

The purpose of the TP&I News is to provide the latest news for the shipowners, charterers, as well as any other maritime interests around the globe. Each issue of TP&I News will include a focused review section of several articles on a topic of current interest.¹

1. COP26: Key Takeaways

COP stands for 'Conference of the Parties' and this year the annual summit was held in Glasgow. The conference lasted two weeks in which world leaders came together to accelerate action to combat climate change. Cop27 summit will be held in 2022 in Egypt.

1.1. What is Paris Rulebook?

The Paris Agreement² was established in 2015 for reducing carbon emissions. Paris Rulebook provides details on how the Paris Agreement assurances can be met and provides detailed guidance on how countries must carry out the vision for a zero-carbon future.

1.2. Emission of carbon dioxide

200 countries were asked for their plans to cut emissions by 2030. The goal is to keep cutting emissions until they reach net-zero by mid-century, 2050.

1.3. Work together towards a common goal

We can only rise to the challenges of the climate crisis by working together. Especially working together is essential to mitigate the additional cost.

The shipping industry contributes a great deal to greenhouse emissions, and climate change. If we don't do anything there will be an inevitable catastrophe. In fact, if



we follow a decarbonizing path for the shipping industry, we can see a 50% reduction by 2050. The question is how do we get there? One way that was discussed during COP26 is to improve energy efficiency to move zero-carbon fuel.

We don't go there soon, but we need to follow step by step approach, establish the regulatory framework, invest in sustainable infrastructure, but mainly path towards net-zero requires collaboration between all maritime stakeholders to unlock the opportunities that reside therein.

Sources: Sky News, UK COP26.



2. Common Claims in Venezuelan Waters

2.1. Is Captain Jack Sparrow real?

Piracy and armed robbery are considered equivalent acts. However, under the legal concept commonly both word is misused. Piracy is when the act occurs in international waters, on the other hand, armed robbery at sea is when an act arises in jurisdictional or territorial waters of one state.³



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² Turkey ratifies the Paris Agreement after approving a 2053 net zero goal (See <https://www.climatechangenews.com/2021/10/06/turkey-ratifies-paris-agreement-approving-2053-net-zero-goal/> last accessed on 17.11.2021).

³ In this text, the author will use term "Piracy" without distinguishing between being committed in international waters or territorial or jurisdictional waters of Venezuela.

Robbery cases are known to have been reported in Venezuelan waters and often occurs while the seafarers are close to the port areas or while the vessel is at anchorage – depending on where the vessel is located. Especially, it is said that the armed criminals often come on board the vessel at night using violence, causing injury and even death of the crew members. For instance, in 2020, the vessel San Jose while anchored in eastern Venezuela was faced an armed robbery by 6 men who killed the captain of the vessel. Similarly, in September 2021, the crew member of the sailboat Klinker faced kidnapping and torture. The robbers said to have combat weapons and demanded a ransom of US\$ 100,000.⁴ The main similarity of these two cases is the place that it took place – near Jose oil terminal.⁵ This area has been reported as a place where the criminals transport drugs to Trinidad in boats. Given the above, it would be advisable that Members should take extra precautions, such as:

- a) To keep the maximum surveillance 24 hours a day in order to avoid such incidents, especially at night.
- b) Have good lighting of the ship while it is at anchor or docked at port.
- c) In case if a boat is detected to be approaching the vessel, it is strongly advised to carry out activities in order to make the boat crew understand that they have been seen them.
- d) If the criminals were to come on board, no resistance should be offered as this could worsen the situation.
- e) In the event of any risky situation, immediately contact the ship's agent and, if necessary, contact the corresponding Harbour Master's office and/or port authority office.

2.2. Drug Trafficking

Drug trafficking remains one of the major issues that all the members should pay maximum attention to, especially if US or European ports are named as final destinations.

a. What are the preventive measures?

The following preventive measures should be taken in Venezuelan and preceding ports of call to minimize the possibility of drugs coming aboard the vessel:

i. Instructing the crew

Before entering Venezuelan waters, it is strongly

recommended to instruct the crew on the risks and penalties of drug trafficking in order to enlighten them on the sanctions applied by the local authorities. In fact, criminal penalties are severe, with imprisonment for up to 25 years for those found guilty of trafficking drugs. The Venezuelan authorities usually search the vessel thoroughly before sailing, including an underwater inspection under the National Guard supervision. If any illegal drugs are discovered, the crew members will be prosecuted.

ii. Maintain a thorough watch

It is recommended to take pictures of people visiting the vessel, as well as reviewing and take note of their identification and thoroughly inspect anything that may be brought aboard. Anything suspicious should be reported to the authorities before their review.

iii. Inspection

All vessels entering and sailing from Venezuelan ports are subject to be inspected at the discretion of the National Guard to ensure that they are not carrying drugs.

b. What happens when a vessel is involved in drug offences?

Once it is found that a vessel is involved in drug offences, Public Prosecutor will open the criminal folder and will start to investigate the case⁶ between 4 to 6 weeks and determine the guilty party(ies). If the Criminal judge has any suspects, he might detain any of the crew members including the Master and if at the end of the investigations Prosecutor finds any evidence of guilt, the persons involved⁷ as well as the vessel⁸ may remain until a final decision is made which could last a year or more.⁹

We strongly advise you in order to obtain appropriate advice regarding the correct action to be taken and to obtain immediate assistance contact with your P&I.

c. Is it possible to deliver LOU?

For drug trafficking cases, it is impossible to deliver any LOU because the law regarding the drug is a punitive one. Therefore, the aim of seizing the property is to determine whether the crime has been committed.

We would like to thank our correspondent Eugenio A. Moreno M, PANDI VENEZUELA, for assisting us with this alert.

⁴ <https://remonews.com/venezuelaeng/a-crew-member-of-the-sailboat-was-kidnapped-and-tortured-by-pirates-la-prensa-de-lara/> (last accessed on 09.11.21)

⁵ Jose is one of the main oil terminals located on the north-eastern side of Venezuela.

⁶ During the investigation process, the ship and Cargo usually detained temporarily.

⁷ A guilty person could be sentenced up to 25 years in prison.

⁸ The vessel could be seized indefinitely.

⁹ After a criminal trial, the vessel would be released if the owner is found not guilty, but ownership of the ship would pass to the Venezuelan State if the owners were convicted.

3. Transit Fees Increment in Egypt in Suez Canal

3.1. Increment of 6% for all ships from February 2022

The Chairman of the Suez Canal Authority, Osama Rabea, has announced the increment of all ships by 6% in February 2022. The Chairman further asserted that the Suez Canal Authority is now working on a model policy in which it will introduce the fastest and shortest choice for the clients compared to competitive routes i.e., estimating the tolls of the transiting vessels.

3.2. Exceptions for the Cruise Ships and Liquefied Natural Gas (LNG) Ships

The Chairman confirmed in his statement that the increment will not be applicable for the cruise ships as cruise ships during the pandemic were the most affected ones compared to the rest of the other vessels as well as LNG ships as in the light of the most recent variables and integration and



development of the LNG seaborne trade. Therefore, the increment will be applicable to all ships except cruise and LNG.

We would like to thank our correspondent EldibPandi for assisting us with this alert.

Source: Egypt Independent.



4. Banking Restrictions in Myanmar

4.1. Internet bank transfers to personal foreign currency accounts are to cease

The Spica Services Myanmar Branch Office reports that whilst Ports and related services continue to operate without major interruption, the Government has issued an order to all Government and Private Banks, that internet bank transfers to personal foreign currency accounts within the country are to cease. Further, the withdrawal of cash is restricted only to Company commercial accounts supported by various documentary requirements and/or via old-style cheque payments and for commercial payment only.

4.2. Cash withdrawal limit

Additionally, the Central Bank of Myanmar has set a cash withdrawal limit to MMK equivalent of USD 150 per day only, from personal accounts and withdrawals may only be done in person at Bank branches. This has resulted in extremely long queues at Banks.

4.3. Possibility of delays

Due to the abovementioned difficulties, crews, and their Next of Kin, in cases of death, injury and disability have been



requesting compensation settlements to be made in cash, instead of the usual bank remittance. This has resulted in difficulty and Shipowners must be aware of the possibility of settlement delays. Further, demands for cash payments have also spread to service providers such as Marine, Tally and Dive survey companies, along with general Contractors and whilst smaller payments can be facilitated, larger cash payments may result in delays or additional cost. It remains unclear how long current restrictions will last.

We would like to thank our correspondent Spica Services Myanmar for assisting us with this alert.

Please also check our website for circulars of each month.

For Turkish version please visit our website.

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