

Migrant rescue: When the news became reality for one Club member

Keeping seafarers' wellbeing on the agenda

At the sharp end of EV fires

In this issue

Leader

Welcome to 2024

Loss Prevention

Main engine failure caused serious contact accident	4
Soya beans: a unique cargo	6
Club updates resources for bridge	7
and engine room crew	
At the sharp end of EV fires	8

Features

Shipping EVs: Concerns and reality	10
A look into the future	12
Migrant rescue: When the news	14
became reality for one Club member	

Seafarer Wellbeing

Creating a culture of care	17
Keeping seafarers' mental wellbeing on the agenda	18
The Swedish Club Enhanced PEME programme to be extended in 2024	20

Insurance

Cyber insurance protection for	22
all members	
Bagged cargo claims	24

Legal

The arbitration landscape welcomes	2
a newcomer	

Club Insight

Pulling together - exploring new	20
ways of working	
Driving customer satisfaction:	30
Employee Engagement Survey 2023	
All change for Triton	32

Club Information	
Updated suite of IG recommended Letter of Indemnity wordings	34
Peter Cowling in memoriam	34
Out and about	3
Staff news	42
Club calendar	43









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Welcome to 2024

Welcome to the first issue of Triton magazine for 2024. On behalf of The Swedish Club, I send very best wishes to you and your families for the coming year.

We do not know what this new year will bring, but it seems certain that we will continue to see the political unrest which has marked the last two years and become a fact of life for all of us in the shipping industry.

The Club looks back on a year of change. We have welcomed a new Chairman, Peter Claesson, Stena AB, and I have completed my first full year as Managing Director. We have an enhanced and restructured Management Team in place and are looking forward to the challenges that the future will bring. We discuss some of these challenges in this issue.

Highlights include a look at the work our members are doing to prepare for the practicalities of carrying ever increasing numbers of electric vehicles on their ships. We join Stena on board for a live fire drill and discuss the realities of carrying this brand new cargo.

What would you do if, with a crew of 17, you had to accommodate 80 migrants on board, many in desperate need of assistance? This situation was faced by Club members Briese Schiffahrt and we speak to them about the lessons they have learned.

Further highlights include the important issue of seafarer wellness, and Triton explores some of the work that the Club has been supporting in the area.

There is a great deal happening within the Teams and we share some of the Club's latest initiatives aimed at ensuring we continue to offer our members and business partners the exceptional levels of service they have come to expect.

Thomas Nordberg

prosperous 2024!



Safety scenario

Main engine failure caused serious contact accident



At the pilot brief the pilot was given the pilot card and he informed the Master that the plan was to berth on the starboard side. To be able to do this the vessel was required to carry out a 180° turn to port. The Master had lined up the vessel and started to turn when the main engine failed to respond. He ordered slow astern but there was no response. Several repeated orders, from slow astern to full astern, were commanded from the bridge telegraph but with no response

The main engine was a medium speed four-stroke engine driving a fixed pitch propeller through a gearbox controlled via a Woodward governor and reversing effected by the main gearbox. Control was carried out via the electronic bridge control.

On this vessel, during manoeuvring the Chief Engineer was customarily on the bridge. He was operating the engine telegraph and attempted to transfer control to the engine control room. At the same time the pilot requested the two assisting tugs to attempt to turn the

It was night and the vessel was in ballast condition and heading to port. The pilot boarded and two tugs were connected: one on the bow and one on the stern. Prior to the pilot boarding, the engine had been tested and the pre-arrival checks had been completed.

vessel away from danger. Just in front of the vessel were a tug and a moored barge, which the vessel hit at a speed of five knots.

The tug was seriously damaged and sank rapidly. The ship suffered significant damage to the bulbous bow and the forepeak was filled with water. After an internal investigation it was found that one of the solenoid valves had failed. These are responsible for regulating and stopping the air signal to the governor that controls the main engine speed. Due to this failure the engine could not be stopped, or the gearbox set astern.





LOSS PREVENTION LOSS PREVENTION

Soya beans: a unique cargo



By Lorraine Hager, Loss Prevention and Marketing Advisor

In the last issue of Triton we introduced a new publication from The Swedish Club, Bulker focus - Carriage of grains and soya beans, and explored the claims picture for grain cargoes. Today we look at soya beans, and the unique characteristics of this essential, but sometimes challenging commodity.

Global trade in soya beans is on a constant upswing, thanks to China's booming demand for the product in animal feed. Brazil and the USA are the largest exporters, delivering 80% of the world's export market. But getting these soya beans from point A to point B comes with its own set of unique challenges.

We look here at two of the major issues faced when transporting soya beans. For more information and a comprehensive review of the topic please see the *Bulker focus - Carriage of grains and soya beans* publication.



Spontaneous heating

Bulk-loaded soya bean shipments continue to respirate, consuming oxygen and producing carbon dioxide, water, and heat. In some cases sections of the cargo with elevated moisture levels may foster mould growth, intensifying the overall heat. If the cargo possesses an inherently high moisture content the risk of mould growth and self-heating increases significantly.

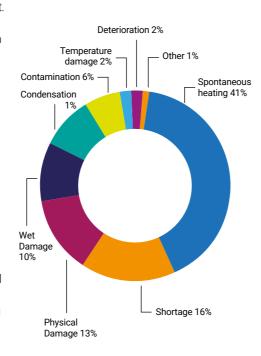
Spontaneous heating is the Club's most costly claims category and accounts for more than 40% of the total claims cost in this category, with an average claim cost of USD 115,000.

Prevention

It is advised that where possible the cargo should be stored away from the heated fuel oil tanks (FOTs). If this is not possible, the fuel oil should be heated to the minimum pumpable temperature. Keeping records of this instruction, as well as keeping concise fuel oil temperature records, could prove valuable in defending a claim for over-heating of the fuel oil, and consequent damage.

Soya beans - type of claim, cost of claims

Claim cost: USD 5,000 - 3,000,000 2018-2022 (as per 02/01/2023)

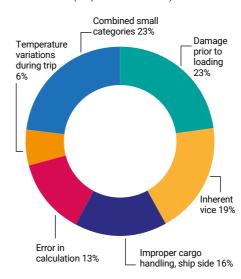


Damage prior to loading

Damage prior to loading accounts for 23% of total claims, with most of the damage (43%) being spotted at the loading port. This is the Club's most common cause of damage category, and highlights the importance of monitoring loading carefully.

Soya beans - cause of damage, number of claims

Claim cost: USD 5,000 - 3,000,000 2018-2022 (as per 02/01/2023)



Prevention

To protect against cargo which has been damaged prior to loading it is suggested that photographs are taken of the cargo during loading operations. These should include an overview of how the cargo was loaded, the cargo in the holds during loading and, where possible, close-up photographs of the cargo itself.

A letter of protest should be issued to all concerned parties if any deteriorated, mouldy or wet cargo is identified. It is always important to remember that the Master has the right to reject the cargo for loading if it is in visibly poor condition.

For more information and loss prevention advice on these issues visit the Publications area of The Swedish Club's website.



Club updates resources for bridge and engine room crew

The Swedish Club has reissued its set of posters and booklets providing instructions for the bridge and engine room.

They are easy to read, providing simple guidance on procedures and requirements for bridge and engine room personnel whilst carrying out their duties. They also provide a good introductory guide to the roles and responsibilities of crew members working in these functions.

The posters have been designed to be placed in the bridge or engine room and are a quick reference for when tasks are being carried out. The booklets contain the same information but are easier to read and carry.

The set of posters and booklets has been written in accordance with IMO's International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, known as the STCW Convention. This international treaty establishes the minimum training, certification, and watchkeeping standards for seafarers working on ships with the aim of ensuring that seafarers are adequately trained, qualified, and capable of performing their duties safely and effectively on board vessels.

The regulations aim to enhance maritime safety, prevent marine pollution, and promote the well-being of seafarers by establishing consistent and internationally recognized standards for their training and qualifications. The Club's posters and booklets aim to make these requirements both accessible and easy to understand, furthering the Club's aims of improving safety at sea.

To request your copy please contact: marcom@swedishclub.com

6 / Triton 1 2024 Triton 1 2024 \ 7

At the sharp end of EV fires



Lorraine Hager, Loss Prevention and Marketing Advisor

Magnus Johansson Technical

Manager

For the drill Stena Line simulated a fire emergency involving an electric vehicle (EV) on a ro-ro ferry bound for the bustling port of Trelleborg in southern Sweden. The crew were equipped with personal protective equipment (PPE) and firefighting equipment as they fought their way through smoke and water on deck 5 of the ship to deal with the emergency.

Among those participating in the drill were the Trelleborg Port Control. Fire Rescue Services, the Swedish Sea Rescue Society, the Swedish Maritime Administration, and Stena Line. Additionally, representatives from Alandia, Gard, Skuld, Research Institutes of Sweden (RISE), Brookes Bell, and Consilium were present as observers.

Seamless collaboration

"This level of cross-industry participation really demonstrated the commitment of the industry to learning more about this area of operations," explains Lorraine. "The success of such a drill lies in the seamless collaboration of crew and support services and we saw the benefits of a united front in addressing emergencies at sea. Each entity played a vital role in ensuring that the drill not only At the end of last year two members of The Swedish Club's Loss Prevention team joined Stena Line when it conducted an onboard fire safety drill with the crew of the M/S Mecklenburg-Vorpommern. Triton spoke to Lorraine Hager, Loss Prevention and Marketing Advisor, and Magnus Johansson, Technical Manager, to see how the day went.





Firefighting EVs on board

One of the aspects addressed during the drill was to utilise and practice with the special tools specifically developed to gain control over a fire in an EV. "With EVs becoming increasingly common, understanding the protocols for extinguishing fires at sea is paramount" says Magnus.

The participants explored scenarios such as identifying responsible personnel, determining the steps involved in securing the EV, and coordinating the removal. One of the tools used was the portable sprinkler unit that may be placed next to an EV at risk for cooling and protection of adjacent vehicles. Each unit may be put in place by one or two fire-fighters, then left unattended. Another tool is the car sized fire blanket, useful in some conditions for containing a car fire or protect nearby objects." This focused training ensures that in the event of a real emergency, responders are well equipped to handle the challenges posed by EV fires on board.

Roles and responsibilities

Understanding who takes charge in various aspects of firefighting and evacuation procedures is essential for a



coordinated response and the drill served as an opportunity to delineate roles and responsibilities among the stakeholders involved. "Clarity on responsibilities ensures that each participant knows their role, ensuring efficient communication and swift action during an actual emergency," explains Lorraine.

Communication, communication, communication

Following the drill, a debrief took place, which provided an important opportunity for participants to exchange ideas and share insights. Through this discussion the crew and the support services gained a deeper understanding of the strengths and areas for improvement in their emergency response procedures, says Magnus. "The Master emphasised the pivotal role that effective communication played in managing the emergency with clear and timely communication significantly contributing to the overall success of the response."



The importance of drills

The importance of frequent and comprehensive drills cannot be overstated, particularly when dealing with emerging challenges such as fires on electric vehicles. "Technology evolves, and so should our preparedness," adds Magnus. "Regular training not only reinforces existing protocols but also allows for the refinement and adaptation of procedures to address evolving threats and technological advancements."

Both Lorraine and Magnus believe that the Stena Line fire safety drill was an invaluable experience. "Witnessing firsthand the collaboration among major players and seeing firefighting strategies in action provided us all with insights that can be used for emergency response training purposes. The drill reinforced the importance of staying abreast of the latest developments in emergency response and continuously updating our training programs to align with industry best practices," concluded Lorraine.



Shipping EVs: Concerns and reality

The shipping of electric vehicles presents a new risk, in the form of lithium-ion battery fires. Martin Carlsson, naval architect and Project Manager Fire Safety for Stena Rederi AB, spoke to Triton about Stena's policies and procedures when carrying electric vehicles (EVs).

EV fires - we have heard the alarming accounts of thermal runaway, ultra-high burn temperatures and toxic hydrogen fluoride gas, and we have read the headlines speculating on the involvement (or not) of EVs in fires on ships and elsewhere. Whenever a vehicle fire hits the headlines EVs are immediately blamed, whatever the evidence.



A totally new cargo

It is rare for the industry to face having to deal with a totally new cargo in significant quantities such as with EVs and it is essential that those on board get access to the latest advice on the safety of people and of assets.

However, in the discussions around ferries and car carriers, the message is clear: as with any risk, the response should be based not on anecdotal evidence or hearsay but on real knowledge feeding into the implementation of best practice, including investment in equipment and training.

Step by step approach

Martin Carlsson works with Stena Teknik on ro-ro and ro-pax fire safety, and the company has taken a series of steps in response to the increasing number of EVs being loaded: "This is a situation that can be handled with training and adjustment of equipment," he emphasises.

At the time of booking and at check-in, Stena is implementing a registration system on board for the fuel type of each vehicle, as part of the cargo manifest connected to the licence plate. "So, if there is a situation on board, we will have fast access to information on what fuel type a vehicle has. We have updated the fire patrol instructions, including what signs of malfunction and emerging risk situation that we can expect from electric cars."

Drencher systems

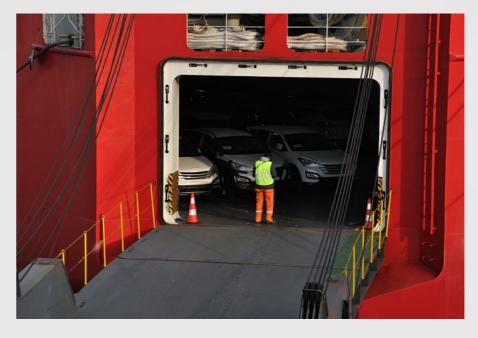
The onboard drencher system performance is equivalent for both EVs and internal combustion engine (ICE) vehicles and would be sufficient for suppressing fire on these cars equally, he said. This was proved by testing carried out during LASH FIRE, an international research project aiming to reduce the risk of fires on board ro-ro ships. The drencher system would prevent the fire spreading to the next car and has even seemed to slow down thermal runaway in the EV, he added.

It is essential that those on board get access to the latest advice on the safety of people and of assets.

Surprising statistics

Carlsson explains that while there is intense focus on EV fires, in fact the biggest fire safety risk on board remains reefer containers: "That is where we see the largest number of incidents and big problems on ro-pax vessels."

Overall, he says: "I think the risk with electric cars is no higher than classic ICE cars, but it is a new kind of risk. The fear and hesitation presents another challenge. We have to come through this and to the other side with knowledge, confidence and the equipment and



methods we need. But I am fully confident that we will get there."

Apart from registration of fuel type,
Stena loads EVs in the same way as any other vehicle, "since the probability of a fire is on a par with or even lower than a traditional car", he says.

"We do make it mandatory to advise us if your car is an EV. But that is also the case for registering gas vehicles and all kinds of alternative fuels so that if we have a problem with a car, we know what kind of fire we might be dealing with."

Upgraded safety systems

A key decision for Stena has been to upgrade to EN469 2020 Level 2 specification fire suits for crew, but this is also relevant for tackling other vehicle fires, he says. "All modern cars emit gases that are dangerous. We believe that by using this specification fire suit, with a layer of textile underneath, you will be protected regardless of the type of fire you face. Hydrogen fluoride is seen in higher concentrations for lithium-ion battery fires compared to other fires, but in practice the levels in a car context are shown to be lower than previously feared." Stena has put two additional pieces of equipment on board its ferries - a pair

of portable sprinkler devices and a fire blanket – and the crew have been trained in how to use these.

"There are so many misconceptions around EV fires and we are all still learning."

Adapting to the vessel

There are, of course, differences between loading and handling procedures on a ro-pax compared to a tightly packed PCTC (pure car and truck carrier) where there would be less opportunity to act manually close to vehicles. "We have the drencher system, but in the case of a car carrier, they have CO₂ or foam. Also, there is a difference in crew size. We can man up two teams

and they can continue fighting the fire for a long time if they are properly trained and regularly replacing each other, using seawater. In a car carrier, there are fewer people and with the fixed system of CO_2 or foam, you only get one shot. As soon as you know in which section the fire is, you must run the system. Don't hesitate or go to investigate and lose 20 minutes. If you do that, you are lost. But focus on the fixed system and it is very likely that the car carriers will also be all right."

Training and knowledge

Training and knowledge is vital, says Carlsson. "We talk to other operators – we don't compete on safety."

LASH FIRE is an example of this collaborative approach, and its e-learning training for tackling onboard fires is mandatory for Stena crew members. There are weekly fire drills on Stena's 40 ships as well as more specific 'specialist' drills and training.

Carlsson stresses that the crew must be informed of the facts and have confidence in their equipment. "There are so many misconceptions around EV fires and we are all still learning," he says. "Some myths have been dismissed already. But still, we are open to any new experience and new knowledge and we investigate constantly to find any new or missing pieces. We do not sit still and think we know it all and have full control. We know what we know; we base our decisions on facts; and we continue to reassess."



A look into the future

Interview with Thomas Nordberg, Managing Director of The Swedish Club

It is tempting to believe that little has changed in the marine insurance industry since those days in 17th-century London when traders, shipowners, and underwriters met to discuss business deals and evaluate maritime risks in the numerous coffee houses of the day. Take a look at Lloyd's of London, once Lloyd's Coffee House, and it can be seen how these meeting places played a critical role in shaping the modern marine insurance industry, fostering collaboration, innovation, and of course sharing risk.

about new and complex risks. Some believe that the changes the industry is seeing today are comparable, and indeed may surpass the step change that was faced by our predecessors.

Thomas Nordberg has the role of shaping The Swedish Club to face a future which many say is the most complex and uncertain they have seen in their lives. There have been changes in the Club's management team and new ways of working. So just what are we planning for?

This environment includes geopolitical tensions, environmental regulations, evolving technology, and complex supply chain dynamics, with policy and regulatory frameworks continuing to evolve – all posing both opportunities and challenges for marine insurers. Competition and industry consolidations are reshaping the landscape, with the emergence of new players and changing dynamics within the

complying with complicated and everchanging sanctions regulations requires vigilance and can be administratively burdensome."

Shipowners need to abide by the rules, however challenging, says Nordberg. "The Swedish Club plays a vital role in supporting and advising our members as they get to grips with a very convoluted sanctions landscape. Our underwriters now assess every new vessel seeking entry to the Club, to establish where the ship trades and where it has traded."

Sustainability

The maritime industry is increasingly turning its attention toward sustainability and adopting new technologies. Like other sectors, such as automotive and aviation, it is focusing on decarbonisation as it strives to lessen its environmental impact by shifting towards more sustainable fuels and advanced technologies, and the International Maritime Organization (IMO) has set ambitious targets for the decarbonisation of shipping.

"Geopolitical challenges, including Russia-Ukraine tensions, are having a profound impact on the maritime industry."

As Nordberg explains, however, the transition from fossil fuels to green fuels, such as e-ammonia, e-methanol, hydrogen, bio gas, bio diesel, and batteries, presents novel challenges for marine insurers. "These alternative fuels require specialised risk assessment due to their sometimes toxic, hazardous, or explosive nature. Moreover, the lack of experience and training for the crew operating vessels with new technologies is a crucial consideration," he says.

"The offshore wind market and renewables also represent a significant shift in the market, with both positives and negatives. At the same time we are seeing an ongoing debate between globalisation, regionalisation, and localisation in trade patterns. These dynamics can impact the risks and insurance requirements in the industry," adds Nordberg.



There has also been a lot of talk about autonomous shipping. Will this really happen?

Autonomous shipping is a rapidly evolving technology, and while it holds great promise, its full-scale implementation is still in progress, explains Nordberg. "Some autonomous ships are already in operation for specific tasks, and research and development are ongoing. It's likely that autonomous shipping will gradually become a reality, especially for specific routes and tasks, but widespread adoption may take more time and regulatory adjustments, and most believe that we will never see an industry of fully autonomous vessels."

One of the biggest challenges for marine insurers is defining liability in the event of an accident. "As autonomous technology is new and unproven in the maritime context, risk assessment becomes particularly challenging," explains Mr Nordberg.

Cyber crime

A consequence of ships becoming more reliant on digital technologies and connectivity is that they are becoming more vulnerable to cyber criminals. Modern vessels often use integrated systems for navigation, communication, and engine control, which are interconnected through networks, increasing the risk of cyber attacks,

including those targeting navigation and control systems, potentially jeopardising safety and operations.

"Understanding these risks and developing insurance products to address them is a priority for our industry," says Nordberg. "The Swedish Club has just announced that we are offering cyber insurance coverage to all members, helping to safeguard shipowners from the financial repercussions of cyber events." (For more information see page 22.)

The unknowns

Despite all this disruption in the industry, insurers must continue to prepare for unknowns that may face them in the future. Nordberg says: "We will need a broader range of expertise to respond to the complexity and sophistication of future shipping operations. This will be underpinned with an increased demand for in-depth capabilities, encompassing technical, digital, environmental, regulatory, and legal knowledge.

"Ultimately, marine insurance companies will continue to play a vital role in responding to the rapid developments in the global shipping industry. The Swedish Club was born from change, and in its 150-year history it has continually reinvented itself in order to meet the needs of its members. Our future will be no different."





FEATURES



Migrant rescue:

When the news became reality for one Club member

In September 2022, the BBC Pearl, owned and managed by Briese Schiffahrt, dramatically changed course in the Mediterranean to rescue 63 refugees from their sinking boat. Triton spoke to the Master and to Briese about the experience.

When the BBC Pearl, a 14,400 dwt tweendecker with a crew of 17 on board, received a call from the Maltese authorities about a group of refugees in distress in the high seas off Crete, the response was immediate. The vessel diverted to the boat's position and 63 people were picked up in extremely challenging conditions.

The stress of the situation was compounded because a four-year-old girl was unconscious. Although she and her mother were eventually airlifted from the ship, sadly the little girl died later in hospital.

As the Master of the BBC Pearl, Captain Noel Uy, said: "No one can ever be prepared for such a situation. During times like these, your training gives you the so-called general guidelines on what to do and it boosts your confidence in your ability to perform the task successfully, but it's your years at sea and the skills that you've acquired during those years that keep you going and get you through the challenge of saving lives in rough and unexpected conditions."

In fact, as the crisis unfolded, the Master and crew demonstrated incredible

seamanship, initiative, resourcefulness, humanity and care. They dealt with enormous practical challenges when it came to taking care of such a large number of people on board, experiencing the trauma of those rescued first-hand and having to cope with the heartbreak of the little girl's death.

Change of plans

The BBC Pearl was en route to Suez when contacted by Malta. Kai Groen, Nautical Superintendent at Briese, was the first onshore to be told of the situation: "In my role, I am in daily contact with the Master and discuss anything relating to navigation, stability, supply of spares, drydocking, repairs, and so on. He called to say he had been requested to proceed to this location. I said of course, don't waste a second – proceed as fast as you can.

"I know the vessel well and could put myself in his situation. I can definitely imagine how difficult it was first of all to rescue the people and get them on board, then to provide food and water from a tiny galley. The vessel is manned with 17 crew – suddenly, it had 80 people on board. It can also be a worrying situation for the crew. Nobody knows how people in this situation will behave."

SOLAS obligations

The International Convention for Safety of Life at Sea (SOLAS), states that 'the master of a ship at sea, on receiving a signal from any source that a ship or aircraft or survival craft thereof is in distress, is bound to proceed with all speed to the assistance of the persons in distress'.

Captain Uy explained: "This principle is implanted in every one of us as our guide. We constantly conduct safety meetings to try to anticipate every situation that we might encounter on board. Although the situation was quite unexpected, the crew was able to perform what was expected of them given the circumstances."

Innovative solutions

However, he said, the crew had to be innovative. "For instance, the refugees, especially the women and young children, were too weak to climb up the pilot ladder, particularly because the sea was very rough, with high winds and three to five-metre waves. The crew employed ingenuity and used available materials on board the ship to hoist the refugees up.

Safety concerns

"Because the rescue was done in very bad weather, I had difficulty manoeuvring the vessel in such a way that the boat in distress was positioned at its lee side to make the rescue operations safer – while keeping an eye and ensuring the safety, to the best of my ability, of some men who became impatient and had started swimming towards the vessel. This also divided the crew's attention, as some had to send lines to the people who were already in the water, while others had to secure the refugee boat alongside the vessel."

"Although the situation was quite unexpected, the crew was able to perform what was expected of them."

Caring for those most in need

There were not enough crew to take care of all the rescued people so a triage system was adopted to attend to the most urgent cases first. "It did not take long for most of them to regain enough strength, so only some ratings were ordered to keep watch over the stable refugees," said Captain Uy.

The frailest were sent into vacant cabins, and the women and children were also sent inside the ship. "The rest were asked to stay in the aft deck. Some were provided with towels and blankets, and the crew members gave their personal

clothes because some of the refugees were wet. Not much could be done in terms of providing bedding and blankets to all the refugees in the aft deck, firstly because of lack of supply, and secondly because everything happened too quickly, and attention was focused on those who needed urgent care."

Those needing medical care were looked after by the Second Mate and Third Mate; Captain Uy and the Chief Mate monitored the overall situation and the navigation/communications of the vessel. "The rest of the crew, including the engine officers and ratings, participated in one way or another."

Taking care of the practicalities

While the vessel did not carry enough equipment or supplies for the number of people, there were two months' worth of food supplies for the crew on board. Every refugee begged for water as soon as they embarked and bottles were handed out as quickly as possible, said Captain Uy. The cook, together with two crew members, got busy in the kitchen, first giving out water and biscuits and then preparing hot drinks and meals for the refugees.



14 / Triton 1 2024 Triton 1 2024 \ 15

FEATURES SEAFARER WELLBEING

Thanks to the crew

The BBC Pearl carries regular equipment and supplies as per regulations, but these are mainly for the crew's use, he pointed out. "There are a few extra bits of equipment such as lifejackets and life rings, but these are not enough, especially during the rescue of 63 individuals. We used whatever we had on board at that time. However, what we lacked in terms of provisions and supplies was more than compensated for by the crew's training and the great humanity and compassion that each one of them displayed towards the refugees."

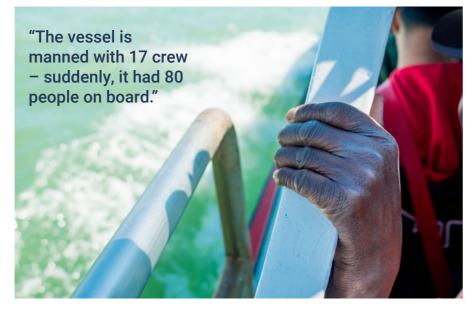
Seeking a safe refuge

All of this was only part of the challenge. The Master was in contact with the authorities in Malta and in Cairo, asking for immediate medical support and further instructions. However, there was no immediate response. After hours, the authorities in Cairo instructed the vessel to change course for Crete, but the Greek authority prohibited the Master from entering Greek waters. The vessel turned again towards Port Said. Then the little girl stopped breathing, and at last a helicopter was sent to take her and her mother to hospital and the BBC Pearl was allowed to sail to Crete so the refugees could disembark.



Lessons learned

Training and planning for any eventuality is all very well in theory, but the reality can be different. Were any lessons learned? Reflecting on the whole experience, Captain Uy believes that establishing communications in such a situation should be made a standard procedure. "Communications with the people in distress should be established first before rescue efforts are carried out," he said.



"This is to ensure proper coordination and the safety of both crew and refugees during the rescue operations.

"In an ideal world there should be a secure area where refugees can stay to avoid confusion and/or disorder. Maybe ships should be supplied with extra towels and blankets at the very least. Otherwise I don't see anything else that needs to be urgently established, except maybe additional training that's specifically focused on the rescue of a big number of people in the high seas."

Communication with all parties involved was very important, he added. "Without the support from the office/ superintendent Kai Groen, the rescue could have had a different outcome."

Shore perspective

Groen said: "There is not much you can do when ashore, but I tried to provide as much assistance to the Master as possible. It was important to tell the crew – you are doing the right thing, focus on the rescue operation and the rest we can sort out later. The Master and I know each other well – a mutual trust and understanding was of course beneficial."

He agrees that additional training would be helpful in case of such a situation. "It is good to be prepared with a strong understanding that the situation can occur and it can be unpredictable," he said. "It is not easy deciding where to gather people, what support they need – water, food, mental support. However, there is a limit on the crew's time and

they did a really fantastic job. The good thing is that the Master and crew, who are mainly from the Philippines, acted as a team and they should be really proud of themselves and each other."

Hard facts

Johann Funk, of Briese's insurance, claims handling and legal department, had the task of keeping all parties informed of the deviation, including The Swedish Club and cargo owners. The fact that the charterer, BBC, is part of the Briese group at least eased some of the pressure.

"However, taking into account the cost of bunkers, offhire and so on, we lost an estimated USD 100,000 due to this rescue operation – and these costs rest with us," he said. "The Master was in contact with various authorities but had his request to land the refugees declined. It is unbelievable that you rescue a group of refugees and shoreside reject them. But we had to work pragmatically."

Groen added: "We pushed in every direction alongside the Master, to land the refugees and especially to get the little girl airlifted. Everybody had been hoping for the best with the little girl and losing her was definitely the most difficult thing."

"However, ultimately the crew were able to sit together and discuss what they did – what they had actually achieved – and everybody realised what a fantastic job they had done."

Creating a culture of care



By Lorraine Hager, Loss Prevention and Marketing Advisor

The debate took place at a webinar, organised by Ship Management International magazine, which looked at strategies for fostering mental health awareness and ways to improve seafarers' onboard living and working environment. The panel discussed how to encourage and support social interaction among crew members, methods to improve internet connectivity and communication with family and friends, and how to ensure access to comprehensive healthcare services.

Collective responsibility

Speaking at the event Lorraine emphasised the crucial responsibility collectively borne by the shipping industry in safeguarding the health of crews who navigate the world's waters on our behalf. "Ensuring the wellbeing of these crews requires an in-depth understanding of seafarers' working environment, appreciation of the commercial pressures faced by operators and, of course, a knowledge of the best practice support that is available, she said. "We need to look not only the provision of adequate medical care and safe working conditions but also the need for mental health support, social integration, and access to essential amenities.

"As a P&I club, we are a mutual body owned by our members, so this gives us a remit of giving guidance to those members and assisting them in providing support to their crews. At the same time, we have a commitment to a wider aim of improving safety at sea for all seafarers," she said.

The Swedish Club's Loss Prevention team took the opportunity to engage with the issues surrounding seafarer wellness, when the Club's Lorraine Hager joined a panel of experts to debate the issue of 'Seafarer Wellbeing: Creating a Culture of Care Onboard'.

The role of P&I clubs

Lorraine described the role of P&I clubs in the seafarer welfare agenda: "Our mission is twofold; firstly, we must foster a culture of prevention through rigorous training, education, and implementation of best practices. This means identifying and rectifying potential hazards before they escalate into critical situations. We talk about loss prevention in regard to vessel casualties, but the same approach must be taken with the wellbeing of the most precious resource, our seafarers."

Secondly, and perhaps more importantly, she said: "We are committed to offering a reliable support system for our members so that they are able to assist their crews during times of need, ensuring we address the various challenges seafarers face in the course of their duties."

Of course, morally the industry has a responsibility to look after the seafarers in our care, she explained.. "But at the same time, qualified and professional seafarers are our greatest asset, taking ultimate responsibility for the vessels that we insure. It makes financial sense for the P&I clubs to protect and support these assets, and work towards the improvement of industry-wide standards and policies that prioritise crew wellbeing."

A vigorous debate

Debate was vigorous, but the panel was unanimous on one point – that when it comes to the issue of seafarer wellbeing, as an industry, we have only really explored the tip of the iceberg and there is much, much more work to be done.



16 / Triton 1 2024 Triton 1 2024 17

Keeping seafarers' mental wellbeing on the agenda





Interview with Birgitta Hed, Senior Claims Manager, P&I

The issue of seafarers' mental wellbeing has been much in the news lately, yet it is something that has been concerning the industry for some time. The rapid pace of technology, geopolitical unrest, and the impact of the pandemic have brought the issue into focus, and the maritime community is now mandated to work together to understand the extent of the problem and to find solutions.

The consequences for the welfare of individual seafarers facing depression and social isolation are concerning. At the same time, the industry must also recognise that all health problems - not least mental health issues - may also lead to breaches of safety, which can result in serious incidents affecting other crew members, including loss of life, casualties and environmental damage.

The pandemic effect

Seafarers' mental wellbeing has always been important to Birgitta Hed, Senior Claims Manager, P&I, at the Club. She took up her former role as Chair of the

International Group Personal Injury Committee (IG PIC) seven years ago, and says that even if mental wellbeing was on the agenda at that time it became even more topical in the first months of 2020 with the significant impact of COVID-19 and again in February 2022 with the war in the Ukraine. "The IG very quickly set up special working groups to focus on the problems at hand and the resulting impact on seafarers," she says. "COVID highlighted the issues of the health and mental wellbeing of seafarers, but the industry was aware and talking about it beforehand. We had already done a lot of work in the area of addressing the problems. Of course, the issues manifested themselves publicly during the pandemic with significant difficulties in providing medical assistance to seafarers and performing crew changes. It was at that point when people became far more aware of the important role of the seafarer in global trade."

Birgitta explains that not only is there a humanitarian need to support seafarers, but there is also a business imperative. "For every dollar spent on mental health support, it is estimated that you get five dollars back so it is important that the industry is open to change. Communication and culture not only on board a vessel but also in a crew's contact with their shipping company are vital in recognising mental health issues and to reduce the stigma surrounding the topic."

The IG Mental Wellbeing in Maritime Seminar

The IG Personal Injury Committee remains a key advocate of mental health initiatives for seafarers. On September 26th the Committee held its first IG Mental Wellbeing in Maritime Seminar at Hill Dickinson's offices in London. Delegates were given an insight into the triggers of mental health issues; shown the results of recent studies into seafarer wellness; heard case studies; and were given advice on actions and recommendations to improve mental wellbeing.

The event organisers welcomed more than 60 attendees from P&I clubs, industry organisations and seafarer charities to hear insights from top level experts.

New perspectives

The IG PIC and the assigned working group were very pleased with the way the initiative was received, says Birgitta. "The atmosphere was open and welcoming. What was very interesting was that the presenters approached the subject in different ways, dependent on their own focus, experience and priorities. This meant that everyone was given the chance to see the impact of mental wellbeing from a different perspective to their own, which proved extremely valuable."

"For every dollar spent on mental health support, it is estimated that you get five dollars back so it's important that the industry is open to change."

The importance of networks

At the end of the seminar a panel discussion explored what the industry can do better to take away the stigma of mental health issues. "As vessel connectivity improves many seafarers turn to social media and this can be a double-edged sword," explains Birgitta. "While it has many benefits, it can also create dependency and in the event of bad news, anxiety at the individual's inability to be present and provide support to a family member and take appropriate action.

"The panellists agreed on the importance of enabling and facilitating colleagues as well as those ashore to provide the support and encouragement needed by seafarers facing mental difficulties - there was a real understanding of the importance of human contact in such situations." she added.

So, what next?

"The IG PIC will assess the results of the post seminar survey to identify what we did well, and whether there are any areas we need to place more focus on as we move into the future," says Birgitta. "This could be the first in a series of seminars involving P&I clubs and seafarer charities as well as professionals on the medical side such as psychologists and psychiatrists. It is important that we ultimately deliver tangible outcomes to the seafarer community."

Sharing knowledge

Participants are now looking at how best to share the conclusions with their own stakeholders. "Insurers also need to seek opportunities as an industry to work closer with organisations like the IMO, the ILO and industry bodies like the ICS," explains Birgitta. "Mental illness manifests itself in many ways, and just because we cannot simply define the root cause of some of the illnesses and injuries we see, we all have a collective responsibility to understand and address the importance of mental wellbeing."



SEAFARER WELLBEING SEAFARER WELLBEING

The Swedish Club **Enhanced PEME** programme to be extended in 2024

By Birgitta Hed, Senior Claims Manager, P&I



It is well known that a healthy crew is a safe crew, and that the physical and mental wellbeing of seafarers is key. The Swedish Club has always recognised this and is now extending its enhanced PEME programme both within the Philippines and into a number of other seafaring nations.

The impact that Pre Employment Medical Examinations (PEMEs) have on the liability to which an employer is exposed is well known to shipowners and managers who have experienced the frustration and risks involved in having a seafarer serving on board in a poor medical condition, physically or mentally, which should have rendered the seafarer unfit for sea service

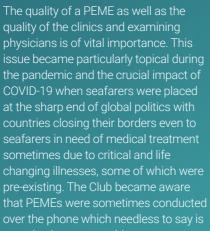
prior to employment. The safety aspect of having unfit seafarers on board cannot be emphasised enough and must never be neglected. Apart from the seafarer's own wellbeing and safety which is key, it is easy to appreciate the risks imposed on colleagues, the operation of the vessel including commercial disruption, and the

The quality of a PEME as well as the quality of the clinics and examining physicians is of vital importance. This issue became particularly topical during the pandemic and the crucial impact of COVID-19 when seafarers were placed at the sharp end of global politics with countries closing their borders even to seafarers in need of medical treatment sometimes due to critical and life pre-existing. The Club became aware over the phone which needless to say is completely unacceptable.



Club sees a worrying increase in the number of illness cases and the costs relating thereto, some of which could and should have been avoided by means of an enhanced PEME. There are many plausible reasons behind this

We can conclude that, despite the ambition of the Maritime Labour PEME, for instance in the Philippines,



the tasks at hand leading to fatigue is a report on which is scheduled to be published shortly. We hope to be able to report on the findings of that research as soon as concluded.

decreasing it in value and substance

lifestyle illnesses.

a PEME.

by not making it compulsory to test for

We further see an increase in mental

a physical examination and as learned

Maritime Seminar arranged by the IG

Personal Injury Committee in September

to test for mental illness in the context of

wellbeing cases though they are

The quality and high standard of medical performance must be maintained

The Swedish Club enhanced PEME programme has been in place since 2010 with a very good result but so far limited

to the Philippines. As of 2024 the PEME programme will be extended to a number of new countries including but not limited to India, Ukraine and Indonesia. The network of clinics will also be expanded Romania with more countries to follow.

The ambition of the Club is to increase the service provided to our members in countries where there is a need to safeguard the quality of the clinics and facilities providing the important service of conducting a PEME but to do so in a very controlled manner enabling the quality and high standard of medical performance to be maintained through of the carefully selected clinics and the

Marine Advisory Medical Service

A contract has been entered into with maintain the purpose of our work and safeguard the quality thereof. Like the PEME programme in the Philippines the examinations will be conducted in strict compliance with the criteria set up in the Designated Medical Examiner's Handbook (DME).

It is important to emphasise that a seafarer who does not fulfil the medical criteria set out in The Swedish Club enhanced PEME is not categorically declared unfit for sea service, but non-compliant with the medical policy

The aim for the Club in extending the enhanced PEME programme is to safeguard human interests but also to increase our services to our members by implementing an efficient cost saving procedure for our membership to also involve other nationalities. We look forward to our cooperation with Marine Advisory Medical Service.

Taking advantage of the service and facility provided by The Swedish Club by means of the enhanced PEME programme is a means to ensure the physical health on board for the sake of the crew and in the interest of the operation of the vessel. It is a way of valuing the most important asset on board, supporting the physical and mental wellbeing of the crew as well as being commercially viable.





20 / Triton 1 2024 Triton 1 2024 \ 21

Cyber insurance protection for all members

Interview with Tord Nilsson, Head of Reinsurance and Area Manager, Team UK Thorbjörn Emanuelsson, Director of Underwriting

With the IMO cyber regulations for new builds now established and out of the headlines, it may be tempting for owners to put the issue of cyber security to the back of their minds. The Swedish Club is clear, however, that all shipowners must consider the threat of cyber attacks very seriously and prepare for an ever increasing focus from authorities, classification societies, ports and financial institutions on the cyber resilience of an operator and its vessels.

The Club has announced that from 1 January 2024 it will offer all Club members Cyber Insurance coverage, providing assistance and support in the event of a cyber attack. This pioneering move makes The Swedish Club one of the first marine insurers to provide such coverage and will help members align with the guidelines set by the IMO for cyber security which aim to provide shipowners and their organisations with the assistance to cope effectively with cyber attacks and viruses affecting ships.

Tord Nilsson, who heads up reinsurance, was the initiator of the project. He says: "Ever since the Cyber Exclusion Clause was introduced there has been a missing link in marine insurance. We are concerned that many of our owners lack

insurance for some of the cyber risks that they might incur. We are really happy that we have found a way to fill that void, and to do it so that there is a package that suits everybody - and in an incredibly cost-efficient way".

Traditional cyber insurance

"Until now, most cyber insurance has been focused on companies in IT. finance, media, and the healthcare sectors where most cyber attacks have occurred, together with governmental and educational institutions, and NGOs," says Nilsson. "Ransomware, targeting personal information, financial information and disrupting operations have been the main drivers for attacks. There have also been cyber attacks targeting transportation and ports. Although little reported we know that shipowners' organisations and vessels have been attacked, and while the industry may take comfort from the fact that there are fewer cyber attacks against vessels than shore offices, as connectivity improves the risk of these threats increases."

On investigation, Tord found that the cyber world did not understand marine exposures and marine insurance and vice versa. The marine cyber policies that do exist, he explains, are complex to understand, expensive, and it is difficult to meet eligibility criteria to qualify for cover

Simple and accessible

"We think we know what shipowners are looking for - someone to assist them when their vessel is subject to a cyber attack or has been hit by a virus and is immobilised or experiencing problems. We wanted to provide cyber insurance that was suitable for all our members no matter what size they are or in what sector they operate. We also wanted to offer something that was cost efficient for all organisations and was accessible, easy to understand and would actually meet the need of our members," he says.

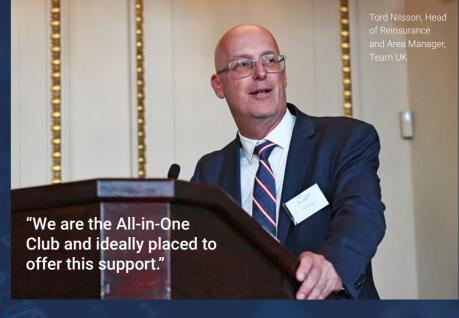
"The shipping environment has changed a lot in the last few years especially with new security threats around the



world. There is a great deal more cyber security focus nowadays in all aspects of transportation and logistics. Our cyber insurance plays an important role here. When port states and coast guards around the world start asking about cyber risk mitigation and resilience - and they already are - our member shipowners can show them a Cyber Insurance policy from The Swedish Club, with cover for maritime cyber emergency response, physical damage, loss of hire and wreck removal attended to by marine and cyber specialists. We think that this is worth a lot for our members and its why we want to offer our product – to protect them."

Expert partners

The Club has partnered with a leader in the cyber field, Chaucer, to develop the new cyber product and provide a 24/7 service to members. The Club's Director of Underwriting, Thorbjörn Emanuelsson, is responsible for the rollout of the project. "This partnership gives members access to a team of independent specialists, such as Hudson Cyber and Kroll, who are versed in cyber response. Whilst we have aimed to make the product simple and accessible at the front end, it is not a standardised product - at the delivery end where it's needed, we know that all threats are different, and the outcomes can be very different."



Wrap around support

So, what are the main messages that Emanuelsson needs to get across to members? "Cyber insurance as a product has been around for a while, but mostly as a specialist product "Our aim has been to simplify cyber insurance – to make it accessible and take it into overall marine insurance coverage, offering members wrap around support. We are the All-in-One Club and ideally placed to offer this support.

The first step

The next step is to carry out a dialogue with the Club's members and partners. "We're going out there to explain the benefits and what the product is about," says Emanuelsson. "Following that, we will look at the feedback from our members and see how we can take things further.

"This is very much the beginning of a journey."

Cyber Insurance from The Swedish Club

The cover will be offered at preferential rates to all vessels insured for H&M and/or P&I through the Club, with three packages available depending on the level of cover needed.

The Basic package covers maritime cyber emergency response, physical damage, and resulting loss of hire and the Basic Plus version offers expanded coverage limits. For those seeking the highest level of coverage, a comprehensive insurance package is available, all at competitive rates. In addition, in the event of an incident members can take advantage of a 24/7 hotline manned by cyber specialists.



22 / Triton 1 2024

FEATURES INSURANCE

Bagged cargo claims



Protective clauses in the charterparty do they really operate?

It is well known that vessels calling to certain ports face an elevated risk of claims for cargo loss and/or damage. For example, most bulk carrier owners and operators who have traded bagged cargo to West African ports will have received claims for cargo shortage. Protective measures such as tallying, draught surveys, hatch sealing, etc. can assist in reducing the severity of such claims, but it is difficult to completely avoid them. So are protective clauses the answer?

Protective clauses

Most time charterparties incorporate the Inter-Club Agreement ('ICA'), a helpful instrument for facilitating a guick apportionment of losses. However, the inclusion of other contractual terms may need to be considered if a shipowner is to obtain wider protection for all the losses through trading bagged cargoes to difficult jurisdictions.

Recently, the Club has seen a higher proportion of charterparties which include specific protective clauses that are designed to address the problems associated with vessels carrying bagged cargoes and calling at problematic ports. Commonly, those clauses provide that the charterer is to be solely responsible for bagged cargo claims, howsoever arising. The charterer may be required to provide

security in the first place towards the cargo receivers and to defend and settle the claim; all without any right of recovery from or recourse against the shipowner. Effectively, the ICA is set aside for those specific cargo claims covered by the clause but remains applicable for all other cargo claims. However, if they are not carefully worded, such protective clauses might not offer the complete solution the shipowner is looking for.

The problem(s)

Where the bills of lading identify the shipowner as the contractual carrier, the charterer will often argue that it is for the carrier to issue security, notwithstanding the existence of a bespoke protective

clause in the charterparty obliging the charterer to provide security. The receivers will usually insist on having a letter of understanding (LOU) from the bill of lading carrier and are unlikely to be concerned with the existence of any contractual terms agreed between the shipowner and the charterer. Any substantial delay in issuing security may place the vessel at risk of arrest by cargo interests.

Consequently, the shipowner may end up having to provide an LOU in the first place and then request a countersecurity from the charterer. This is unlikely to be what the shipowner had intended when negotiating the terms of the charterparty. Where the ICA 2011 is incorporated, the



form of countersecurity would be the International Group (IG) standard wording (with the owner and charterer being required to exchange countersecurities). However, where the charterparty includes a protective clause which moves away from the ICA liability regime, the shipowner may well want to ask for a different LOU wording which more accurately reflects the content of the protective clause. Again, this is not always straightforward to achieve. The charterer's own insurers may assert cover issues and refuse to provide anything other than the standard ICA wording. They may argue that a specific protective clause was included without the insurer's consent, or that they are unwilling or unable to provide security for and take over the direct handling of the claim with cargo interests in circumstances where their assured/member is not the carrier under the bills of lading.

"If they are not carefully worded, such protective clauses might not offer the complete solution the shipowner is looking for."

Alternatively, the wording of the clause may not be easy to apply. It may contain statements such as 'If the vessel carries bagged cargo to West Africa Owners shall not be responsible for cargo claims howsoever arising unless such cargo claims are caused by vessel's unseaworthiness and/or sea water ingress and/or error or fault in navigation or management of the vessel in which case the ICA is to apply'. Even where most of the claim concerns alleged shortage or stevedore damage/pilferage, the charterer may argue against the operation of the clause due to de minimis elements of alleged unseaworthiness (usually pertaining to wet/mouldy bags).

Solutions/recommendations

Ultimately, the shipowner may have no option but to issue security to the cargo interests and receive ICA security from their charterer. If this happens, they will have failed to achieve the level of protection they expected when they negotiated their charterparty terms.

We asked Constantinos Bitounis, Senior Associate at HFW Piraeus to advise on the steps that can be taken to avoid such problems arising.



HFW Piraeus

"With a suitably worded clause, the charterers are more likely to honour their obligations and handle the cargo claim."

24 / Triton 1 2024 Triton 1 2024 \ 25

The arbitration landscape welcomes a newcomer: NOMA



In the world of business, the mechanism for resolving disputes often receives little attention. However, anyone who has experienced a commercial dispute understands the immense value of an efficient dispute resolution system.

Rapidly gaining recognition for its Scandinavian-style approach to dispute resolution, the Nordic Offshore and Maritime Arbitration Association (NOMA) was established in 2017 on the initiative of the Danish, Finnish, Norwegian, and Swedish Maritime Law Associations. It has since developed Arbitration Rules and Best Practice Guidelines with a Nordic flavour that are being recognised as a pragmatic, transparent, and costefficient alternative to both established arbitration institutes and ad hoc arbitration.

What gives Nordic arbitration an edge?

Professionals in the field are well aware of the challenges in gaining a foothold in the arbitration market. For instance, Singapore has been competing with English arbitration for years. However, recent statistics reveal that out of 1,800 arbitrations reported in England last year, only 40 were tried in Singapore. So, what gives Nordic arbitration an edge? Timing might be a key factor. The evolving demands of users are pressing established institutes to provide alternatives that are less time-consuming, complex, and expensive. NOMA is poised to meet these needs.

For the very same reason, NOMA also launched Fast Track Rules in 2021 and Mediation Rules in 2023. Alternatively, perhaps NOMA will succeed because a Nordic pragmatic and to-the-point approach to dispute resolution is attractive competitively.

Efficiency as a cornerstone

Efficiency serves as the cornerstone of the NOMA Arbitration Rules and Guidelines. This commitment is manifested through a streamlined procedure, a harmonising bridge between common and civil law systems, and a reduction in uncertainty. While the NOMA Rules draw their foundation from the recognized UNCITRAL Arbitration Rules, they have been tailored to embody the time-honoured traditions of Nordic arbitration. The Best Practice Guidelines go a step further, detailing practices honed over many years in Nordic arbitration. These include protocols for the initial Case Management Conference (CMC), complete with a CMC-matrix, quidance on the arbitrators' use of procedural orders, and a set of rules designed to ensure an efficient and cost-effective process for the taking of evidence.

A light touch

NOMA refers to itself as institutional arbitration, but the normal procedure is that the parties and arbitrators conduct the arbitration in accordance with the Rules with minimal involvement from NOMA. The association intervenes only upon request, and only for limited purposes such as the appointment of arbitrators if the parties fail to agree and the review of cost allocations in arbitration awards. These matters are managed by the NOMA Procedural Committee, operating under transparent and publicly accessible procedures. Additionally, to ensure its offerings remain contemporary and aligned with best practices, NOMA has a Standing Revision Committee dedicated to ongoing updates and refinements.

Best Practice Guidelines come into their own

Even if the notice of arbitration shall be sent to NOMA, the statistics on the use do not tell the whole story. However, awards are published on a voluntary basis, providing some insight into their application, and legal practitioners tell of the use. Notably, the Best Practice Guidelines are increasingly employed on their own, particularly in regions where



ad hoc arbitration is prevalent, thereby providing structure to an otherwise unregulated procedure.

"The small scale and close proximity of our countries have fostered a rich tradition of collaboration."

Vote of confidence from the Nordic Plan

The growing adoption of NOMA begins with the incorporation of the NOMA Dispute Resolution Clause into contracts. In January 2019, the Nordic Marine Insurance Plan (the Nordic Plan) embraced NOMA as its preferred dispute resolution method. Since then, NOMA has been progressively incorporated into a broadening array of general terms and contracts.

A wide appeal

NOMA is designed to be familiar and accessible with an appeal that extends far beyond Scandinavian users. As evidenced by published NOMA awards, the platform is increasingly being chosen for arbitration by parties from outside the Nordics.

A unique perspective

In conclusion, why use the term 'Nordic'? What does it really mean? Those who have had contact with Scandinavians might have noticed that we are more distinct than one might initially think. Despite our differences, the small scale and close proximity of our countries have fostered a rich tradition of collaboration, particularly in the maritime sector.

This cooperation extends to legislative efforts and through various organisations and bodies. The Nordic Maritime Codes, for instance, can be seen as a common Nordic Legislation. Academic collaborations are also profound, notably at the Scandinavian Institute of Maritime Law in Oslo. Such extensive cooperation has cultivated a unique Nordic perspective and approach, which, despite our countries being relatively small players on the global stage, has gained recognition and influence in the international maritime community.

For further information about NOMA, visit nordicarbitration.org, follow NOMA on LinkedIn, or consult with your legal advisor.

The NOMA Recommended Clause

Dispute Resolution and Governing LawThis agreement shall be governed by and construed in accordance with [insert governing law].

Any dispute arising out of or in connection with this agreement, including any disputes regarding the existence, breach, termination or validity thereof, shall be finally settled by arbitration under the Nordic Offshore and Maritime Arbitration Association's ("NOMA") Arbitration Rules in force at the time when such arbitration proceedings are commenced. The arbitral tribunal shall be composed of three arbitrators unless otherwise agreed.

If the aggregate amount of the claim and counterclaim in dispute does not exceed [insert the amount, if no amount has been inserted, the default amount is USD 250,000], the arbitration shall be conducted in accordance with the NOMA Fast Track Arbitration Rules in force at the time when arbitration proceedings are commenced. The arbitral tribunal shall in such case be composed of one arbitrator unless otherwise agreed.

During the arbitration, the NOMA Best Practice Guidelines shall be taken into account

The place of arbitration shall be [insert city and country] and the language of the arbitration shall be [insert Danish, Finnish, Norwegian, Swedish or English].

A party who seeks an amicable solution and settlement of the dispute may at any time, either prior or subsequent to the commencement of arbitration, initiate mediation according to the NOMA Mediation Rules by submitting to the other party or parties a written request for NOMA Mediation.

An agreement to mediate does not preclude a party from initiating arbitration.

26 / Triton 1 2024 Triton 1 2024

Pulling togetherexploring new ways of working

Interview with Johan Kahlmeter, Director, Claims.

Getting the very best out of an organisation and its people doesn't have to mean revolution or wholesale reorganisation.
Often, it's more about understanding and appreciating everyone's strengths – and making the most of them.

This is the approach that has underpinned an extensive competence mapping exercise covering The Swedish Club's Claims teams and designed to pinpoint the specialist knowledge and experience of claims handlers across The Swedish Club's offices.



Key benefits

The benefits of the exercise are threefold, says Johan Kahlmeter, Director, Claims.

"Firstly, the work provided an in depth perspective on the expert competences that were needed to put together the five specialist teams.

"Secondly, it enhanced our helicopter perspective on Club competences, providing a strategic overview of the Teams' areas of expertise. This provided the opportunity for us to align our HR/competence strategy with our business strategy, providing a sound platform for moving forward.

"Thirdly, it has enabled us to highlight internally our experts in different areas, so that any member of the Club's staff can find this information easily on our intranet. Of course our members will still contact their local teams for support, just as before.

Assessment

More than 40 staff were asked to fill in a questionnaire assessing their knowledge and experience in five categories: casualty response, FD&D, people claims, cargo claims, and marine conditions and adjusting. They rated themselves in each area, and then these assessments were checked by the heads of claims in the regional offices.

This was not a simple tick-box survey, however; under each claim area, subcategories drilled down into further detail, and the survey also gathered information on other relevant experience such as in litigation, ship management, classification, ship construction and repair, flag state, marine engineering, salvage, and many other areas.

"The Swedish Club has an exceptionally broad range of competences and all involved should be proud of this."

Specialist teams

Based on the survey results, five specialist teams are being created, with information about each person's particular areas of responsibility. These teams will function as 'advisory boards', feeding into claims strategy and decision-making.

"The specialist teams will take a leading role on competence development and training, best practice and structured knowledge and information sharing, including advising on any case law that affects claims and putting together relevant training for claims handlers", says Johan

"They will provide the link between The Swedish Club and external groups such as BIMCO and the International Group of P&I Clubs – making sure our interests are



considered and also ensuring information from these sources is shared. This can include updating rules, conditions and clauses, interpretation of rules and ensuring the way we handle claims is aligned. The teams will also oversee the 'One Club' approach, ensuring that we handle claims in a similar way across all our offices. There will also be a link to our Loss Prevention and communications teams."

Knowledge sharing

With loss prevention, for example, if the specialist team identifies or hears of a particular trending issue in bulk cargo shipping, this should be passed on and highlighted. "We are keeping an ear to the ground and ensuring we have the structure in place to share this information. It is formalising cooperation and lines of communication between teams and across departments."

Online conversations between the members of each team will be crucial.

Local commitment

The focus on specialisation will not change the Club's commitment to the regional offices and the closeness to the market that these provide, he emphasises. "As a Club, we believe strongly in our formal structure which provides a local presence in local markets, with members knowing their primary contacts when it comes to claims, underwriting and so on," says

Johan. "This is about ensuring we have the structure in place for cooperation, for competence development and training, and for sharing information."

Members like to work with the people they know, and this won't change. But they will see benefits from the new structure, including improved decision-making in claims, with better results; increased competence, knowledge and expertise; more cooperation between teams; and more efficiency.

One team with common goals

For members and staff alike, there will be an enhanced feeling of working together as one team with common goals, and the brand and image of the Club will be strengthened. The Club's Claims teams pictured at last year's Claims Handlers' Conference.

"We also expect to see more employee engagement and satisfaction," says Johan. "And while we may need people to specialise in certain areas, no one will be forced into a particular specialisation. People will still continue to handle claims on a daily basis. Some are more multiskilled and others are already more specialised and focused. Each office team is best positioned to know their needs and assess these in cooperation with head office."

The Swedish Club has an exceptionally broad range of competences and all involved should be proud of this, says Johan.

In short, the competence mapping exercise does not materially change the way the Club works – but adds a layer with more focus on certain aspects. The database created can be easily amended and competences can be revised regularly for recruitment and promotion purposes. As any new claims handling staff are recruited, they will also complete the survey.

A firm foundation

Johan says: "We are laying the foundations for a strong future, with a renewed focus on specialisation and in-depth competence, increased cooperation across teams, avoiding silos, efficient use of resources and a strengthened corporate culture."



28 / Triton 1 2024

CLUB INSIGHT CLUB INSIGHT

Driving customer satisfaction: Employee Engagement Survey 2023

Interview with Britta Patriksson, Director, Human Resources.

The Swedish Club recently published the findings of its biannual Employee Engagement Survey, the results being shared with the management team and their departments. We spoke to Britta Patriksson about the survey and what the Club has learned.

When asked about the purpose of the survey Britta was very clear. "We know that employee engagement is directly linked to business success, and that increased work satisfaction equals improved customer satisfaction. Carrying out a survey like this is a good way to ensure that we are offering our members the customer service that they both demand and deserve.

"We want to be seen as an attractive employer and maintain a good workplace. This is an important part of our culture. Every autumn we engage in dialogue with employees and carry out performance appraisals, but the reactions you get from people sitting in front of their line manager are likely to be very different to the feedback they will give you through an anonymous survey," she says.

"We want to be seen as an attractive employer and maintain a good workplace." With people from many different cultures working for the Club, many won't speak out if they are unhappy. "This is a good way of finding out what they really think", she says.

Asking the right questions

The Swedish Club carries out an employee survey every two years, but as changes take place in the workplace, and our understanding of them deepen, so do the nature of the survey questions, explains Britta. "For example, it may well be that we carry out the survey more frequently in the future but focus on a smaller number of key areas to gain in depth insights. This means that gaining a quality overall picture will take time. And

of course, the questions change in line with what's happening in the workplace. For example, this year we have had many more questions focusing on working from home and working remotely."

Employee satisfaction index

Following a series of small incremental improvements, this year the Club has seen its highest Employee Satisfaction index so far, with employee satisfaction high across all employee groups. Overall, TSC consistently achieves high and even scores across all the question areas.

Looking forward to a positive future

With the many changes in the management team that have taken place in the last

11 months, has Britta seen any sign that people are feeling unsettled, or insecure? It's quite the opposite, she says, the survey shows that confidence levels in both the Managing Director and the management team are very high. "It's good to see that our employees exhibit a positive outlook on the future development of The Swedish Club, with a high level of positivity across all teams. There's definitely a new energy that has come with a new Managing Director.

"There is a real faith in the future and a pride in the company," says Britta. "Thomas has always said that his management style is to be transparent and goal oriented, setting clear objectives. This has been picked up by the managers and fed down through to the staff, and this good leadership has caused confidence levels within the staff to rise."

"Increased work satisfaction equals improved customer satisfaction."

Willingness to recommend

Britta is particularly pleased with responses to the 'Willingness to recommend' category, which determines a company's Employee Net Promoter Score (eNPS) which is a measure of employee loyalty.

It is calculated by subtracting the percentage of promoters with the percentage of detractors. The score has a scale from -100 (min) to 100 (max). This is the most important outcome from the survey believes Britta, and she sees many employers posting their eNPS scores on their company website. In 2019 the Club reported an eNPS score of 29. "A score of 20 is considered really good, and the Club is currently posting a score of 40," she explains. "Surprisingly, considering the positive reputation of Sweden as a workplace, the average score in Sweden is a benchmark of -5."

Working from home

Since COVID the workplace has seen a revolution, with increasing numbers of staff members working from home. The Swedish Club is no exception. For the past twelve months the Club's employees have been given the opportunity to work from home for two days each week. Feedback from the survey has been positive: "People seem to appreciate the better work life balance, with the opportunities for recovery and increase in productivity that it offers," says Britta. "Nine out of ten employees want to retain the option of remote working going forward.

"However, it's important that we continue to provide offices that people want to come into. This is very much part of The Swedish Club way of working and it



seems that overall this flexibility is working for the Club," she adds. "Of course, it's down to the leadership to monitor, and for our members and business partners to continue to feed back their viewpoints."



Employee satisfaction results

Employee Satisfaction Index (scale 0-100) is based on three questions:

- 1. What is your **overall perception** of The Swedish Club as an employer?
- 2. How well does The Swedish Club as an employer meet **your expectations**?
- 3. How well does The Swedish Club correspond with your view of an ideal employer?



30 / Triton 1 2024

All change for Triton

CLUB INSIGHT

32 / Triton 1 2024

Interview with Susanne Blomstrand, Marketing Communications Executive and former editor, Triton and Julia Ingemarsson, Communications Executive, and new editor of Triton.

Just a temporary job

Little did Susanne
Blomstrand know when
she stepped in as maternity
cover for the previous
editor of Triton, that nearly
25 years later she would
still be responsible for the
magazine, and only today
would she be looking at
stepping away.

There have been many changes since the concept of a member publication was born in 1969, with the Swedish Nytt från Assuransförening. In 1978, in recognition of the Club's international expansion the magazine became the English language 'The Swedish Club News', which was followed by 'The Swedish Club Letter' in 1998, and 'Triton' as we know it in 2010.

Changing focus

Since she came into the role in 2000, the magazine has altered in character. "Originally there were many more inhouse articles," says Susanne. "There was a lot more about The Swedish Club than today, and much less of a focus on the industry as a whole and our members. You could say it was more of an in-house newsletter rather than a magazine."

This all changed in 2016 when Susanne oversaw a major update of Triton.

"Editorially we wanted it to become more professional with an increased focus on members and their issues," she says. "We also needed a more modern design that was visibly Swedish yet attractive to an international audience."

She also points out that today Triton is accessed by many more members, with not only hard copy distribution but also via the Club newsletter and the website.

A wealth of content

With three issues a year to fill, did Susanne ever find it difficult to find interesting articles? She is very clear in her response: "We have never been short of anything to put in it," she says. "People are full of ideas and more often than not we have to leave stories out."

As to the most popular articles, she says: "Well of course, people like to see people. They like to see what other members are doing and learn from them."

Many memories

Susanne was in the unique position of editing Triton during the Club's 150th Anniversary year. The summer issue featured a photograph of all of the International Group P&I clubs' CEO's at the AGM. "This was something to remember and something I didn't think I would ever see."

Her favourite story was to do with a watch which was presented by The Swedish Club to the youngest ever Swedish Sea captain in 1940, and mysteriously found its way back to the modern Swedish Club in 2021. "It's a strange story, but was very heartwarming," she says.

She also remembers what it was like during the pandemic when Triton was such an important method of communicating with members and showing them that business really was going on as normal, not only at The Swedish Club but also within the membership itself.

So what piece of advice would Susanne give Triton's new editor, Julia Ingemarsson? Make Triton your own, she says. "Contribute your own ideas and look at it with a new perspective."

With retirement beckoning, Susanne is still contemplating her plans for the future, but she is certain that a dog will feature in it somewhere. And not just any dog – a very special dog. She has waited a long time for this opportunity and is intending to make the most of it.

Ready for the challenge

Julia Ingemarsson has taken a lot on her shoulders, following on as editor from Susanne Blomstrand who has been responsible for Triton for nearly 25 years.

But she is more than ready for the challenge, with ten years of marketing communications under her belt and a wealth of experience in different roles and industries. "It really is a big deal taking over after somebody has been working in a position for a long time," she says. "I'm excited however, and I'm looking forward to running and further developing Triton as the Club moves forwards."

New to the shipping industry, Julia has worked in business-to-business roles in the past and so understands the importance of personal relationships, and is eager to learn about the shipping industry and the Club's members. At the same time, she has edited magazines in her previous job and appreciates the need for good project management, meeting deadlines, and of course understanding the readership.

The voice of the Club

And understanding the readership is the most interesting challenge, she believes. "Triton is very much the voice of the Club and it's important to understand and respond to the needs and interests of our members and business partners. Of course, there is a challenge in meeting the demands of so many different stakeholders – it's important to make sure that nobody feels missed out.

"There is a real mixture of content in Triton, which we don't see in many places, with interesting articles and interviews from the staff, from experts and from "Triton is very much the voice of the Club and it's important to understand and respond to the needs and interests of our members and business partners."

members. It seems to have a relaxed and friendly vibe, yet at the same time contains some real insights."

Is there anything that concerns Julia?
One area where she knows to be careful is the international nature of the business. "I have been used to dealing with a global readership and the need to be sensitive to different cultures, different laws and different ways of speaking to each other."

Engagement

Julia is particularly keen to engage as much as she can with Triton's editorial committee. "It gives people the opportunity to contribute, and to let us know what the departments want to share and what our members are asking for. If people want to be heard this route makes it easy for them to reach out," she says.

When asked about the future of print Julia is open minded. "I think that's something we need to go out to our members with," she says. "There are some good digital platforms for online reading, but at the same time, there's nothing quite like a magazine and a cup of coffee."

Julia lives just outside Gothenburg with her husband-to-be and two young children. Despite the fact that she has a sailing boat together with her partner who enjoys sailing, she won't be joining him and many of the other Club employees in their love of the pastime. "I'm working on it", she says, but confesses that the water makes her seasick and she doesn't like the cold. She does, however, like to travel – presumably to warmer climates.

Noticeboard

Updated suite of IG recommended Letter of Indemnity wordings

The International Group (IG) Standard Form Letters of Indemnity (given in return for delivery of cargo without production of an original bill of lading and/or delivery of cargo at a port or place other than stated in the bill of lading) were last reviewed in 2010.

Despite the risks involved they remain widely used (and, in some trades, it is almost the rule that cargo is delivered pursuant to a Letter of Indemnity). A number of recent English Court judgements have upheld their overall effectiveness, despite attempts by

some parties to escape their contractual obligations.

Nevertheless, no documents such as these can stand still, and over recent years an IG working group has undertaken a review of the wordings, with assistance from charterer and owner representatives and from BIMCO. As a result, the Group Clubs are today publishing revised versions of the Standard Forms of Letters of Indemnity.

The review was carried out through the Group's Bills of Lading Committee, whose remit also includes electronic bills of lading. The period of the review has also seen a growth of interest in electronic bills. Operators who have adopted them report that this comes with a corresponding fall in the need to rely on Letters of Indemnity, removing commercial risk from an owner's shoulders, and reducing the sizable burden of potential liabilities for charterers, which for some corporates, can run into hundreds of millions of dollars a year.

All IG Clubs support the use of electronic bills, and where an electronic trading system has been approved by the IG, cover is in place as if that bill of lading was a paper bill.

For more information see P&I Circular: 13 September 2023 2700/2023

Peter Cowling in memoriam

It is with great sadness we advise that our former Board member, Peter Cowling, passed away on 21 September 2023 at the age of 84.

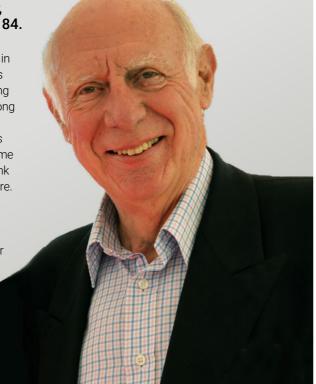
Peter Cowling pursued a successful career as a shipowner, ship manager and shipbroker, predominantly in Asia but also back home in London. Peter served as a member of the Club's Board from 1995 to 2003, several years of which as Deputy Chairman. He also served on the Finance & Audit Committee and, from 1999 to 2017 as the Chairman of the Election Committee.

Peter was a staunch supporter of the Club, promoting our values of quality, reliability and relationship, principles echoing his professional ethos.

I came to meet Peter for the first time in Hong Kong back in 1988 when he was the Managing Director at Wallem. Being a newly arrived junior at the Club in Hong Kong and the shipping community, I immediately experienced the kindness and respect with which Peter treated me and all other people, irrespective of rank and status. That was Peter's true nature. He was a genuine gentleman.

Our thoughts go to his wife, Sheena and his family, to whom we extend our heartfelt condolences.

Lars Rhodin, Former Managing Director



Out and about

The Club visits Germany

The Club organised two very well attended events in Germany, where Thomas Nordberg presented an update on the Club's activities and took a look into the future. Our members and brokers in the region always make us feel very welcome, and these events are highlights in our calendar.

Cocktail Reception, Bremen - 4 October 2023



From left: Michael Vinnen (F.A. Vinnen & Co), Lutz Brüggemann (Willis Towers Watson Versicherungsmakler) and Jörn Groninger (of Groninger Welke Janssen).



From left: Konstantinos Zacharatos (Costamare Shipping Co.), Demetri Dragazis (Latsco London Ltd) and Michael Bodouroglou (Allseas Marine S.A.).

Club Brunch Hamburg - 6 October 2023



From left: Lars Senger (Leonhardt & Blumberg Versicherungsmakler), Thomas Barthel (Howden Group), Nicolas Wolff and Henrik Oel (OWL Marine Insurance-Brokers), Stefan Gläbe (Northern Lloyd Insurance Services).



From left: Thomas Nordberg (The Swedish Club) and Philip Reith (Orion Reederei).

CLUB INFORMATION



Torbjörn Claesson speaking at the event.

Marine Insurance Nordics

10 November 2023

The Swedish Club was invited to speak on the topic of 'Navigating sanctions due diligence in a changing landscape' at the Marine Insurance Nordics conference which took place in Oslo. Torbjörn Claesson, Corporate Lawyer at The Swedish Club, acknowledged that sanctions has become a part of everyday life for all shipowners, and reminded the audience that operators running bulk carriers and container ships can still be impacted by sanctions.

Authorities are increasingly focusing on enforcement, and he emphasised to the audience the importance of understanding the practical considerations when considering issues with cover and dealing with claims in this high-risk sanctions environment.

Winter Luncheon in Gothenburg

27 November 2023

Our Winter Lunch tradition in Gothenburg continues, and we are delighted that many members and business partners from the Swedish shipping community were able to join us. Thomas Nordberg welcomed attendees, and following a brief roundup of the Club's activities, guests enjoyed a West Coast-inspired lunch and many fruitful discussions in the famous Taubesalen salon at the Elite Park Hotel in Gothenburg.



Thomas Nordberg greeting guests at the lunch



From left: Lars Höglund (Furetank Rederi AB) and Bo Andersson (STOC Tankers AB).



From left: Fred Cheng (Shinyo Group) and Lars Malm (The Swedish Club Hong Kong).

Glögg Party Hong Kong

8 December 2023

More than 100 people gathered in The Swedish Club Hong Kong office to enjoy the spirit of Christmas in the form of the Club's traditional Glögg Party. Guests included members, brokers, and our business partners from the Hong Kong shipping community, and we took the opportunity to wish all guests a peaceful Christmas and a happy and prosperous New Year.

From left: Jason Wu
(The Swedish Club
Hong Kong), Jack
Sun (Connaught
Shipmanagement
HK Limited), Ruizong
Wang (The Swedish
Club Hong Kong),
William Lu (BG
Shipping Co., Limited)
and Julia Ju
(The Swedish Club
Hong Kong).



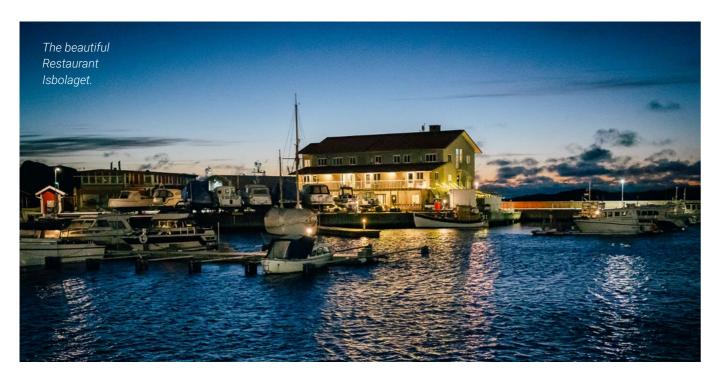


From left: Damien Laracy (Hill Dickinson Hong Kong), Martyn Hughes (The Swedish Club Hong Kong) and Peter Murphy (Holman Fenwick Willan, Hong Kong).

36 / Triton 1 2024

CLUB INFORMATION

CLUB INFORMATION



Christmas Dinner Donsö

11 December 2023

The Club's annual Christmas dinner took place at Restaurant Isbolaget on the island of Donsö. Managing Director Thomas Nordberg gave a short presentation of the state of affairs and greeted all our guests at the dinner. This dinner has been a tradition for many years, and we were delighted to welcome more than 60 guests. A heartfelt thank you to all our guests from the Donsö shipping community.





Left: Guests used the opportunity to network and catch up on the year's

Above: A bountiful spread was provided.

Glögg Party Singapore

12 December 2023

Over 70 guests from the Singapore shipping community joined the Club for a traditional evening featuring Swedish Glögg wine and a celebration of culture, friendship, and the power of networking among professionals from the maritime community. This marked our second successful Glögg party since launching our Singapore office in 2022, reaffirming our commitment to fostering business relationships across borders.



From left: Hank Liu (Cara Shipping), Ben Hoon (Norse Shipholding), Brian Png (The Swedish Club Singapore).



From left to right: MingFa Liu (IMC), Sebastian Roed (Norse Shipholding), Brian Png (The Swedish Club Singapore), Alexander Lerch (SE Capital), Lingfeng Han (IMC), Capt Muneesh Saxena (Goodwood).

38 / Triton 1 2024 Triton 1 2024

CLUB INFORMATION

The young people of the traditional Swedish Lucia choir.



Thomas Nordberg welcomes guests.



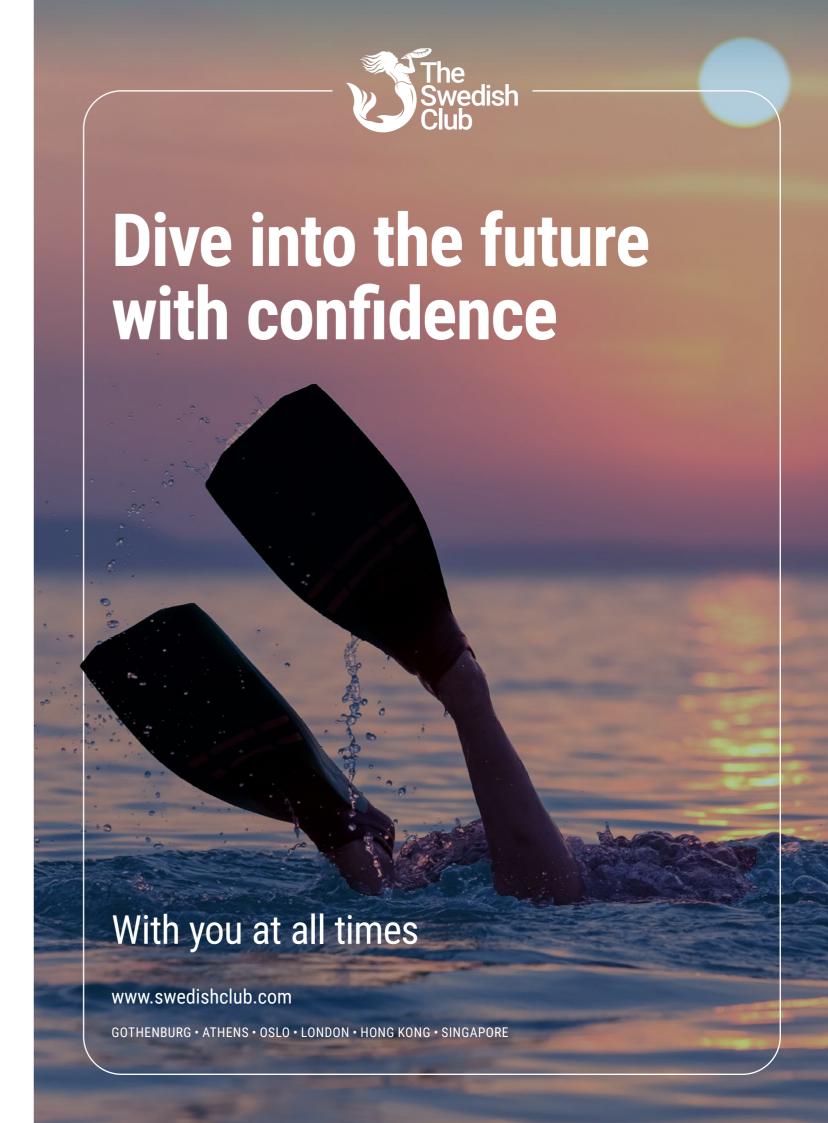
Lucia Dinner in Greece

14 December 2023

Managing Director Thomas Nordberg shared the latest Club news and welcomed all guests to the traditional Lucia dinner with the Scandinavian Church choir performing in the friendly atmosphere at the Yacht Club of Greece. Over 200 guests, representing the majority of our members and brokers, chatted happily, thoroughly enjoying themselves throughout the evening. The turnout exceeded our expectations, and we take this opportunity to thank each of our members and brokers and wish them a prosperous 2024.

Guests enjoying this very Swedish celebration.





CLUB INFORMATION CLUB INFORMATION

Staff News

Gothenburg



Anna Fjaervoll
Anna was appointed Underwriter in
Team Sweden on 1 September 2023.
She previously worked as Underwriting &
Reinsurance Coordinator.



Julia Ingemarsson
Julia joined the Club as Communications
Executive on 13 November 2023. She
has a Bachelor's Degree in Media and
Communication from the University of
Gothenburg. She has recently been working
in Marketing and Communications at Breas
Medical and Serneke in Gothenburg.



James Lee-Legon
James joined the Club as Credit Control
Officer on 6 November 2023. He has
most recently worked as a Global Credit
Controller with Awin, London/Sweden
and has close to 15 years of experience
in credit control functions.



Henrik Lind
Henrik was appointed Business Support
Analyst in the Club's IT department on 1
December 2023. He previously worked
for the Credit Control department.



Elisabeth Rydén
Elisabeth was appointed Reinsurance
Manager on 1 September 2023. She
previously worked as Head of Credit
Control.



Ingrid Svensson
Ingrid was appointed Assistant
Corporate Legal on 1 September 2023.
She previously worked as Claims & Loss
Prevention Controller.

Hong Kong



Cindy Yeung
Cindy joined Team Hong Kong on 1
September 2023 as Team Assistant. She previously worked as Assistant Manager at CTX Special Risks Ltd.

Club Calendar 2024

21 MarchBoard meeting, Hong Kong

13-16 MayMarine Insurance Course, Gothenburg

12 JuneBoard meeting, Gothenburg

13 JuneAnnual General Meeting (AGM), Gothenburg



MONTHLY SAFETY SCENARIO

OUT NOW!

The Swedish Club Monthly Safety Scenario Calendar 2024 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

Working together for better safety at sea

www.swedishclub.com

42 / Triton 1 2024 Triton 1 2024 \ 43



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