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Sayı

Our Reference : 2420

Konu

Subject : Amerika Deniz Ticaret Odası Mayıs 2016 Raporu Hk.

Sirküler No: 454 / 2016

Sayın Üyemiz,

**İlgi:** Uluslararası Deniz Ticaret Odası'ndan (ICS) alınan 06.06.2016 tarih ve ICS(16)26 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 yer alan hususların bazıları aşağıdaki gibidir:

**Konteyner Ağırlığı / VGM Hakkında ABD Sahil Güvenlik Komutanlığı (USCG) Deniz Güvenliği Bilgilendirme Bülteni (MSIB):** USCG, konteyner ağırlığı veya onaylı brüt ağırlığı (VGM) ile ilgili mevcut ABD mevzuatının, SOLAS Kural VI/2 ile uyumluluğuna açıklık getirmek ve konu hakkında ilave bilgi sağlamak amacıyla bir Deniz Güvenliği Bilgilendirme Bülteni yayımladı. SOLAS VI/2.5'te yer alan VGM için sorumluluk zinciri, VGM'nin yükleyici tarafından sağlanmasını ve imzalanmasını gerektiriyor. **ABD mevzuatı, konteyner ihracat zinciri içinde yükleyiciyle birlikte çalışan diğer birimlerin de VGM'yi sağlamalarını ve imzalamalarını şart koşuyor. Ayrıca, kaptan tüm konteynerlerin VGM bilgilerini almak zorundadır ve VGM bilgisi olmaksızın hiçbir konteynerin yüklenmesini kabul etmemelidir.** ABD'de ya da ABD bayraklı bir gemide, konteynerler sadece gemiye yüklendikten sonra USCG tarafından uyumluluk açısından değerlendirilecektir. Bir konteynerin doğru olmayan bir VGM ile yüklenmesi durumunda, USCG mümkün olan her şekilde konteynerin gemiden indirilmesine yardımcı olacaktır. Bununla birlikte belirtilmelidir ki, eğer bir konteyner hatalı VGM ile gemiye yüklendiyse, bu durum muhtemelen yalnızca bir kazanın meydana gelmesiyle fark edilecektir. Dolayısıyla, **sorumluluk yalnızca kaptanın omuzlarında kalmaya devam etmektedir.**

**Ulusal Okyanus ve Atmosfer Dairesi (NOAA) Okyanus Gürültüsü Stratejisi:** NOAA, ABD sularındaki gürültüyü ele almak amacıyla önerdiği Okyanus Gürültüsü Stratejisi'ni (Ocean Noise Strategy) yayımladı. Pek çok NOAA ofisinin gürültü meselesi için bazı sorumluluklarının olduğu ve yine birçok ABD yasasının bu mesele üzerine eğilmesi için NOAA'yı güçlendirdiği düşünüldüğünde; söz konusu Strateji dokümanı, NOAA'nın gürültünün su türleri üzerindeki etkilerini önümüzdeki 10 yıl boyunca kapsamlı şekilde ele alacağını garanti ediyor. Stratejiyi incelemekte olan Amerika Deniz Ticaret Odası, en kısa süre içinde belgenin detaylı bir analizini sunacaktır. Ayrıca NOAA da, kamuyu 1 Temmuz 2016 tarihine kadar stratejiye ilişkin görüş bildirmeye davet ediyor. Stratejinin bir kopyasına <http://cetsound.noaa.gov/road-map> internet adresinden erişilebilmektedir.

Bilgilerinizi arz ve rica ederiz.

Saygılarımızla,

  
Murat TUNCER  
Genel Sekreter**EKLER:**

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**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.
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6 June 2016

ICS(16)26

**TO: ALL FULL AND ASSOCIATE MEMBERS**

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

## US DEVELOPMENTS - MAY 2016

**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 May 2016.

The report contains *inter alia*:

1. News on the status of the Vessel Incidental Discharge Act (VIDA) in the U.S. Congress. CSA informs that VIDA will be an active discussion item during a conference committee meeting, made up of appointed House and Senate members.
2. Information regarding the latest Practicability Review of the Ballast Water Discharge Standard, conducted by the United States Coast Guard (USCG) to determine whether technology to comply with a performance standard more stringent than that required by the Coast Guard's current regulations on Ballast Water Discharges can be practicably implemented and whether testing protocols that can assure accurate measurement of compliance with a more stringent performance standard can be practicably implemented.
3. Information on a USCG Marine Safety Information Bulletin (MSIB), recently released to clarify and provide additional information that existing U.S. regulations on container weight or verified gross mass (VGM) comply with the requirements in SOLAS Regulation VI/2.
4. News that the National Oceanic and Atmospheric Administration (NOAA) has published its proposed Ocean Noise Strategy for addressing noise in U.S. waters.

Helio Vicente  
Policy Officer



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**MONTHLY REPORT FOR ICS**

**MAY 2016**

**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.

**Status of the Vessel Incidental Discharge Act (VIDA) in the US Congress**

Through a series of procedural methods, VIDA was attached to the MARAD reauthorization amendment which was offered for attachment to the National Defense Authorization Act (NDAA) working its way through the US Senate committee process. On May 12<sup>th</sup>, the amendment was rejected by the Senate Armed Services Committee. The Senate is expected to consider their bill the week of May 23<sup>rd</sup> (without the VIDA language). On May 18<sup>th</sup>, the House of Representatives passed HR 4909, the National Defense Authorization Act, a companion bill to the Senate bill noted above. HR 4909 includes the text of the Vessel Incidental Discharge Act.

The next step in this process is convening a conference committee made up of appointed House and Senate members to resolve the differences in the two bills. Given that VIDA is part of the House NDAA, VIDA will be an active discussion item during the conference committee proceedings which are expected to be after Congress returns from the Memorial Day recess at the end of May. We will provide updates as they become available.

**Practicability Review: Standards for living organisms in ships' ballast water discharged in US waters**

**Notice of Availability (Federal Register, May 11, 2016, pg. 29287)**

As required by statute and implementing regulations, the US Coast Guard is required to periodically conduct a practicability review to determine whether technology exists that could meet more stringent performance standards for ballast water treatment systems than that which is currently contained in USCG regulations (IMO BW Convention standard) and if testing methodologies exist which can reliably measure compliance with a more stringent performance standard.



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Given the current state affairs where no ballast water treatment systems have been identified which can meet the existing performance standards when tested to acceptable US testing protocols e.g. no US type approvals have been granted under the existing performance standards, not surprisingly, the USCG has concluded that "technology to achieve a significant improvement in ballast water treatment efficacy onboard vessels cannot be practicably implemented".

Please note that this finding does not in any way modify or relax the current USCG regulatory requirements for use of ballast water treatment systems or the implementation schedule in the current regulations, taking into account the existing extension request process and/or the use of alternative management systems (AMS).

Given that this type of review will be conducted on a regular basis (frequency unspecified in the regulation at 33 CFR 151.2030(c)), a review of the practicability study provides some helpful insights on the criteria used in this evaluation and for those expected to be conducted in the future.

A copy of the Federal Register notice is available for download at:  
<https://www.gpo.gov/fdsys/pkg/FR-2016-05-11/pdf/2016-11129.pdf>

A copy of the practicability study is available for download at:  
<http://homeport.uscg.mil>, by selecting "environmental" on the left side banner, then "ballast water management program", then "regulations and policy documents" and scrolling to the bottom of the page where a hotlink to the study may be found.

### **USCG MSIB on Container Weight/VGM**

The USCG released a MSIB to clarify and provide additional information that existing U.S. regulations on container weight or verified gross mass (VGM) comply with the requirements in SOLAS Regulation VI/2.

The chain of accountability for the VGM in SOLAS VI/2.5 requires the VGM to be provided and signed for by the shipper. The U.S. regulations provide for other entities within the container export chain working with the shipper to provide and sign for the VGM.

The Master must be provided the VGM's for all containers and should refuse to load any containers without a VGM. In the U.S. or on a U.S. flagged ship, the USCG would only engage from a compliance standpoint once the container is aboard the ship. In the case of a container loaded with an inaccurate VGM, the USCG will assist in any way possible to offload the container however it should be noted that once on board, an inaccurate VGM will probably only be noticed





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if a casualty occurs. The responsibility continues to solely rest on the shoulders of the Master for the stability of the ship, nothing has changed in that regard.

**USCG MSIB 009/16:** [https://www.uscg.mil/msib/docs/009\\_16\\_4-28-2016.pdf](https://www.uscg.mil/msib/docs/009_16_4-28-2016.pdf)

**NOAA Ocean Noise Strategy**

The National Oceanic and Atmospheric Administration has published its proposed Ocean Noise Strategy for addressing noise in US waters. Given that a number of NOAA offices have some responsibility for this issue and given that a number of US statutes empower NOAA to address the ocean noise issue, this strategy document represents an agency-wide approach to ensure that the agency is adequately and comprehensively addressing the impacts of noise to aquatic species over the next 10 years. Given the late May release of this strategy, CSA is currently reviewing the strategy and will provide a detailed analysis of the document as soon as possible. Please note that in NOAA's terms, "this roadmap is intended to serve as a high-level guide, rather than a prescriptive list of program level actions" and to assist this goal the roadmap includes sections on the status of the science to support the Ocean Noise Strategy's goals, details relevant NOAA management and science capacities, and recommends cross-agency actions that could be taken to achieve more comprehensive management of noise impacts.

NOAA is inviting public comment to the strategy/roadmap with a due date of July 1, 2016. Although CSA analysis of the document is in process, it is expected that CSA will submit comments which will be shared with all interested parties. A copy of the strategy/roadmap may be viewed at <http://cetsound.noaa.gov/road-map>