



İstanbul :

Sayı

Our Reference : 3261

25.08.2017

Konu

Subject : Amerika Deniz Ticaret Odası Temmuz 2017 Raporu Hk.

Sirküler No: 567/2017

Sayın Üyemiz,

İlgi: Uluslararası Deniz Ticaret Odası'ndan (ICS) alınan 09.08.2017 tarih ve ICS(17)27 sayılı yazı ve Eki.

İlgi yazıda, ICS Üyeleri, Amerika Deniz Ticaret Odası'ndan (Chamber of Shipping of America - CSA) alınan, yazı Ekindeki raporu dikkate almaya davet edilmektedir. Raporda Balast Suyu Yönetimi Programı ve ECDIS Standartları hakkında yer alan hususlar özetle aşağıdaki gibidir:

ABD Sahil Güvenlik Komutanlığı ABD Balast Suyu Yönetimi Programı ile ilgili yeni dokümanlar yayımladı

ABD Sahil Güvenlik Komutanlığı (US Coast Guard - USCG), ABD balast suyu yönetimi rejiminin gerekliliklerini özetleyen ve ABD programının IMO gerekliliklerinden farklılaştığı noktaları vurgulayan üç dokümanı Temmuz ayında yayımladı.

Birinci doküman, önceki üç adet Sıkça Sorulan Sorular dokümanını tek bir dokümanda bir araya getiren yeni bir Sıkça Sorulan Sorular belgesidir. Bu belge, kullanıcıların belirli bir konuda ihtiyaç duydukları bilgileri birden fazla dokümanı araştırmaksızın bulmalarını sağladığı için önemli bir gelişmedir. Anılan belge, aşağıda yer alan internet bağlantısındaki ilk başlıkta yer almaktadır: https://homeport.uscg.mil/mycg/portal/ep/channelView.do?channelId=-18366&channelPage=%2Fep%2Fchannel%2Fdefault.jsp&pageTypeId=13489&BV_SessionID=@@@@0510908996.1501768390@@@@&BV_EngineID=cccfadhdeimflikcefecfindkldffo.0

Diğer iki doküman Power Point dosyalarıdır ve çeşitli konferans sunumlarında kullanılmak üzere USCG tarafından hazırlanmış ve güncellenmiştir. Amerika Deniz Ticaret Odası, anılan belgeleri hızlıca gözden geçirmiştir. Buna göre dokümanın "ABD Balast Suyu Yönetimi Programı" başlıklı 5. sayfasındaki 3. maddede "AMS'li (Dönüşümlü Yönetim Sistemi-Alternate Management System) gemilerin yeni ya da ek uzatmalar almayacağı, bu gemilerin AMS kullanmalarının beklendiği" belirtiliyor. Amerika Deniz Ticaret Odası ve diğer kuruluşlar, kurulu AMS sistemlerinin bazılarının yeterli şekilde çalışmaması nedeniyle, anılan karardan memnun değillerdir. Söz konusu politika kararı eğer gerçekten uygulanırsa, çalışmayan ya da kısmen çalışan AMS sistemiyle bir ABD limanına giren bütün gemilerin tüm seferleri için, liman kaptanı (captain of the port – COTP) ile iletişime geçip, sistemin çalışır durumda olmadığını bildirmeleri gerekmektedir. Bu gemiler, ilgili gemiye hangi acil durum tedbirinin uygulanacağı konusunda liman kaptanının insafına kalacaklardır. Amerika Deniz Ticaret Odası, bu durumda (1) uyumlu bir açık deniz balast suyu değişimini uygulayacak (2) tüm liman ziyaretleri için, acil durum önlemleri hakkında liman kaptanının kararlarına duyulan ihtiyacı ortadan kaldıracak (3) daha az korumacı acil durum önleminin uygulanması durumunda istila risklerini en aza indirecek olan gemilere süre uzatımı verilmesine devam etmenin daha pratik ve çevreci olacağı görüşündedir.

Yeni ECDIS Standartları

Güncellenen ECDIS standartlarının kurulumu için son tarih 31 Ağustos 2017'dir. Amerika Deniz Ticaret Odası Üyelerinin, gereksiz yere fahiş ücretler ödedikleri, teknik zorluklar, bağlantı problemleri ve çoğu henüz çözüme kavuşturulmamış olan idari sıkıntılar yaşadıkları bildirilmiştir. Üyeler, bu durumun temel olarak ECDIS imalatçılarının tip onayı alımındaki gecikmelerinden, iyileştirmeleri yapacak teknisyenlerin mevcut olmayışından ve imalatçı teknisyenin yazılımı birçok gemiye kurmakta yaşadığı zorluklardan kaynaklandığı ve bunların da ilave masraflar

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doğuran laboratuvar arıza tespitine, sistem eklemelerine ve testlere yol açtığı fikrindedir. Bazı imalatçılar, tam bir donanım ve yazılım yükseltmesi almaları ve kendi haritalarını edinmeleri konusunda işletmecilere baskı yapmıştır. Her ne kadar bazı üyeler iyi niyetle davranmış ve söz konusu iyileştirmelere erkenden başlamış olsalar da, kontrol edemedikleri koşullardan dolayı termin tarihine yetişemeyebileceklerini ifade etmişlerdir. Uluslararası Deniz Ticaret Odası ICS'nin talebine rağmen, Uluslararası Hidrografi Örgütü IHO'nun termin tarihini uzatması pek mümkün görünmemektedir.

ABD Sahil Güvenlik Komutanlığı, geçerlilik süresi içerisinde yeni bir standardın yayınlanması durumunda, tip onayı için yeniden başvuru yapmaya gerek olmadığını belirtmiştir.

Bilgilerinizi arz ve rica ederiz.

Saygılarımızla,


Murat TUNCER
Genel Sekreter

EKLER:

Ek-1: İlgili yazı ve Eki

DAĞITIM:

Gereği:

- Tüm Üyelerimiz (Web Sayfasında)
- Türk Armatörler Birliği
- S/S Gemi Armatörleri Motorlu Taş. Koop.
- Vapur Donatanları ve Acenteleri Derneği
- 22,24,25,27,28,29 No.'lu Meslek Komite Bşk.
- İMEAK DTO Şubeleri
- Türk Loydu Vakfı
- GİSBİR
- Türk Uzakyol Gemi Kaptanları Derneği
- Gemi Makineleri İşletme Mühendisleri Odası
- Gemi Mühendisleri Odası
- Gemi Sahibi Firmalar

Bilgi:

- Ulaştırma, Denizcilik ve Haberleşme Bakanlığı
Deniz ve İçsular Düzenleme Genel Müdürlüğü
- Sn. Sefer KALKAVAN
TOBB DTO'ları Konsey Başkanı
- Meclis Başkanlık Divanı
- Yönetim Kurulu Başkanı ve Üyeleri
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TOBB Türkiye Denizcilik Meclisi Bşk.
- İMEAK DTO Meclis İhtisas Çevre Komisyonu
- İMEAK DTO Şube Y.K. Başkanları
- Piri Reis Üniversitesi
- WISTA Türkiye Derneği

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9 August 2017

ICS(17)27

TO: ALL FULL AND ASSOCIATE MEMBERS

**Copy: SHIPPING POLICY COMMITTEE
MARINE COMMITTEE
ENVIRONMENT SUB-COMMITTEE
CONSTRUCTION AND EQUIPMENT SUB-COMMITTEE**

US DEVELOPMENTS - JULY 2017

Action required: To note the attached report from the Chamber of Shipping of America (CSA).

Attached at **Annex A**, please find the monthly report from CSA for July 2017.

The report, *inter alia*:

1. Informs that U.S. Senator John McCain (R-Arizona) has once again introduced a bill (S 1561) entitled "Open America's Waters Act of 2017", seeking to repeal the Merchant Marine Act of 1920 (i.e. the Jones Act), which the Senator believes hinders free trade and stifles the U.S. economy, requiring shippers to purchase higher cost transportation and ultimately harming the consumer. CSA advises of its support for the Jones Act as it currently stands, adding that national maritime labour unions and U.S. flag operators also oppose this proposal, which has been referred to the U.S. Senate Commerce Committee with no further action or hearings scheduled at this stage.
2. Includes information regarding the release of three new documents by the USCG, which summarise the requirements of the U.S. ballast water management regime and highlight the differences between the IMO and U.S. requirements. CSA also provides a link to the new documents.
3. Contains information about the USCG request for comments on regulatory reform. CSA advises that the USCG has extended the period for comments regarding a review of its current regulations, i.e. which regulations should be reviewed with an aim to repeal, replace or modify them. CSA also informs

that it submitted its comments on 9 July, ahead of the original deadline, which has now been extended until 11 September 2017.

4. Advises that the deadline for installation of the updated set of ECDIS standards remains 31 August 2017, despite reports that it comes with excessive unnecessary cost, technical challenges, connectivity problems, and unresolved Administrative headaches. ICS had requested that the International Hydrographic Organization (IHO) consider extending the deadline. However, as indicated by CSA, this is unlikely to happen.
5. Informs that U.S. Rep. Martha McSally (R-Arizona) has introduced a bill (HR-3551) that seeks to reauthorize the Customs Trade Partnership Against Terrorism (C-TPAT), which CSA reports has not been done in 11 years. CSA advises that the original C-TPAT was developed to allow companies to partner with the U.S. Customs and Border Protection (CBP) to enhance security throughout the logistics chain.
6. Provides information concerning initiatives by U.S. federal Government agencies to oversee regulatory reform, based on request for comments. CSA informs that, like the U.S. Coast Guard and the U.S. Environmental Protection Agency (EPA), the National Oceanic and Atmospheric Administration (NOAA) has now issued its request for comments. CSA intends to submit comments in time for the submission deadline.

Helio Vicente
Policy Officer



CHAMBER OF SHIPPING OF AMERICA

MONTHLY REPORT FOR ICS

JULY 2017

Give CSA a follow on  : @CSAKnowships

NOTE TO THE READER: Reference to the Federal Register may be found at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>. Please note new address and format for Federal Register retrieval due to upgrade in US government website.

References to legislation may be found at <http://thomas.loc.gov/> by entering the bill number (HR 802, S 2841) in the "search bill text" block found at the center of the page.

All Quiet on the "Western" Front?

While the summer months are generally quiet here in Washington, DC relative to maritime issues, as is the case in other parts of the world, this first summer of the Trump Administration, has been very quiet both at the legislative and regulatory levels....unless of course you are interested in health care, tax reform, and border protection. Of particular note is the lack of regulatory initiatives that are being moved forward including those that were in the final stages of the rulemaking process. We suspect that this lack of activity is a result of an executive order which essentially requires federal agencies to (1) review and solicit comments on all existing agency regulations with a few to minimizing their impact on business (regulatory reform) and (2) if a new regulation is deemed necessary, the sponsoring agency must find 2 other regulations which are deemed unnecessary and repeal those regulations before promulgating the new regulation. In our opinion, the need for regulation (or lack thereof) is not a mathematical formula and while we appreciate that some of the pressure for new regulations has been removed, CSA continues to support the fundamental that regulations should be specifically focused on a particular problem, be effective, and subject to a risk benefits analysis, this fundamental applicable to both existing regulations and those yet to be proposed. We will keep you updated on any changes to the current situation.

McCain Jones Act Repeal Bill

As per past history, Sen. John McCain (R-Arizona) has again introduced a bill (S 1561) entitled "Open America's Waters Act of 2017" which would repeal the Merchant Marine Act of 1920, more commonly known as the Jones Act, citing its past application as hindering free trade, stifling the economy, requiring shippers to purchase higher cost transportation and ultimately harming the



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consumer. Without regard to support or opposition, it is difficult to reconcile Sen. McCain's disdain for the Jones Act with his ardent support for military readiness which of course introduces the concept of US flagged merchant vessels (and mariners) being ready to meet marine transportation needs of the Department of Defense in the event of a foreign deployment of US assets. As noted previously, CSA supports the Jones Act as it currently stands and does not support a reopening of the statute either for purposes of strengthening or weakening its current provisions. Introduction of this bill has understandably again rallied the maritime labor unions and US flag operators against this proposition. The only wild card in the equation at this time is the position of the Trump Administration (pro-trade but also pro-US jobs) although it is expected that the President's Secretary of Transportation Elaine Chao, who is a friend of the US marine transportation industry, would not be in favor of S 1561. The bill has been referred to the Senate Commerce Committee with no further action or hearings scheduled as of this writing.

US Ballast Water Management Program - New Documents Released by US Coast Guard

In July, the USCG released three documents summarizing the requirements of the US ballast water management regime and included details on where the US program differs from the IMO requirements. All documents may be accessed at the hot link found below.

The first document is a newly revised Frequently Asked Questions (FAQ) document which combines the three previous FAQ documents into one document arranged by subject matter. This is a significant improvement since the user need not search multiple documents to find the specific subject matter on which information is needed. This document is found under the first header "FAQ" at the hot link below.

The second two documents are PowerPoint files prepared and updated by the USCG for presentations at the various conferences in which they participate. CSA has quickly reviewed these documents and there are no real surprises save one. On page 5 of the document entitled "US Ballast Water Regulations Program", the third primary bullet states "Vessels with AMS will not receive new or supplemental extensions. Those vessels are expected to use the AMS." CSA and others have problems with this decision given that a number of installed AMS systems are not performing adequately and in these cases, if this policy decision is to be practically applied, every vessel inbound for a US port with an inoperable or sub operable AMS system must, for each voyage, contact the COTP, advise that the system is not operable and then find themselves at the mercy of the COTP as to what contingency measure will be applied to that vessel. We believe it would be far more practical and environmentally protective to continue to issue extensions to vessels in this scenario which would (1)



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require a compliant deep ocean exchange be executed (2) preclude the need for COTP decisions on contingency measures for each port visit and (3) minimize the risk of invasions if less protective contingency measures are imposed. CSA will continue to pursue a practical resolution to this issue and will advise in a timely manner of any changes in policy.

https://homeport.uscg.mil/mycg/portal/ep/channelView.do?channelId=-18366&channelPage=%2Fep%2Fchannel%2Fdefault.jsp&pageTypeId=13489&BV_SessionID=@@@@0510908996.1501768390@@@@&BV_EngineID=cccfadhdeimflikcefecfindfkldffo.0

USCG Request for Comments on Regulatory Reform Extended

As you recall from last month's report, the US Coast Guard issued a request for comments on its current regulations and requests information as to which regulations should be reviewed with an aim to repeal, replace or modify them.

CSA submitted comments on July 9, 2017 ahead of the deadline which was later extended until September 11, 2017. CSA comments submitted to the Federal Docket were emailed out to members for review and to provide CSA with any additional comments that should be added to the submission. A copy of the Federal register notice may be viewed at **FR Vol 80-109 Evaluation of Existing Coast Guard Regulations**

New ECDIS Standards Install / Deadline Issues

As a reminder from last month, the deadline for installation of the updated set of ECDIS standards is August 31, 2017. Feedback has been that Members have spent excessive unnecessary cost, had technical challenges, connectivity problems, and Administrative headaches most of which still are unresolved. Members feel this is mainly due to the ECDIS manufacturers delay in receiving type approval, unavailability of technicians to perform upgrades, manufacturer technician's difficulty installing the software on various ships, which then led to lab troubleshooting, system patches and testing with mixed success and additional cost. Operators were pushed by certain manufacturers to purchase a full hardware and software upgrade and buy their charts. Though some members acted in good faith and started these upgrades early, they have stated they may not meet the deadline due to circumstances beyond their control. It is unlikely that IHO will extend the deadline though the International Chamber of Shipping has requested such.

USCG has stated that there is no requirement to re-submit an ECDIS for type-approval if a new standard is released during the period of validity so long as



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the update does not fall under the provisions stated on the type approval letter.

Customs Trade Partnership Against Terrorism (C-TPAT) Reauthorization

Rep. Martha McSally (R-Arizona) has introduced a bill (HR-3551) which would reauthorize C-TPAT, which has not been done in 11 years. The original C-TPAT was created as part of the Safe Port Act of 2006 and creates a "trusted user" program in the global supply chain which allows companies to partner with CBP to enhance security throughout the logistics chain. CBP works with C-TPAT applicants and participants in protecting the supply chain, identifying security gaps and implementation of certain security measures and best practices. Once approved as a participant, companies benefit from shorter wait times and fewer inspections at ports of industry. Noting that the bill sponsor is from Arizona, it is no surprise that the intended focus of this initiative is likely on land border crossings, but the proposal is expected to provide "new life" by ensuring the program is updated to reflect current threats at all points of entry. In assessing the likelihood of action on this proposal, it is noteworthy that the Chairman of the House Homeland Security Committee, Rep. Mike McCaul (R-Texas) is a co-sponsor of the bill which bodes well for future action in the future.

Regulatory Reform – NOAA Request for Comments

As we have reported in the past with regard to the US Coast Guard and the US EPA, all federal agencies are initiating a regulatory reform based request for comments, at the request of the Trump Administration, to receive information on regulations which are viewed as unnecessary, outdated, ineffective, non-cost-effective or inhibit or eliminate job creation. NOAA has published such a request in the July 7, 2017 Federal Register. CSA intends to submit comments to this request with a focus on the current regulations relating to speed restrictions to minimize ship strikes of whales off the US East Coast. A copy of relevant parts of these comments will be included in the next edition of our monthly report. It is anticipated that our comments will urge NOAA to rescind the current regulations which are based on seasonal management areas (where whales were last year) and refocus the speed restriction requirements on dynamic management areas (where whales are in real time). CSA will also suggest that the relationship between speed restrictions and whale strikes (versus FATAL whale strikes) have been misinterpreted and applied as the basis of the current regulations.