

# UK CLUB

## HiLights

Summer 2005 Issue No. 12

The past year has seen an intriguing mix of the social and professional in the life of the Thomas Miller Hellas office. The drama and thrills of the 2004 Olympic games at Athens added to the upbeat atmosphere on Akti Miaouli. However, in the midst of that excitement and enthusiasm there was still plenty of work to be done by our office.

Later in October the Thomas Miller Hellas team organised two seminars in Piraeus and Kifissias. Our claims handlers were able to demonstrate their knowledge in relation to some of the types of dispute in which we are often involved for Members of the UK Defence Club such as shipbuilding contracts and the negotiation of charter fixtures.

Thomas Miller Hellas were also pleased to be able to organise and participate in a number of dinners for Principals at the beginning of November.

On the 6th May the UK Club held its forum on "Criminalisation in the Maritime Context" at the Grande Bretagne Hotel, Athens. The date and venue were chosen as the previous day the Club held its quarterly Board meeting enabling most of the Club Directors to be present at the Forum. We have given over this edition of HiLights to coverage of those two events.

We have been concerned for some time about the criminalisation of individuals



*Professor John Tzoannos, Secretary-General of the Hellenic Ministry of Mercantile Marine is greeted by our Chairman Aleco Kairis*

involved in major spills. Masters and crews actions to mitigate or prevent an incident have to be made in extreme and demanding circumstances. The risk of criminalisation can lead to fear and indecision at crucial times in the incident and possibly jeopardize effective response. Uncertainty about personal security under certain jurisdictions can extend to third parties and other agencies such as salvors too.

The Club has published the papers presented at that conference both on its website and as printed copies. These

papers illustrate the debate from the perspectives of the regulators and the legal and shipping industries.

The number of visitors to Athens reduces in the face of the Mediterranean summer leaving the Thomas Miller Hellas team to carry on with business as usual. Most of us will be taking a break over the summer period but the office will be fully staffed and remain close at hand should you need any assistance.

Philip Clacy  
Thomas Miller (Hellas) Limited July 2005

## Criminalisation Forum

The UK Club's Forum on 'Criminalisation in the Maritime Context' was attended by over 150 representatives of its Greek membership at the Hotel Grande Bretagne. The Forum was also attended by senior representatives of the Greek government and Hellenic Navy and Coast Guard. They joined with several of the UK Club's Directors and the Managers to hear a collection of eight distinguished speakers from Greece, UK, USA and Germany discuss this topical and emotive subject.



*George Tsaviris with Gillian Whittaker of Tradewinds and Dr Aleka Mandaraka-Sheppard who chaired the Athens forum*



*Letta Lionda of Almi Marine & Costas Zoides*

The Forum was introduced by Aleco Kairis, Chairman of the Club who welcomed the Members and speakers. We were honoured by Professor John Tzoannos, Secretary-General, Greek Ministry of Merchant Marine, who gave the opening speech to the Forum. He was able to elaborate on

the recent rejection by Greece of the EU's criminalisation directive emphasising the need for proportionate, effective and coordinated sanctions on transgressors of MARPOL and UNCLOS.



*Maria Kazou of Marmaras Navigation with Ernest Foster H1's Senior Claims Director*

The Secretary-General of IMO Efthimios Mitropoulos echoed Professor Tzoannos's remarks on the need for international consistency and stressed the continuing role of the IMO to that end. He also reminded the participants of the impact of criminalisation on seafarer morale and the danger of descending into a "blame culture" with its negative effect on marine safety and accident prevention.

Mr. Fotis Karamitsos, Director of Maritime Transport at Directorate G of the European Commission, gave the EU's perspective. He sought to clarify the EU's view on the impact that criminalisation would make stressing that it would not automatically lead to the imprisonment of seafarers.



*Hara Anastasatou of Marmaras Navigation with Dominic Hurst*



*Constantine Peraticos of Pleiades Shipping Agents in discussion with Dr. Costis Xanalatos and Paris Xanalatos of Tide Line*



*UK Club Director John Ioannidis with Spyros Karnessis of European Navigation*

London and Director of the London Shipping Law Centre. As well as providing an opportunity for a number of industry colleagues to air their views on this subject it also enabled the large contingent from the Greek and international shipping press to put questions to the panel.

All the papers presented at the Forum, together with the presentation materials can be found on the Members Area of the UK Club website ([www.ukpandi.com](http://www.ukpandi.com)).

Those who attended the Forum will shortly receive printed copies of these papers by mail.

Dr Bernd Kröger, managing director of the German Shipowners' Association, gave the shipowners perspective. His view was that rather than lead to improved operating standards it would, in practice, unsettle the business of safe ship operation making modern human resources management more difficult. He concluded the aims of the EU's criminalisation directive would be better achieved by other measures.

Colin de la Rue of Ince & Co gave a legal review of the criminalisation directive to the Forum. The speed of the drafting process in reaction to the sinking of the Prestige and its resulting pollution of the French and Spanish coast line had led to some inevitable weaknesses.

The last speaker of the day Mike Chalos of Fowler, Rodrigues and Chalos gave an entertaining review of the legal situation in the United States regarding criminal proceedings related to breach of MARPOL.

The panel and the Forum discussion was chaired by Dr Aleka Mandaraka-Sheppard of the Shipping Law Unit, University of



*Captain Panagiotis Tsakos enjoying question time at the Forum*



*Dinos Caroussis asking the Forum panel if fines would be insurable & receiving a positive response*



*Our Chairman Aleco Kairis with IMO Secretary-General Efthimios Mitropoulos*



*UK Club Board Meeting, Athens 5th May 2005*

## UK Club Board Meeting in Athens

On 5th May our Directors held their Board meeting at the Hotel Grand Bretagne, Athens.

The regular May meeting is important as it deals with some of the key financial responsibilities of the Board.

The draft Report and Accounts for the year to 20th February, 2005 were reviewed and approved for publication. In turn, financial information highlights were then circulated to the Members shortly after the meeting. These circulars can be found on the UK Club website

[www.ukpandi.com](http://www.ukpandi.com) or printed copies can be obtained from the Piraeus office.

At this meeting the Board agreed to close the 2002 policy year. The Club Managers reported a remarkably sharp drop in claims occurring in the 2003 policy year. In that year the Club had experienced no Pool claims whatsoever.

However, this contrasted with the 2004 policy year. It is already apparent that claims are significantly higher. Claims within the Club retention are at least at the level of the 2002 policy year. There were more Pool claims, including incidents such as the "ATHOS I", an oil spill in the USA and the collision and sinking of the "HYUNDAI 105" off Singapore.

### FINANCIAL HIGHLIGHTS

Total Funds	\$ 965m
Total Liabilities	\$ 759m
Free Reserves	\$ 206m

After the business of the Board meeting was concluded a reception for the Greek shipping community enabled our Directors to meet many of our Members and other friends.

With so many Members present at the reception, Aleco Kairis, took the opportunity to announce who would succeed him in October when he stands down after his five year term as Club Chairman. Consultation with fellow Directors had shown a clear consensus of support for Mr. Tullio Biggi, President of V Ships and currently one of our Deputy Chairmen.

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