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18.01.2016

Konu
Subject :**Amerika Deniz Ticaret Odası Aralık 2015 Raporu Hk.**

Sirküler No: 46 / 2016

Sayın Üyemiz,

İlgi: Uluslararası Deniz Ticaret Odası'ndan (ICS) alınan 05.01.2016 tarih ve ICS(16)01 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.** Amerika Deniz Ticaret Odası'nın en son aylık raporu aşağıdaki hususları içermektedir:

1. Raporda, ABD LNG ihracatının 31 Aralık 2018 tarihinden önce ve 31 Aralık 2018 tarihinden sonra ABD bayraklı gemilerle taşınması durumunda ortaya çıkacak potansiyel sonuçlar hakkında, Hükümet Hesap Verebilirlik Ofisi'nin (U.S. Government Accountability Office – GAO) yaptığı bir çalışmada ulaşılan sonuçların bir özeti yer almaktadır.

GAO Çalışması, 2014 Howard Coble Sahil Güvenlik ve Deniz Taşımacılığı Yasası gereğince yapılmıştır. Çalışma, denizcilik endüstrisinin ve ABD Enerji Departmanı'nın LNG ihracat piyasasına yönelik beklentilerini, LNG ihracatlarında ABD bayrağı zorunluluğunun denizcilik, gemi inşa ve ilgili sektörlerdeki meslekleri nasıl etkileyeceğine ilişkin paydaşların görüşlerini ve bu tür bir durumun ABD LNG ihracatı ve ilgili diğer ABD endüstri sektörleri için küresel piyasalar üzerindeki potansiyel etkilerini gözden geçirmektedir. Çalışmanın sonuçları ve ABD enerji ihracatı politikası ile ilgili diğer meseleler ICS Denizcilik Politikası Komitesi'nin Şubat ayındaki toplantısında ele alınacaktır.

2. ABD Sahil Güvenlik Komutanlığı (United States Coast Guard – USCG), balast suyu yönetimi sistemlerinin etkinliğinin değerlendirilmesinde en muhtemel sayı yönteminin (most probable number – MPN) kullanılmasına dair uzun süredir bekleyen kararını 14 Aralık 2015 tarihinde yayınlamıştır.

Sahil Güvenlik Komutanlığı, MPN test yönteminin Balast Suyu Yönetimi Sisteminin etkinliğini ölçmediği için mevzuat tarafından istenen performans standardına denk gelmediği kararına varmıştır. Mevzuat özellikle, balast suyu arıtma sistemlerinin belirli organizmaları öldürebilme yeteneğine göre değerlendirilmesini istemektedir. MPN yöntemi, bir organizmanın arıtma sonrasında kolonileşebilmek için yaşayabilme yeteneğini değerlendirmesi dolayısıyla, mevzuat tarafından istenenden daha farklı bir standarda göre ölçüm yapmaktadır.

USCG Deniz Güvenliği Merkezi, bahse konu kararın bir sonucu olarak, ABD tip onayı için MPN'yi kullanan tamamlanmış test paketleri teslim eden dört ultraviyole balast suyu yönetimi sistemi üreticisine, MPN yönteminin balast suyu sistemlerinin tip onayı ile ilgili Sahil Güvenlik mevzuatında tanımlanan test yöntemine denk bir yöntem olarak değerlendirilmediğini bildirmiştir. Dolayısıyla, söz konusu dört ultraviyole sistem üreticisi anılan test paketleriyle ABD tip onayı alamayacaklardır.

ICS, bahsi geçen gelişmeleri analiz etmekte olup, USCG'nin kararının uluslararası boyutlarını zamanı geldiğinde değerlendirecektir.

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- Amerikan Senatosu 16 Aralık 2015 tarihinde, 2015 Sahil Güvenlik Yetkilendirme Yasası'nı (Coast Guard Authorization Act of 2015 – H.R. 4188) kabul etmiştir. ABD denizcilik endüstrisi koalisyonunun çabalarına rağmen Gemi Arızı Boşaltım Yasası (Vessel Incidental Discharge Act – VIDA) bahse konu yasaya eklenmemiştir. Koalisyon, Kongrenin ikinci oturumunda VIDA'nın yasalaştırılmasına yönelik çabalarını sürdürecektir.
- ABD Başkanı 18 Aralık 2015 günü, 2016 Konsolide Ödenek Yasasını (H.R. 2029) onaylamıştır. Yasanın Bölüm O, Başlık I, Kısım 101'ine göre ham petrol ihracatları üzerinde belirli ulusal ve enerji güvenliği hükümlerine bağlı olan mevcut yasalar kaldırılmaktadır.

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 Bkş.
- İMEAK DTO Şubeleri
- Türk Loydu Vakfı
- GİSBİR
- Türk Uzakyol Gemi Kaptanları Derneği
- 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
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5 January 2016

ICS(16)01

TO: ALL FULL AND ASSOCIATE MEMBERS

**Copy: Shipping Policy Committee
Marine Committee
Construction & Equipment Sub-Committee**

US DEVELOPMENTS – DECEMBER 2015

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 December 2015.

The report contains *inter alia*:

1. A summary of the conclusions reached by a U.S. Government Accountability Office (GAO) Study on the potential impact of restricting the carriage of U.S. LNG exports to U.S. flag ships. The GAO Study was required under the Howard Coble Coast Guard and Maritime Transportation Act of 2014. The implications of the Study, as well as other matters related to U.S. energy export policy, will be considered by the ICS Shipping Policy Committee at its February meeting.
2. News that, on 14 December, the USCG published its long awaited decision on the use of the most probable number (MPN) methodology in assessing efficacy of ballast water management systems. CSA explains the USCG decision not to accept the MPN method and its implications, in particular for the four UV ballast treatment system manufacturers which had previously submitted completed test packages using the MPN. ICS is currently analysing these developments and will elaborate on the international dimensions of the USCG decision in due course.
3. News that, on 16 December, the Senate passed the Coast Guard Authorization Act of 2015 (H.R. 4188), which did not attach the Vessel Incidental Discharge Act (VIDA) despite the efforts of a U.S. industry coalition to ensure its inclusion. The coalition will continue its efforts to secure enactment of the VIDA during the second session of Congress.
4. News that, on 18 December, the President signed into law the Consolidated Appropriations Act of 2016 (H.R. 2029). Division O, Title I, Section 101 of the Act lifts the current ban on crude oil exports, subject to certain national and energy security provisions.

Joe Francombe
Senior Adviser



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CSA MONTHLY REPORT FOR ICS

DECEMBER 2015

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.

US Government Accountability Office (GAO) Study on Implications of Using US Liquefied-Natural Gas Carriers for Exports (Report to Congressional Committees – December 2015)

As noted in prior discussions and updates, the Howard Coble Coast Guard and Maritime Transportation Act of 2014 included a provision instructing GAO to report on the economic impacts on impacted sectors if LNG exports were required to be carried on US flag vessels (1) before December 31, 2018 and (2) after December 31, 2018. The newly published report reviews current industry and US Department of Energy expectations for the LNG export marketplace, stakeholder views (DOE, Department of Defense, Department of Transportation, USCG and the US Trade Representative as well as economic research and consulting firms, representatives of US shipyards and US mariners) on how a US flag mandate for LNG exports would impact jobs in the maritime, shipbuilding and related sectors and the potential effects of such a mandate on the global marketplace for US LNG exports and other related US industry sectors.

While the full report may be reviewed for additional detail, a number of basic conclusions were reached by the authors of this report.

- Over the next few years, the US is expected to change from a net importer of natural gas to a net exporter with exports destined for a variety of global regions.
- Current projections for 2020 indicate the completion of 5 large scale liquefaction plants with a projected capacity to process more than 12% of the US natural gas production.
- Based on this capacity, it is estimated that 100 or more LNG carriers will be required to handle this additional capacity.



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- Currently most if not all LNG carriers are foreign built and no LNG carriers are currently registered under the US flag.
- Customers of US LNG facilities have the responsibility for arranging transportation from the LNG facilities to the point of delivery.
- If global demand for US LNG is not compromised, a mandate for US flag carriage could increase US mariner jobs by 4000-5200, assuming an appropriate training and certification program would be timely developed for these mariners.
- Some US shipyards expressed interest in building LNG carriers; however the shipyards would need time and investment capital to acquire the necessary equipment and technology to build these highly specialized vessels.
- Based on estimates provided by the two US shipyards of sufficient size to build LNG vessels, it would initially take 4-5 years to build an LNG carrier from execution of the building contract to delivery.
- Given these constraints, it is estimated that it would take 30 years for US shipyards to build the projected 100 LNG carriers needed to support the US LNG export market.
- Representatives from US shipyards indicated that the building costs associated with building the vessel in a US yard would be two to three times the current costs of vessels built in foreign yards.
- Construction of LNG vessels in US shipyards would likely increase the shipyard employment levels; however, this increase would include both US and foreign nationals (necessary to provide the expertise and training to US shipyard workers).
- DOD and the US Maritime Administration have weighed in favorably to this proposal citing the increased capacity of US shipyards as a positive impact on national security.
- In spite of the positive impacts on the US economy cited above, it is expected that any mandate to use US flag vessels for LNG exports, would increase the transportation costs associated with these exports which could decrease the competitiveness of US LNG exports in the global marketplace thus reducing global demand for US LNG.
- It is also recognized that any reduction in demand for US LNG would likely decrease American jobs in other related industries including the liquefaction and oil and gas industries.



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**Sewage Treatment Technology – Type Approval of Marine Sanitation
Devices (MSDs)**
(Federal Register, October 16, 2015, pgs. 62551-62554)

As noted in our previous monthly update, USCG and EPA hosted a public meeting to on December 8-9, 2015 at the DOT Headquarters Building in Washington, DC. The purpose of the meeting was to promote an exchange of information relative to sewage treatment technologies, issues associated with testing and type approval of MSDs and issues surrounding gray water discharges. CSA attended the meeting which addressed a number of areas including volumetric distributions of sewage and greywater relative to vessel types and specific regions, an overview of the current domestic (federal and state) and international regulatory regime taking into account recent IMO developments, USCG summary of inspection and enforcement programs, sewage and graywater treatment technologies, challenges inherent in testing and type approving equipment (yes....this is an identical twin to the current ongoing debate relative ballast water treatment system type approval) and post-installation operational issues associated with MSDs.

Of perhaps equal importance as the substance of this meeting, is the CSA perception as to why this meeting was convened which was to solicit comments from the shipping industry as well as equipment manufacturers and test facilities as to current challenges faced in the approval and operation of MSDs. It is also a positive to note that this meeting was co-hosted by USCG and EPA which suggests that any future action should be well discussed between these agencies before any proposed changes are made to the current US regulations, in particular, the next generation of the vessel general permit, which is likely to include additional requirements for graywater for existing vessels at least in its proposed form.

**USCG Decision on Use of Most Probable Number Methodology in
Assessing Efficacy of Ballast Water Management Systems**

On December 14, 2015, the USCG published its long awaited decision on the use of the most probable number methodology (MPN) in assessing efficacy of ballast water management systems.

A Coast Guard review concluded that the MPN test method is not equivalent because it does not measure the efficacy of the BWMS to the performance standard required by the regulations. The regulations specifically require ballast water treatment systems to be evaluated based on their ability to kill certain organisms. Since the proposed MPN method assesses the viability of an organism to colonize after treatment, it measures to a different standard than that required by the regulations.



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As a result of this decision, the Coast Guard's Marine Safety Center informed four ultraviolet ballast water management system manufacturers that had submitted completed test packages to the USCG for US type approval, that the Most Probable Number, or MPN, method is not considered as an equivalent alternative to the testing method prescribed in the Coast Guard's regulations pertaining to the type approval of ballast water systems.

The Coast Guard goes on to state that their Final Rule (Preamble) which implemented the ballast water discharge standard and the procedures for BWMS type-approval, the distinction between live/dead and viable/unviable was evaluated, explicitly discussed and the decision was made to use live/dead as the standard for evaluating the performance of BWMS (See 77 FR 17254, at 17266). Since the MPN method does not measure performance to this standard, it is not an equivalent evaluation or test under the provisions of 46 C.F.R. § 162.060-10(b)(1).

Finally, the USCG notes that it is aware of other ultraviolet BWMS, which are undergoing evaluation using the prescribed tests e.g. living/dead. As such, the tests required by the regulations and the Environmental Protection Agency's Environmental Technology Verification, or ETV, Protocol are applicable and practicable for the evaluation of all systems. What the USCG does not mention is the significant power requirements for UV based systems (that were originally designed to meet the performance standards using the viable/unviable (MPN) standard) that will be required for UV based systems to meet the living/dead standard.

Status of USCG Activities relating to BWTS Type Approvals

As learned in discussions with the USCG and based on the USCG decision to not accept use of the MPN methodology, the four UV system manufacturers which had previously submitted completed test packages using the MPN methodology will not receive a US type approval based on these submitted test packages. CSA has learned that at least one of these manufacturers have modified their system and has met the living/dead assessment methodology however, it is unknown at this time when their new test package will be submitted to the USCG. Of continuing concern is the expectation that the power requirements associated with any UV system meeting the living/dead methodology will be significant and require substantial retrofit of power generation equipment to meet the performance standards using this methodology particularly for higher flow rate systems. CSA will continue to monitor future developments and will advise accordingly when new information becomes available.



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Vessel Incidental Discharge Act (VIDA)

On December 16, 2015, the US Senate passed HR 4188, the Coast Guard Authorization Act of 2015, as amended. The bill will now be sent to the President for signature. The industry coalition had met multiple times with House and Senate leadership to advocate for passage of this legislation. VIDA was attached to the Coast Guard Authorization Act of 2015; however, due to continuing opposition by a select few Senators, the VIDA provisions were removed from the legislation which then passed by unanimous consent. The coalition will continue its efforts toward enactment of VIDA in the second session of this Congress.

Lifting of US ban on Crude Oil Exports

On December 18, 2015, the President signed HR 2029, the Consolidated Appropriations Act of 2016 into law. Division O, Title I, Section 101 lifts the current US ban on crude oil exports subject to certain national and energy security provisions which may be implemented by the President under specific scenarios.

USCG Cyber Bulletin on Ransomware

USCG has advised in the bulletin below of ransomware activity in the maritime industry. This bulletin provides a summary on and potential consequences of ransomware along with some recommendations from DHS, FBI and USCG on how to prevent becoming a victim.

[Maritime Cyber Bulletin 001-16](#)