is proud to be elected to the board of The Swedish Club and for the trust that has been placed in him. At the same time, he says, "I also feel a great responsibility. I hope I can become the link between the association and its members and make more contributions to all parties through my efforts."

With a 40-year career in the shipping industry, spending 13 years at sea and five of those as the captain of an oceangoing vessel, Mr Chen has a great deal of expertise to share. He has been involved with the construction of safety management systems for shipping companies, and shipping management, including ship scheduling, chartering, liner agency, and management of container terminals. In recent years his career has mainly focused on the shipping business and compliance risk management of dry bulk shipping companies.

### **Industry challenges**

When asked about the challenges facing the industry today and in the future he is clear as to the need to reduce carbon emissions and strive to achieve carbon neutrality. "Alternative energy must be found and commercialised as soon as possible," he says. "This requires solving a series of problems such as the choice of alternative fuels, how to build the emission reduction mechanism, how to break through the core technology, and how to establish a global unified carbon emission certification mechanism, amongst other elements."

"We have confidence in the Club so that whenever we are in need of help in relation to our ships' insurance matters the Club will always try its best to assist in a highly professional manner."

He is clear however that solutions can be found. "What is different from the past is that in the face of these new challenges, the shipping industry should unite and cooperate with customers, upstream and downstream industries, scientific research institutions, and regulatory authorities to jointly solve and find a balance between carbon emission goals and sustainable development of shipping," he says.



### Working with the Club

Cosco Shipping Bulk first entered ships with The Swedish Club for P&I in 1995, and the business relationship with the Club has become stronger and stronger ever since. "We did not choose the Club as our partner for marine insurance by accident, but based on a deep trust built up through many years of good relationships with the people in the organisation," says Chen Xiaoxiong.

"The Club provides superb services to us and adheres to its core values – 'proactive, committed and reliable' - and those values are reflected in the way we have seen it conduct its business on all fronts," he adds.

He concludes: "We have confidence in the Club so that whenever we are in need of help in relation to our ships' insurance matters the Club will always try its best to assist in a highly professional manner."

### **Tony Sun**

### Executive Vice President, Winning International Group

Being appointed to The Swedish Club's board is a great honour, says new board member Siyuan (Tony) Sun, of Winning International Group, Singapore.

"As shipping is an important sector of my family business, I believe that being a board member of the The Swedish Club will provide our company, Winning international Group, with more opportunities to get connected with and be benchmarked against the shipping industry in order to realise our vision for our shipping business," he says. "Personally, as a shipowner and operator in the dry bulk carrier sector, I would like to humbly contribute some thoughts, such as how to improve shipping efficiency, based on our daily operations and experiences."

"I love shipping, not only because it is my family business, but more importantly it is an essential industry keeping the world economy and our modern life running day and night."

### A grounding in the basics

Sun, who is mainly in charge of chartering and some mining projects in West Africa, did not join the family business immediately after graduating from university but first gained other experience. He spent almost two years as an apprentice in the NACKS shipyard, followed by one year with Clarksons Singapore and Shanghai. "These great experiences gave me a very hands-on attitude and in-depth knowledge of the global shipping business," he says, adding: "I love shipping, not only because it is my family business, but more importantly it is an essential industry keeping the world economy and our modern life running day and night."

### A prudent approach

He says his experience during the COVID-19 pandemic has shown that the shipping industry must "be prudent, be pragmatic and be nimble".

"That is, don't overexpose your business on anything at any time and especially on both sides, the physical markets and the paper ones, given the uncertainties caused by the pandemic. Secondly, I prefer to always have a Plan B on board, in terms of supplies, human resources and equipment, etc."

The shipping industry is facing many challenges now and in the coming years, he notes – including pandemics, geopolitical conflicts, economy crises, rising costs, lack of employees and new environmental regulations for decarbonisation.

### **Sustainability**

"If shipping as an industry wants to survive, absolutely we should do something to overcome these challenges. Our upgraded green logistics investment in recent years epitomises Winning's ambition to achieve a higher level of sustainability. We aim to steer our fleet towards 'Going Green'."

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"As shipping is an important sector of my family business, I believe that being a board member of The Swedish Club will provide our company, Winning International Group, with more opportunities

As the world's largest bauxite shipping company, Winning is always looking for sustainable development by expanding its fleet and exploring business in different sectors such as mining and railways, "while adhering to the triple bottom line of people, planet and profit", says Sun. "With the support of the Club, we hope we will have more opportunities for 'Winning' in the future."

Congratulating The Swedish Club on its 150th anniversary, Sun says: "The Club has been contributing to the shipping industry and its members by providing superb services, especially in terms of the quality and speed of its claims response. We wish the Club continued success and prosperity for the next 150 years and even longer."

# Passing the baton

December 31st will be a watershed for The Swedish Club, as it is the day that Lars Rhodin steps down as Managing Director after nearly 15 years at the helm.

But as he walks out the door after handing over the baton to his successor Thomas Nordberg, the eighth Managing Director in the Club's 150-year history, will look back on a job well done.

When asked for his reflections on his time with the Club, Lars Rhodin identified a number of major changes in the way the Club does business since he joined.

### Internationalisation

"I have seen a growth in the level of internationalisation, and then I would also say the significant diversity of people employed here in the Club. When I joined the Club, Greece was a small operation, Hong Kong was just a liaison office, and today, apart from those, we also have Oslo, London and Singapore," he said.

"And, of course, there is a big, big difference in the pace of business life and an increase in institutionalisation within shipping. As a society, perspectives have shortened and become more transparent, and this 'constant benchmarking' kind of attitude, is more prevalent in the industry. There has always been competition, but there is so much more competition today," he explained.

It must also be realised that we are involved in an extremely volatile business, he added, and with the advent of Solvency II and the modelling requirements that followed, "we now understand that it is even more volatile than we thought".

### A competitive environment

Pressed on the point of competition, Rhodin nodded to the concept of 'mutuality' where in the world of P&I, you have 13 clubs, all competing with each other on a mutual basis. "There are many commercial sectors where you don't have this number of strong competitors. Business is conducted at a higher pace, there is more transparency and more benchmarking and, if you ask me to reflect, I would say that business is more financially driven now, as opposed to more service and claims oriented in the past."

### **Exciting times**

A young Lars Rhodin joined The Swedish Club in 1986 in the FD&D section but was transferred to Hong Kong after two years to help develop the office there. "1988 to 1991 was an exciting time in Hong Kong and then, it was still a British colony. It was a wonderful place. I had met my future wife just a few months before, so we started our time together out in Hong Kong," he said.

After a three-year stint in Hong Kong, he returned to Gothenburg where he was asked to head up the hull claims department, which was later integrated with P&I and FD&D under the title 'Claims and Legal Support'. "In 2003, I was appointed Deputy Managing Director under Frans Malmros, and then took over as Managing Director in 2008," he said.



"When I joined in 1986, Lars Lindfelt was Managing Director. A man who successfully marketed the unique concept of The Swedish Club to international shipowners and led the company through a period of expansion. He put a lot of trust in young people."

### The biggest game changer of them all

When it comes to game changers in the industry, little did the industry realise what a game changer COVID would be, and Lars Rhodin was firmly at the helm when COVID struck and managed to steer the Club through it successfully.

"I think we responded very quickly when it happened, as we had a high IT maturity level within the Club. I know that some of the staff had poorer connections at home, but we managed that well, and it also allowed us to consider and change many old habits. We held webinars and inter-company virtual gatherings, which brought together all the offices. We had a lot of virtual fun at Christmas time as well. We brought in a comedian sitting in Liverpool, doing tricks, for instance, and we saw this as a way of getting people to come together. While Sweden adopted a bit of a different approach to its COVID restrictions than other countries, we still understood the need to support the rest of the business."

### Outreach

Moving on from COVID, what lessons have you and The Swedish Club learnt?

"Improved outreach. We hold these webinars on loss prevention that have been well attended, and this is something we will continue to do. We had one webinar last year about anchor handling that was run in conjunction with DNV and Gard and attracted something like 3,000 attendees. Other regular, more Club-owned webinars continue to attract around 400 attendees. So, it is about effective outreach. We also launched our online training platform, which came about in part because we couldn't conduct our popular Marine Insurance Course in person because of COVID," he added.

### A moving experience

Reflecting on the highs and lows of his years with the Club, one incident that resonates with Lars Rhodin was the tanker *New World* which collided with a bulk carrier off the coast of



"History is important because it gives you experience and knowledge, but trust is the capital going forward."

Portugal in 1994. The collision caused an explosion and a fire, heavy fuel oil was spilt at sea and eight crew members lost their lives. As he mentions in the official 150 years Anniversary book of the Club: "Above all, it was an issue of accountability, as the crew of the opposing vessel did not stay to save lives. I was involved in the job that went on for several years. It was a legal battle, with lots of disputes."

But as he added, while there was no salvage capacity, it just happened that the tanker's sister vessel was in the vicinity. One of the senior officers refused to abandon the ship and managed to establish contact with the sister ship, which came alongside, put up a firefighting team and put out the fire.

"Although a tragic incident, shipowner Thomas Hsu was impressed with how The Swedish Club handled the New World claim, and he showed his gratitude by donating to the Swedish Sea Rescue Society in Gothenburg," said Rhodin. As a result, a new rescue boat was named Lars Lindfelt on 10 May 2003, after the

previous Managing Director of The Swedish Club, for his work in the field of safety at sea. The rescue unit, based at Höganäs in the southern part of Sweden, is built to carry out rescue missions in most types of weather.

The association with the Swedish Sea Rescue Society was very personal to Lars Rhodin, who ran the 2004 Berlin Marathon to raise money for the society.

### **Final reflections**

Like many of us, Rhodin often questions whether he has made the right choices professionally in his life. "I had no intention to stay 35 or 36 years when I started, I did not have that perspective," he says. "But I've been treated well and you know, it's an

exciting business and very much a people business. So, when you ask me what I will miss, of course, it will be the people. And maritime is a small community, and in certain places, it becomes very personal, in Greece, for instance, out in Asia and other places too. Also, shipping people are passionate about what they do. The values of the Club are strong, as is our offering – you know what they say, history is important because it gives you experience and knowledge, but trust is the capital going forward.

Finally, do you have any advice you would like to give Thomas? Lars Rhodin again: "Be true to your instincts. Believe in what you do. Continue to develop the values. Don't be afraid to make changes. Be dynamic and be agile."

"When you ask me what I will miss, of course, it will be the people."

## Arunning Start

When Thomas Nordberg takes over as Managing Director on 1 January 2023, it will be the second time in his career that he has worked for The Swedish Club. And the irony of it all is that when he accepted a summer trainee position at the Club in 1992, he worked alongside none other than his immediate predecessor Lars Rhodin. Indeed, they both talk fondly about the lunch they once had together as young lawyers.

So, after many years away, what were Thomas Nordberg's impressions of the Club when he formally joined in September as part of the management handover? "It confirmed very much what I knew about The Swedish Club, that it's a very solid company with strong corporate values," he said. "We have a highly competent staff and I see lots of positive energy in the company. These people really want the best for the company and are ambitious to make sure we move on in a positive direction while still maintaining the company's core values."

### A firm foundation

He added: "The feelings I get when joining the company very much confirm my expectations. Lars and his teams have done a great job building up the company to what it is today and what I've seen reflects upon Lars as a leader and a person. I've worked closely with him for several months, and he's been very supportive and knows his stuff. He's knowledgeable – and of course, he has a good sense of humour."

It all adds up, he said, to have the essential ingredients required for the future. "We cannot afford to stand still. We are part of a rapidly changing market where market and competition conditions are shifting together with customer requirements. Constant developments in the regulatory landscape add to the picture. Therefore, we

### A CHANGE AT THE TOP

need to adapt. We need to ensure that we have an organisation designed to rapidly adjust to these fast movements and that our operation, products and service offerings satisfy these demands."

### **Future focus**

Without doubt, the Club places members at the heart of its organisation and has a very good relationship with its members, but shipping is also going through a lot of change. So, what is likely to be on his agenda moving forward, when he takes over on 1 January?

"It will primarily be my job to maintain our attention to provide the best possible services and support to our members and clients. That is why we are here. In order for us to deliver on this, and to be positioned for further growth with high-quality tonnage, it will be critical to make sure we have an organisation designed to do all the work we decide to do," he said. Reviewing the Club's organisation, team's structure and how our global net of service providers operate together, for the ultimate benefit of our clients and business partners, will therefore serve as a prioritised key task for me and the leadership.

"My professional background, to a large extent, comes from working in regional

offices in different corners of the world, which is why I also feel a strong link to the Club's regional offices as a vital part of our organisation and collective service offerings.

"Looking at the business in general, new partnerships and the potential for future business growth will primarily come from Asia and other certain geographical regions, where we need to be near the shipowners and the brokers. Therefore, we need to ensure an efficient distribution network throughout our regional offices, obviously together with maintaining a wellfunctioning "mother" and head office back home in Sweden. Over time and, as we are growing as a company, extended coordination and well-structured interactions between all organisational units will be key to enhance our collective offerings to our clients and members," he stressed.

And, as he emphasised, a key component to all of this is maintaining and preserving The Swedish Club's corporate values in the organisation, which to a large extent defines the Club, its people and underpins the solid relationship with its membership. "We are where we are based on all the commitment and excellent work that has been carried out during the foregoing 150 years. We will benefit from this strong

platform when moving forward towards new future industry challenges and opportunities", he said.

Nordberg recognises that the Club's heritage is in Gothenburg: "Although small, the Swedish market is still very important, and we should take good care of the remaining shipping companies we have here and make sure we have a good relationship with the domestic market and cluster".

And what are the market priorities facing the Club itself moving forward?

### Risk selection

"As before, there will be a continued focus on maintaining the existing quality tonnage in our portfolio. However, we also need to grow and defend our future market positions. In this context, an increasingly scientific approach on risk selection will be key to ensure expansion with the right kinds of tonnage and risks. We need to become even more clever and analytical in our risk selection processes and ensure that we have all the tools in the box to deliver on this. So, comprehensive intelligence, statistics and data should solidly underpin our risk selection assessments and decisions," he stressed.



### Investments

"As we all know, investment activities are an integral and long-term important part of running insurance operations and they contribute a lot to the business when investment market times are good. However, investment market developments are commonly driven by factors outside the scope of our control. Over time the Club has a good track record of managing our members' funds and investments in a way that has provided financial stability and support to grow our mutual insurance business. Clearly, the investment management serves as a valuable complement to our daily work on the insurance side, i.e. the underwriting, the claims, the loss prevention and associated risk management services, to ensure a healthy and well-balanced portfolio."

The impact the current turmoil in the equity and bond markets is having on the financial strength of protection and indemnity clubs in general was recently illustrated when S&P Global Ratings downgraded its financial strength ratings of The Swedish Club from A- to BBB+ mainly due to negative investment returns, something Thomas Nordberg stresses is not a reflection of the Club's underwriting performance during 2022.

"I think we, and many of our peers and other stakeholders, are feeling frustration around this as it may be misinterpreted as reflecting poor performance. Nevertheless, we will stick to what we can control and where we can improve our operations and results. I think it's very much about doing what you know is right and just carrying on doing that. And we continue to deliver world-class insurance protection to our members.

### **Geopolitics**

"There are other implications and challenging political developments in global society, which also impact on our operations as an insurance company and the relationship between the insurance industry and shipowners. But again, there are clear rules about what we can and can't do from a regulatory point of view, and we will just ensure that we are on the right side of that fence. That is not only the right thing to do, but we also avoid situations that would be potentially detrimental to our business and license to operate" he said. "Being compliant and navigating an



# "We have a highly competent staff and I see lots of positive energy in the company."

increasingly complex regulatory landscape are vital for us as a financial institution and for our clients."

### Services and costs stability

Looking to the importance of the Club's members, Nordberg said many of them would have their firm thoughts about what they expect from a quality insurer like The Swedish Club. This includes top-class insurance protection, claims and underwriting services and associated products. "This will obviously be core and what our members primarily expect from us. This is where we can add value to our clients' operations. The business climate is becoming increasingly complex and demanding for our members. Therefore, it will be essential for us to ensure we know what is going on in the market, how this affects our members from a risk point of view and how we can support them as an

"Then obviously, our ability to offer sustainable insurance costs will be another significant aspect of our offerings. Our members and clients will want to know that we are financially solid to

facilitate long-term competitive premiums and predictability in this context. That's another key task for us," explained Thomas Nordberg.

### And the last word...

And what about home life? Thomas agrees that his new role won't leave him with a great deal of time with his wife and two children, but the odd moment of relaxation could see him on the golf course or out taking a long walk. "I was just talking with my wife, and we agreed that it's been incredibly hectic since I started at The Swedish Club. I have been travelling so much that I've hardly been spending any time at home. On the other hand, they are used to me working a lot, and a job like this is very much a lifestyle that involves the entire family. I could not have done this job without their support throughout the years and the years to come.

"We live very close to the sea, 90 kilometres south of Gothenburg, and our house is just 250 metres from the beach, so a great place to enjoy together as a family when time permits," he said.



**By Maria Berndtsson**, Senior Advisor P&I and Correspondent Manager

This year's International Group (IG) P&I Correspondents' Conference was held at the Queen Elizabeth II Centre in London during 25-27 September. Over these three days, the Group welcomed 500 P&I Correspondents from nearly 100 countries and was joined by 170 IG P&I club representatives, staff and guests. It was a long-anticipated event at which the delegates enjoyed meeting others worldwide.

Photos: Daniel Turner

### The conference

The Conference was opened by the CEO of International Group, Nick Shaw, welcoming the delegates to the event and continued speaking about developments in the International Group.

A wide range of interesting and engaging of topics were on the agenda for the conference, including a session on 'Partnership for goals' which highlighted the work of the International Maritime Organization (IMO) and explained the role of the International Oil Pollution Compensation (IOPC) Funds. One session that attracted the delegates' particular interest was 'Safer environments', chaired by Birgitta Hed, Senior Claims Manager at The Swedish Club, where speakers from the P&I clubs, the International Transport Federation (ITF) and the Sailors' Society discussed wellness at sea and how to prevent seafarer accidents and illness on board.



Birgitta Hed, Senior Claims Manager at The Swedish Club.



The conference also focused on the training provided by the P&I Qualification Programme, in which correspondents have participated for a number of years now.

Vivek Menon from The Maritime Anti-Corruption Network (MACN) office in Denmark gave an interesting presentation on 'Training a skilled workforce' and the valuable work done by MACN.

In 'Healthier marine environments', the focus was on large casualties and wreck removal experiences from the P&I club's perspective, and ITOPF, the spills

The joy among the delegates of gathering in person after such a long time of COVID restrictions was evident to all.

specialists, presented on spill response issues. The audience also learned about the role of social media and the importance of media management. The conference also enjoyed an engaging 'Cleaner energy' session, which provided a useful update on new fuels and their respective safety and operational risks.

Last but not the least Zhiyan Li, of the International Association of Classification Societies (IACS) and Steve Gordon, from Clarkson, provided some food for thought regarding the future of shipping and the outlook for the global shipping business.

### A chance to catch up

Alongside the conference, the delegates also enjoyed a welcome reception at the Queen Elizabeth II Centre and were invited to a buffet dinner at the IMO headquarters, with many opportunities to chat with old and new acquaintances. The joy among the delegates of gathering in person after such a long time of COVID restrictions was evident to all.



### Deviationare you covered?



**By Dimitra Chourdaki**, Senior Claims Executive, P&I, Team Greece

It is not uncommon for ships to deviate from their normal route for various reasons: bunkering, minor repairs, disembarkation of an injured seafarer, change of crew or landing a stowaway. This article aims to address the types of deviation and attempts to clarify which of those falls under the Club's Rule 3 section 11 or Rule 4 section 8 and are therefore recoverable from the Club and those which do not.

The general definition is that a deviation is a departure from the contractually agreed voyage or venture. The most common type of deviation is geographical, i.e. the ship is bound to go from A to B, but while en route, calls at C also. There are other types, for example, carriage of cargo on deck when there is no authorisation to do so, drydocking with cargo on board etc. In this article, we will focus on this most common cause - geographical deviation.

### Justified or unjustified?

As a rule, deviation from the agreed voyage constitutes a breach of the contract of carriage and thus, any liability that may arise to the vessel from the deviation is not covered by P&I

insurance. The reason for this is that in such a case, the risk will not be poolable, i.e., recoverable from the International Group (IG).

Most deviations are the result of commercial decisions taken by the shipowner, and thus they should be entirely borne by the member or insured separately. The mutuality principle which all IG clubs follow does not allow provision of P&I cover for such commercial decisions undertaken solely to save money and time. These constitute unjustified deviations.

### **Exceptions**

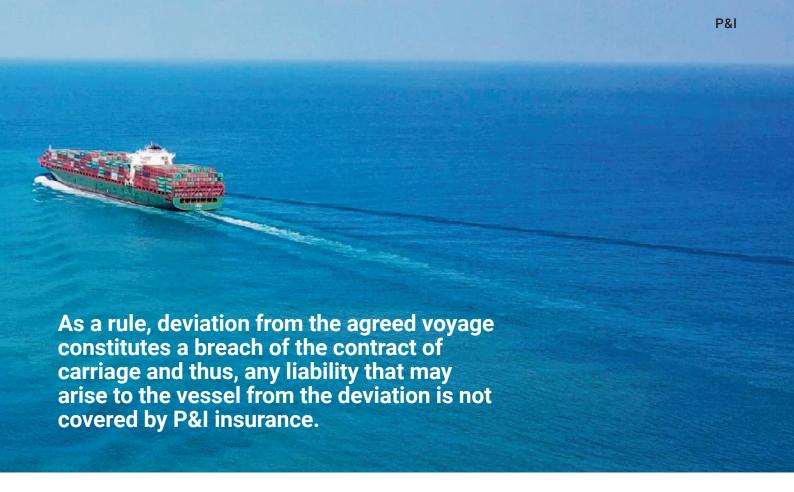
There are, however, cases where the deviation is necessary to save life or property at sea, or other deviations where the clubs have accepted that their extent is not considered to be of sufficient magnitude to violate the concept of mutuality.

### **Pooling Agreement**

The international Conventions on cargo such as the Hague-Visby Rules and the US COGSA provide limited guidance on the topic. The other source of guidelines

Most deviations are the result of commercial decisions taken by the shipowner, and thus they should be entirely borne by the member or insured separately.

is the Group Pooling Agreement. The Pooling Agreement sets out a useful key criterion based on which the club will decide if the deviation is justified under the normal P&I cover and if not, whether additional premium will be charged. The commercial benefit for the member undertaking the deviation must be proportionate and relative to the commercial disadvantage or risk to the other parties to the venture. In other words, it should be in the interest of the whole venture that the geographical deviation will take place. The greater the commercial advantage to the owners in comparison with the inconvenience to the venture, the less a club will exercise its discretion in favour of the member.



### A balanced decision

When The Swedish Club applies this criterion, it will decide one of the following:

- 1) To cover the costs incurred from the deviation under the normal P&I cover.
- 2) To cover the costs incurred under the normal P&I cover but with charging an additional premium.
- Suggest to the member that a special deviation Insurance cover should be bought to cover for the costs incurred.

### Deviations falling within the scope of the P&I insurance

- To save life (including response to a distress call), the ship or cargo/property at sea.
- To search for a crew member or other persons lost overboard.
- To land persons saved at sea.
- To embark/disembark security personnel or reduce the risk of piracy.
- To secure treatment of an injured or sick person.

### Minor deviations

Minor deviations related to bunkering, crew changes, taking on spares/supplies, landing stowaways, and repairs necessary for the safe completion of the voyage will be covered under the P&I insurance. An extra premium may be applied but they must always be undertaken with the approval of the Club.

### Other cases

Other cases will be assessed on their own merits and the Club will decide which of the three options will apply. Several factors will be considered, such as the extent of the deviation and its purpose.

### To deviate or not to deviate?

Members should think carefully before deciding to deviate since the underlying reason for this decision will determine the kind of insurance cover they will need during the deviation period. Operational decisions with the aim of having commercial benefits will most likely fall outside the P&I insurance.

We strongly recommend that the member notifies the Club before the deviation is undertaken. This will enable the Club to assist the member and offer the appropriate insurance cover on each case.



Members should think carefully before deciding to deviate since the underlying reason for this decision will determine the kind of insurance cover they will need during the deviation period.

ESG and the decarbonisation of shipping

Authors: Rachel Hoyland, Senior Associate, Hill Dickinson LLP (London) & Beth Bradley, Partner, Hill Dickinson LLP (London)

### A matter of collaboration

In the drive for a greener future, the primary concern when operating a ship is to maximise efficiency. Efficiency gains contribute to decarbonisation by minimising fuel consumption, which in turn reduces greenhouse gas emissions. An additional benefit for operators is that improving efficiency reduces fuel costs, a key consideration as the price of fossil fuel soars.

It is fair to say we are writing at a time of great uncertainty for shipping. A common cry from the industry is that it needs more regulation to assist it to reduce emissions. Regulation creates certainty and a level playing field for all concerned. This in turn enables shipowners to make decisions for the long term, such as what types of ships to build, which fuels to choose and what funds to commit. As well as aiding decision-making, the certainty of regulation enables these decisions to be put into practice. This allows finance to flow more easily by reducing the risk of assets and business models becoming out of step with mainstream practice, either because there is no regulation and the market develops in an unexpected way, or because unexpected regulation comes along.



Rachel Hoyland, Senior Associate, Hill Dickinson LLP (London)



Beth Bradley, Partner, Hill Dickinson LLP (London)



### Pace of change

Alongside this complexity, the pace of progress at the International Maritime Organization (IMO), the industry's global regulator, provides its own challenges.

The large number of stakeholders who must agree on measures, and the time needed to find a position to which all can agree, means that initiatives such as a global emissions trading scheme for shipping, or supporting the uptake of alternative fuels are a longer-term concern for the IMO. These schemes are likely to emerge no sooner than 2025.

Meanwhile, although regions such as the EU, US, China and UK appear to be forging ahead with faster moving regulatory regimes, it is evident that legislating for such major changes is not going to be a smooth ride, with significant proposals from the EU (which is leading this field) still to come to fruition due to lack of accord.

In the meantime, however, the IMO has made positive progress with its short term measures and new rules. The Energy Efficiency Existing Ship Index (EEXI) Regulations and Carbon Intensity Indicator (CII) Regulations, adopted by the IMO in June 2021, are due to come into force from 1 January 2023 with guidance on the Regulations having been adopted in June 2022.

### Energy Efficiency Existing Ship Index (EEXI) Regulations

The EEXI Regulations are aimed at bringing the efficiency standard of the existing global fleet up to a minimum level, subject to ship type and size. The Regulations apply to ships of and over 400 gross tonnes (subject to some exceptions) and require that a ship's

The EEXI Regulations are aimed at bringing the efficiency standard of the existing global fleet up to a minimum level, subject to ship type and size.

'attained EEXI' is calculated. Importantly, the Regulations are a one-time only measure intended to set the industry baseline, which means a ship's EEXI does not have to be calculated on an ongoing basis.

A ship's attained EEXI is essentially a measure which considers the engine power and specific fuel consumption of the ship by reference to its speed in fully laden condition at 75% engine power. Correction factors may then be applied to the calculation. Importantly, as this calculation looks only at the technical features of the ship, this is a desktop calculation and does not require any onboard measurements to be taken.



### Energy Efficiency Design Index (EEDI)

The EEXI Regulations are related to the pre-existing Energy Efficiency Design Index (EEDI) Regulations, which set efficiency standards for new build ships. The EEXI regulations effectively transpose the standard of efficiency for new build ships to existing ships of the same size and type, subject to a reduction factor. The standard for existing ships pursuant to the EEXI Regulations is the 'required EEXI'.

To comply with the EEXI Regulations the technical file setting out the calculation of the ships attained EEXI must be submitted to the ship's classification society for verification and approval before the ship's first International Air Pollution Prevention Survey on or after 1 January 2023. After that survey, provided the ship's Attained EEXI meets or is better than its Required EEXI, the ship's re-issued International Energy Efficiency Certificate will record compliance with the Regulations.

If, however, the attained EEXI is worse than the required EEXI the ship will be required to take corrective action to improve its efficiency to the required standard. As the EEXI is a technical measure of efficiency it may be impacted by changing the technical features of the ship, such as by installing energy efficiency technologies, changing the ship's fuel or limiting its engine power.

### Impact on the charterparty

As the EEXI Regulations are concerned with the ship itself, and the factors influencing compliance fall squarely within the shipowners' control, the EEXI regulations should have relatively little impact on the relationship between owners and charterers.

Most charterparties will include as standard a requirement that the ship will have all necessary certificates on board and will comply with MARPOL, the international convention which accommodates the EEXI Regulations. This means that there is likely to already be a contractual as well as regulatory obligation on owners to comply. Furthermore, most charterparties will

include a requirement for owners to maintain and restore such certificates, along with provision that time lost due to maintenance be time off hire. Therefore, whilst it may be prudent to agree express terms relating to EEXI compliance, it is likely that most charterparties already provide a framework which will accommodate EEXI, albeit that speed and performance warranties may need to be adjusted where engine power is limited, or vessel speed is otherwise restricted.

The position, however, is rather different when it comes to the Carbon Intensity Indicator (CII) Regulations.

### Carbon Intensity Indicator (CII) Regulations

The CII Regulations are aimed at continuously improving the efficiency of the global fleet, and at differentiating between ships of greater and lesser efficiency. The Regulations apply to ships of and over 5,000 gross tonnes (with some exceptions) and provide for the annual rating of ships from A to E based on the carbon intensity of their operation in the previous year.

Shipowners are obliged to aim for a C rating. More efficient ships will be rated A and B, and less efficient ships D and E, with the owners of ships which receive a

The CII rating of a ship is based upon its actual fuel consumption and is calculated using data which owners are already required to collect and submit each year under the IMO Data Collection System for Fuel Oil Consumption of Ships (IMO DCS) Regulations.





D rating for three consecutive years, or an E rating, being required to take corrective action. Year on year, the parameters of the rating will be altered, such that the efficiency of ships and operations must be improved if a particular rating is to be held over time.

The CII rating of a ship is based upon its actual fuel consumption and is calculated using data which owners are already required to collect and submit each year under the IMO Data Collection System for Fuel Oil Consumption of Ships (IMO DCS) Regulations.

Additionally, the CII calculation takes account of the distance the ship has travelled in the relevant year and its carrying capacity by either weight or volume, subject to which measure is most relevant for that type of ship. Correction factors may then be applied to the calculation.

### Impact on the charterparty

The CII Regulations are fundamentally concerned with fuel consumption, and so the CII rating will be influenced by the technical efficiency of the ship, type of fuel used, and the way in which the ship is traded, including the ship's speed and the efficiency of its operations. As a result, the decisions of both owners and charterers will impact the ship's CII rating.

The obligation to comply with the CII Regulations falls on shipowners. Accordingly, it is likely that owners (at least initially) will bear the brunt of any sanctions imposed by states where adequate corrective action is not taken to raise the rating of ships rated D or E. Those sanctions might include financial penalties or even denial of entry or

detention of ships. Even where a ship achieves a rating of C, if its rating has dropped from a higher A or B rating the owners may find themselves prejudiced as the ship may no longer meet the requirements of certain trades or charterers and, consequentially, may not be able to obtain desired employment or command preferential rates.

### Impact on shipowners

In a long-term charter, the impact on shipowners of a drop in rating, or a D or E rating is likely to be limited, although the risk of reputational damage. damage to the ship if detained and potential loss of future fixtures is certainly not to be overlooked. However, where the ship is chartered regularly on short term contracts the issue is more acute. The actions of several charterers in one annual period will cumulatively affect the CII rating for that year, creating a significant risk that decisions of charterers will impact the owners prospects in the following year. If the owners are monitoring the CII rating on an ongoing basis, one Charterers' actions may even impact Owners' prospects within the same year if a proposed fixture would cause the vessel to drop its rating.

### Impact on charterers

Meanwhile, if the ship's rating drops due to technical factors (such as the efficiency of equipment on board) the charterers may find themselves negatively impacted. They may be unable to trade the vessel freely if she does not meet the criteria of the charterers' customers or required to pay higher port charges and other rates if preferential rates for more efficient ships are lost.

### A joint approach

Consequently, obtaining, holding, and improving a ship's CII rating is a matter which needs to be worked out between the owners and the charterers, and which gives rise to interesting and complex contractual considerations.

For instance, will it be feasible for the owners and the charterers to agree to hold a ship's rating throughout the charterparty, where doing so may require a charterer to restrict the quantity of cargo loaded? It may be that a stint of bad weather or a delay in port may mean previously planned voyages will no longer be rating compatible and alternative plans will need to be made. Will shipowners have the right to withdraw the ship or reject charterers orders if they are likely to result in a loss of rating? Can the parties trade in the manner they are used to whilst also seeking to maintain a particular CII rating?

Alternatively, provided they are not exposed to sanctions for non-compliance, it may be more realistic for shipowners to take a flexible approach to the rating of the ship. This would need to be on the basis that the loss of a preferential hire or freight rate for an A or B rated ship will be compensated for by the rate that an available ship, with fewer limitations on its employment, can command.

New charterparty provisions will undoubtedly be needed to address the issues created by the CII Regulations and to ensure that the parties have clarity in relation to what is and is not permitted, and on whom any losses will fall. In any event, it is likely that owners and charterers will be required ever more to collaborate in the conduct of their business.





### From small beginnings:

### Team Hong Kong marks 40 year milestone

The Swedish Club's Hong Kong office celebrates its 40th anniversary this year. Triton spoke to Team Hong Kong Managing Director Ruizong Wang about the milestone.

In 1982, The Swedish Club opened its first office in Hong Kong. No doubt in the run-up to this momentous occasion, the question was asked: why do we need an

office in Hong Kong? Four decades later, the question might be: how on earth could we NOT have an office in Hong Kong?

### A positive environment

As Ruizong Wang explains, the decision was taken against a background of very fast economic growth in the South East Asia region and shortly after China

embarked on its 'open door' policy, with the subsequent start to a rapid growth in its economy.

"Meanwhile, the climate was developing for shipping; there was a huge growth in trade and the movement of cargo. People were starting to talk about the centre of shipping moving from West to East and from mainly Europe to Asia," said Wang. "Of course, that was a long process; but statistics last year showed that for the first time in recent history, Asian-owned tonnage exceeded the tonnage of European shipowners."

### International growth

After the opening of the Piraeus office, Hong Kong was the logical next step in the Club's own policy of opening up to the international market, he added. "The then Managing Director, Lars Lindfelt, really had a vision and a clear foresight for the future development of the Club; Swedish shipping was gradually declining and this was the second step in the Club's strategy of becoming truly international."

This year marks a milestone for Wang, too. Having joined The Swedish Club in 1991, he worked in head office for one year before transferring to Team Hong Kong in 1992, 30 years ago.

"When I joined the Hong Kong office, it was a very tiny part of the Club," he said. "Today, P&I tonnage from the Asia region represents about 50% of the Club's total entered gross tonnage. Overall, the Asia business has grown to the point that it represents more than 40% of the Club's total premium income."

### A professional team

Wang was appointed Managing Director in Hong Kong in 2005. Asked about the special features of Team Hong Kong, he doesn't hesitate: "We have a very good, professional team. My colleagues all work very hard and are dedicated to good service. Our workload is high because we have a large business – but, as with all the Club's offices, we strive to provide excellence in all the services we offer. We are expanding our business and we have a good reputation in the market."



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"When I took over here, the Hong Kong office was a very tiny part of the Club. Changes over the years have seen us move from the smallest to the largest team. However, we are never separable from the Club."

He emphasises that Team Hong Kong is integral to the Club's structure. "When I took over here, the Hong Kong office was a very tiny part of the Club. Changes over the years have seen us move from the smallest to the largest team. However, we are never separable from the Club," he said.

### The pandemic

COVID-19 brought enormous challenges, especially due to Hong Kong's tough approach to handling the pandemic. As Wang says, different governments adopted different policies, with different impacts on business.

"Hong Kong business suffered a bit in general, but the Hong Kong Government tried hard to alleviate the pain by supporting retail and other businesses and the public in general," he said. "Our own business was not impacted very much – we continued to grow, and we could still maintain the service level for our members. That has meant working from home sometimes, following Government guidelines. But that is the same for our peers and other corporations in Hong Kong. It is still not over, but Hong Kong is opening up now. A recent international financial summit signalled that 'Hong Kong is back'."

### **Further expansion**

Looking ahead, the opening of the Club's Singapore office this year will spell some changes for Team Hong Kong. Those changes will, of course, be gradual and carefully managed. For some time the plan is to share resources and claims services – but eventually, there will be a geographical division. "The Singapore office will be in charge of that geographical area while Hong Kong will concentrate more on the Greater China region," said Wang.

"The Singapore team will offer easy access for our members in Singapore and the local shipping community, which is good for the Club and the development of the business.

### Service to our members

"However, while Team Hong Kong's geographical area will be smaller, it will definitely not be any less important in terms of business. We still have the same duty and responsibility for our members, and this means we can focus and concentrate our resources in order to provide an even better service. We are all part of the Club – both Singapore and Hong Kong – and no matter where we work, we will concentrate on better business development and better services for our members."

# Adrift

Thirteen people, ten lifejackets, a few life rings, one small doughnut raft, no EPIRB, no flares ... drifting under the scorching sun, 60 miles offshore in the Caribbean. It wasn't quite what Mauricio Garrido had in mind when he embarked on his very first salvage job.

Having focused on technical management, casualty investigation, and marine insurance in the first part of his career, in 1994 Garrido was invited to an interview in Florida by Resolve Marine, and made the decision to 'jump the fence' into the salvage arena.

"My very first job was after a tanker had exploded in the Caribbean and crew were missing. They needed someone to go on board and find the crew, then sink the two pieces."

A Learjet was chartered for the trip to Puerto Rico and Garrido and his two colleagues then flew on to the Dominican Republic, where the tanker owners hired a tugboat to take the salvors offshore.

"We were 60 miles offshore in the tugboat when we hit an unexpected storm; I was sleeping below decks when I was woken up by revving down of the tug's engines and a frantic crewmember hollering at the deckhand sleeping on the bunk above me, waves were breaking over the deck and the engine room was flooding quickly." he says.

There were no lifeboats. The 13 people on board lined up and tied themselves together with a rope before jumping into the water.

When preparing the Club's AGM issue we always enjoy interviewing our speakers and publishing their stories in Triton. Nobody however expected the tale that we heard from Mauricio Garrido of T&T Salvage, and today we share it here with you...

"There were ten assorted lifejackets, a few life rings and a little doughnut raft. We started to paddle away from the tug and the spilled diesel, through some really large waves."Time passed; the weather worsened; the survivors could see the US Coast Guard planes and helicopters fly over searching for them, "but they couldn't see us in the swell".

They remained tied together around the waist: "Seven or eight hours into it, we began to believe that we wouldn't be found. People started to get chilled, cramped and sick," says Garrido. "The weather was getting worse and the boss asked me to use my Spanish and say to the tug master—"I know you believe in God, so let's say a prayer". So we prayed an "Our Father" in English and Spanish."

"There were ten assorted lifejackets, a few life rings and a little doughnut raft. We started to paddle away from the tug and the spilled diesel, through some really large waves."



# "We were 60 miles offshore in the tugboat when we hit a storm."

The prayers were barely finished when a bamboo pole – about 15 feet long, about 4 inches diameter – was spotted floating in the water nearby.

"The boss got it and brought it back. We decided to use it as a flagpole so the helicopter could see it."

This was not an easy task, as the tired and chilled crew attempted to tie a punctured lifejacket to the end of the bamboo to form a flag.

The skies had been quiet for some time, and the group began to despair. Then a miracle occurred and the sound of a search and rescue helicopter could be heard in the distance.

The survivors counted down, summoned all their strength, and managed to lift the heavy bamboo with its 'flag' above the swell. The sound of the helicopter became louder and with relief the group realised that the effort had been successful.

"The helicopter started turning – and rescuers dropped down to pick us up. So that was my introduction to salvage."

Garrido tells this dramatic story in a typically understated way. The 13 people rescued were flown safely back to shore – they were all suffering from bad sunburn, dehydration and exhaustion. Extraordinarily, Garrido had had the presence of mind to snatch his passport in a plastic bag from his cabin before abandoning the tugboat. "The passport was still useable – and the hotel demanded to see it when I arrived!"

And what happened next? "We went out the next day on another tugboat and sank the ship."

Clearly undeterred, Garrido spent eight years with Resolve before joining Titan Salvage. Since 2008, he has been president of Houston-based T&T Salvage. In his three-plus decades in the sector, he has actively responded to more than 400 major casualties globally – including salvage, wreck removal and pollution cases as casualty surveyor, project manager or salvage master.

He is happy to say, however, that despite enjoying a challenging and varied career in salvage, he has never yet repeated the adventure he experienced during his first week on the job.



## Diary: From desk to adventures at sea



**By Vilde Vestreng**, Claims Executive, Team Norway

While working as a claims executive, I am frequently exposed to different cases and scenarios. Understanding members' operations are crucial in everyday claims handling, and an important step towards gaining this experience is to be on board a vessel. I quickly jumped the opportunity when I was offered to sail with Hoegh Autoliners and Simon Møkster Shipping last spring.

My first encounter with a non-passenger ship was onboard the RoRo-vessel Hoegh New York. I travelled early morning from Oslo to Gothenburg and arrived there just in time for mooring operations. When the large ramp finally lowered, with much excitement, I was

met by a welcoming crew. After many months of sailing, I believe the crew was equally excited to have a guest on board. Next stop: Southampton.

With the ability to carry 6,500 cars, I was soon impressed by the logistics and planning of the cargo operations. While

stevedores drove all sorts of vehicles in and out with much precision, I was able to supervise the operations with the

As everyday life quickly went by, I spent my days discovering the bridge and the engine room. The crew were highly



Being welcomed on board by the crew of the Hoegh New York

specialised and equally friendly. Unfortunately, it was a bit cold for outdoor basketball. Otherwise, I would have joined the ongoing tournament.

I was further introduced to the daily challenges of being a seafarer. Tasked with immense responsibility, such as navigating and planning mooring and cargo operations with tight schedules, maintenance work and everything in between, many had not seen their families for months. While gaining knowledge about the ship, I also grew considerable respect for the seafarers themselves.

#### **Smooth sailing**

Upon approaching my destination, the day was bright and visibility good. It was soon evident that The English Channel is one of the busiest shipping lanes in the world. Through my binoculars I enjoyed the spectacular view of the White Cliffs of Dover. The vessel welcomed the pilot at high speed at nightfall, which was highly impressive. After skilful navigational work, we finally reached Southampton, and my journey had ended – for now.

"I am already looking forward to my next trip, but in the meantime, I am happy to be on solid ground, using the knowledge gained in everyday claims handling."

#### From the English Channel to the North Sea

Soon after returning to my everyday life, a new opportunity to sail with Simon Møkster emerged. Before I knew it, I was heading to Mongstad, a coast centre base outside Bergen, to board the offshore supply vessel *Stril Mar*.

The ship carries supplies to offshore installations and supports Equinor's activities on the Norwegian Continental shelf. After cargo operations were completed, in typical grey and rainy Bergen weather, the vessel set course for the oil and gas field of Gullfaks, located in the Northern part of the North Sea. As for myself, I enjoyed a well-prepared meal with the crew before retreating to my comfortable cabin – it was much like a cruise ship.

#### The journey to Gullfaks

I managed to get a few hours of sleep in the rough weather conditions. From my cabin window, the view of a large platform struck me the next day. Feeling quite small in comparison, I was thrilled to see Norwegian oil history up close. The vessel visited all three platforms which constitute the field.

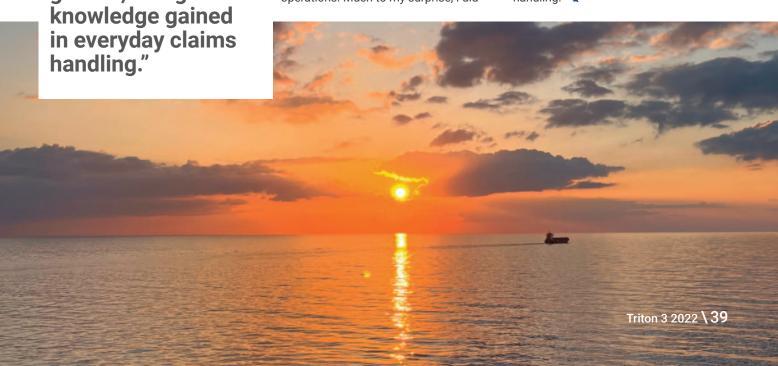
Cargo operations were soon ongoing, and the somewhat uneasy weather continued. Although fighting the creeping feeling of seasickness, I still eagerly followed each lift, cross-referencing it with the cargo list. Simultaneously, the cargo tanks were filled with residue from drilling operations. Much to my surprise, I did



manage to leave the seasickness medication untouched.

I was also given a thorough tour of the engine room, and from the view of a law-educated claims executive, it looked impeccable. From a human perspective, the crew was exceptionally friendly and took the time to answer all my questions. A big thank you to them.

All in all, my first encounter with an offshore supply vessel and a visit to the Norwegian Continental Shelf was successful. I am already looking forward to my next trip, but in the meantime, I am happy to be on solid ground, using the knowledge gained in everyday claims handling.



### Notice board

### Chinese Personal Information Protection Law (PIPL)

PIPL is China's comprehensive law that sets detailed rules with respect to data privacy and protection and applies to the processing of personal information and sensitive personal information within the People's Republic of China (PRC). PIPL came into effect on 1 November 2021.

The PIPL defines 'personal information' as "all information related to identified or identifiable natural persons" but excludes information which is anonymised (information that cannot be used to identify a specific natural person and cannot be restored after being so anonymised).

The Club's circular addresses some of the implications that this law may have on shipowners, managers, and their correspondents in the PRC. It covers the obligations of shipowners and managers; the obligations of correspondents; the requirements of the term 'consent' under PIPL, and provides information on where to get assistance to ensure compliance with PIPL.

Ref P&I circular 2686/2022 17 October 2022

#### **Sanctions**

The sanctions landscape is constantly changing. The Club reminds members to keep up to date via the regular P&I circulars posted on The Swedish Club website and through SCOL.

The latest updates are included in P&I circular 2687/2022, issued on 1 November 2022.

EU sanctions – updated FAQs published by the EU on the carriage of certain Russian cargoes including coal and fertilisers

- On 10 August 2022, the European Union (EU)
   published updated FAQs clarifying the application of
   provisions relating to the carriage of certain cargoes
   from Russia, including coal and other solid fossil fuels
   as well as certain types of fertilizer.
- On 19 September 2022, the EU amended its FAQS clarifying that the carriage of certain cargoes from Russia including coal and certain types of fertiliser (and related insurance) is not prohibited (under Council Regulation (EU) 833/2014) when the goods are being transported to non-EU countries.
- On 7 October 2022 the EU again updated the FAQs.

### Court of Appeal decision on Force Majeure: MUR Shipping BV v RTI Ltd [2022] EWCA Civ 1406

The force majeure provision in question specifically called for reasonable endeavours to be taken, by the party affected by the force majeure event, to overcome it.

Accordingly, the Court of Appeal held that Owners could not rely on the force majeure clause in the COA where the obstacle (payment of freight in USD) could have been overcome by their agreement to receive freight in EUR. This reversed the decision of the Commercial Court, effectively reinstating the Arbitration Tribunal's decision.

### Out and about

#### **Dinner party in Athens on 6 October**

Following a successful board meeting in Athens, members, brokers and friends from the Greek shipping community gathered for a celebratory dinner marking Managing Director Lars Rhodin's last Board Meeting in Greece. The party, held at Ktima48 in Athens, was kindly sponsored by Allseas Marine SA and Stem Shipping Co. SA.



From left: Michael Bodouroglou, Allseas Marine SA, -Theodore Veniamin, Golden Union Shipping SA.



From left: Alexis Kondylis, Larus SA - Lars Rhodin, The Swedish Club.



From left: Dionyssia Trikka, Dimitra Ilia, The Swedish Club – Evgenia Schina, Allseas Marine SA/Stem Shipping SA - Ioanna Stergiopoulou.



From left: George Bamiotis, Cyan Blue Shipping Ltd. - Alexandros Lemonidis, Element Shipmanagement SA – Hans Filipsson, The Swedish Club.



From left: Spilios Fassois, Faros Marine Services SA – Capt. George Chondronikolas, Spring Marine Management SA.



From left: Christina Bodouroglou, Allseas Marine SA – Zefi Gritza, Allseas Marine SA/Stem Shipping SA.



From left: Ludvig Nyhlen, The Swedish Club - Nicola Garesi, Cambiaso Risso - Enrico Spechel, Cambiaso Risso.

### The Swedish Club celebrates the opening of its new Singapore office in style

On 26 October, members, business colleagues and local dignitaries were invited to join the Club at a welcome reception, held at the Westin hotel, Singapore, to toast the future success of its new venture.

Lars Rhodin, Managing Director of The Swedish Club, welcomed guests to the event, saying: "There is no doubting Singapore's position as a leading global maritime centre, which will provide the Club with the platform to secure and further enhance our position in Asia."

At the reception, Bocca Yan, Deputy General Manager, Dasin Holdings Pte Ltd., wished the Club well, saying: "Congratulations on opening the Club's new office in Singapore. I'm certain that the new office will bring the Club a lot of success, especially with the determination and dedication they have towards the work. I wish them the very best."



Managing Director Lars Rhodin speaking at the event.



Brian Png, Area Manager of The Swedish Club's office in Singapore, welcomes guests to the event.

#### **CLUB INFORMATION**



Bocca Yan, Dasin Holdings Pte Ltd.



Thomas Nordberg, Incoming Managing Director at The Swedish Club and SiriKit Oh of One Global Broking.



Katie Men of Iseaco.



Mr. Okayasu and Isabel Soh of STC Shipping



From left; Ruizong Wang of The Swedish Club, Lu Jian of Winning Shipping and Jang Yong of Supreme Maritime Services.

#### Marine Insurance Nordics conference, Oslo

Tore Forsmo, Area Manager, Team Norway, spoke at the Marine Insurance Nordics conference held in Oslo on 9 November 2022.

Asked to assess the status of the Nordic Marine Insurance Market, and warnings of a perfect storm, Forsmo addressed the main challenges in the industry and offered some hope to the sector moving forward. He acknowledged that both geopolitics and economics are currently creating an unpredictable immediate future. However, he pointed to a positive outlook:

Indeed, he reassured the audience: "There is no perfect storm in Nordic marine insurance, neither premium- nor claims-wise, whether H&M or P&I."



### Staff news

#### **Team Hong Kong**



#### **George Chou**

George joined Team Hong Kong on 15 September 2022 as Marketing Manager. He obtained an LLM degree from Swansea University. George has worked as the Head of Marine at Willis in Taiwan.



# MONTHLY SAFETY SCENARIO Calendar 2023

#### **OUT NOW!**

The Swedish Club Monthly Safety Scenario Calendar 2023 is now available

With tear-off worksheets, case studies based on real-life incidents and suggested discussion points, the Calendar is an essential aid for your crews' monthly onboard safety meetings.

For more information, please contact lossprevention@swedishclub.com

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#### Club Calendar 2023

As COVID guidelines begin to relax around the world, The Swedish Club is slowly reintroducing its programme of face to face events.

We will continue to run our popular programme of webinars.

Visit

https://www.swedishclub.com/training/webinars / for the latest updates.

23 Mar	Board meeting Singapore
5-12 May	Marine Insurance Course Gothenburg
14 June	<b>Board meeting</b> Gothenburg
15 June	Annual General Meeting (AGM) Gothenburg

#### **Club Quiz**

- 1. What was the name of Lord Nelson's flagship at the Battle of Trafalgar 1805?
- 1 HMS Winner
- X HMS Triumph
- 2 HMS Victory
- 2. A grog is half water and half alcohol. What kind of alcohol is it?
- 1 Gin
- X Rum
- 2 Whiskey
- 3. What is an Average Adjuster?
- 1 Mediocre guy
- X Ordinary claims adjuster
- 2 Claims Assessor with a quill



Winner of Quiz No 3-2021

Brij Goel South Europe Lda, Lisbon office, Portugal

The right answers to Club Quiz No 2-2022 are:

- A catboat is a sailboat with what?
   X. The mast placed far forward and no foresail
- Where are the highest tides in the world located?
   Bay of Fundy
- 3. The Swedish Club celebrated its 150th anniversary in June this year. How many Managing Directors have served the Club?

Mail your answer to <a href="mailto:quiz@swedishclub.com">quiz@swedishclub.com</a> The first correct answer pulled out of the hat will win a prize.



The Swedish Club is a mutual marine insurance company, owned and controlled by its members. The Club writes Protection & Indemnity, Freight, Demurrage & Defence, Charterers' Liability, Hull & Machinery, War Risks, Loss of Hire insurance and any additional insurance required by shipowners. The Club also writes Hull & Machinery, War Risks and Loss of Hire for Mobile Offshore Units and FPSOs.

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