

Headlines:

EU – Somali nationals entitled to compensation;
Alaska – Chukchi Sea, Bering Strait & Bering Sea PARS;
FMC – complaint filed against Oceane Cargo Link, LLC;
FMC – complaint filed against Empire United Lines Co., Inc.;
FMC – meeting 10 December;
FMC – port congestion surcharges delayed;
California – SFS meeting cancelled;
New Zealand – incorporating SOLAS amendments;
New Zealand – MNZ annual report;
Panama Canal – November operations;
Singapore – Ebola measures; and
Attack on Pearl Harbor – 7 December 1941.

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Bryant's Maritime News

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Note: This newsletter is one section of the [Bryant's Maritime Consulting](http://www.brymar-consulting.com) website. Visit the site for more extensive maritime regulatory information. Individual concerns may be addressed by retaining [Dennis Bryant](mailto:dennis.l.bryant@gmail.com) directly. Much of the highlighted text in this newsletter constitutes links to Internet sites providing more detailed information. Links on this page may be in PDF format, requiring use of Adobe Acrobat Reader. Comments on these postings are encouraged and may be made by email to the editor or by going to the blog page on the website and clicking the envelope that appears at the end of each posting. Be aware that the daily newsletter is a single posting, even though it contains a number of individual items. Better to light one candle than curse your flashlight.

EU – Somali nationals entitled to compensation



The European Court of Human Rights (ECHR) issued a [press release](#) [located at http://www.brymar-consulting.com/wp-content/uploads/piracy/ECHR_361.pdf] stating that it unanimously held that the French legal system had not sufficiently guaranteed the rights of nine Somali nationals to their liberty. The Somali nationals, comprised of two groups, had been apprehended by French Gendarmerie in Somalia and off the coast of Somalia by the French Navy after participating in the hijacking of the French cruise ship *Le Ponant* on 4 April 2008 and the French yacht *Carré d'As* on 2 September 2008 respectively. After obtaining approval from the Somali Government (encompassing a delay of four days for the first group and six days for the second group), the Somali nationals were flown to France, where they

were held in police custody for more than 48 hours during the preliminary investigations. The Somali nationals appealed to the ECHR that such detention violated their rights under French and EU law. The court agreed and directed the Government of France to pay EUR 5,000 each to the first group and EUR 9,000 and lesser sums each to the second group, plus legal expenses. (12/4/14). *I, for one, am flabbergasted by this turn of events. The press release includes no indication that the extended detention of these individuals (three days total for the first group and approximately 50 hours total for the second group) prejudiced their defenses at trial. Hopefully, the French government can and will appeal this decision. In fairness, though, it should be noted that several of the Somali nationals were acquitted of the piracy charges at their criminal trials.*

Alaska – Chukchi Sea, Bering Strait & Bering Sea PARS



The US Coast Guard issued a notice announcing a continuation of and an expansion of scope of its 2010 Port Access Route Study (PARS) for the Chukchi Sea, Bering Strait, and Bering Sea. A potential vessel routing system has been developed for the area. Comments on the potential system and related issues should be submitted by 3 June 2015. **79 Fed. Reg. 72157** [located at <http://www.gpo.gov/fdsys/pkg/FR-2014-12-05/pdf/2014-28672.pdf>] (12/5/14).

FMC – complaint filed against Oceane Cargo Link, LLC



The Federal Maritime Commission (FMC) issued a notice stating that a complaint has been filed against Oceane Cargo Link, LLC and Kingston AnsaH alleging violations of the Shipping Act. **79 Fed. Reg. 72175** [located at <http://www.gpo.gov/fdsys/pkg/FR-2014-12-05/pdf/2014-28538.pdf>] (12/5/14).

FMC – complaint filed against Empire United Lines Co., Inc.



The Federal Maritime Commission (FMC) issued a notice stating that a complaint has been filed against Michael Hitrinov and Empire United Lines Co., Inc. AnsaH alleging violations of the Shipping Act. **79 Fed. Reg. 72175** [located at <http://www.gpo.gov/fdsys/pkg/FR-2014-12-05/pdf/2014-28539.pdf>] (12/5/14).

FMC – meeting 10 December



The Federal Maritime Commission (FMC) issued an official notice announcing that the Commissioners will meet on 10 December. In the open session, they will receive briefings on the European Maritime Law Organization (EMLO) Conference; the South Atlantic Port Forum of 30 October; and the Gulf Coast Port Forum of 3 November. During the closed session, they will receive a

briefing concerning international affairs. 79 Fed. Reg. 72175 [located at <http://www.gpo.gov/fdsys/pkg/FR-2014-12-05/pdf/2014-28726.pdf>] (12/5/14).

FMC – port congestion surcharges delayed



The Federal Maritime Commission (FMC) issued a **news release** [located at <http://www.fmc.gov/NR14-16/>] stating that it has been advised that the 15 ocean carrier members of the Transpacific Stabilization Agreement (TSA) have individually agreed to forego imposition of any port congestion surcharges until 2015. (12/4/14).

California – SFS meeting cancelled



The California Air Resources Board (ARB) issued a **notice** [located at http://www.arb.ca.gov/gmp/sfti/12_4_2014_notice_of_cancellation.pdf] stating that the meeting, previously scheduled for 18 December, to provide an update on the development of the California Sustainable Freight Strategy (SFS) has been cancelled. Staff has redefined the next steps and anticipates release of an initial document that describes the agency's vision and options for a clean freight system in spring 2015. (12/4/14).

New Zealand – incorporating SOLAS amendments



Maritime New Zealand (MNZ) issued a **notice** [located at <http://www.maritimenz.govt.nz/Consultation/SOLAS-amendments/default.asp>] inviting comment on a draft Maritime Rules Various SOLAS Catch-up Amendments 2015, intended to ensure the Maritime Rules changes to the SOLAS amendments adopted via the tacit acceptance procedure. The deadline for making a submission is 30 January 2015. (12/4/14).

New Zealand – MNZ annual report



Maritime New Zealand (MNZ) posted its **Annual Report 2013/14** [located at <http://www.maritimenz.govt.nz/Publications-and-forms/Maritime-NZ-corporate-publications/MNZ-annual-report-2013-2014.pdf>] providing an accounting of its recent activities and its plans for the future. (12/4/14).

Panama Canal – November operations



The Panama Canal Authority (ACP) issued an advisory summarizing Canal operations during November. It also includes the schedule of

locks maintenance outages for the remainder of the fiscal year. [Advisory 25-2014](http://www.pancanal.com/common/maritime/advisories/2014/a-25-2014.pdf) [located at <http://www.pancanal.com/common/maritime/advisories/2014/a-25-2014.pdf>] (12/4/14).

Singapore – Ebola measures



The Singapore Maritime and Port Authority (MPA) issued an updated circular regarding the requirement for all arriving vessels that have been to Ebola-affected countries in the previous 21 days to submit a Maritime Declaration of Health Form. [Port Marine Circular 16-2014](http://www.mpa.gov.sg/sites/circulars_and_notices/pdfs/port_marine_circulars/pc14-16.pdf) [located at http://www.mpa.gov.sg/sites/circulars_and_notices/pdfs/port_marine_circulars/pc14-16.pdf] (12/3/14).

Attack on Pearl Harbor – 7 December 1941



Sunday marks the 73rd anniversary of the attack on Pearl Harbor, which directly caused the death of thousands of Americans and the sinking of a number of US Navy warships. It resulted in a major combat role for the US in World War II, which had commenced more than two years previously. Up until the attack, the US had limited its participation largely to supply and logistics. After the attack, it was all in. The war continued for almost another four years, with the loss of millions of lives and large-scale property destruction. A new world order eventually emerged. With hard work, increased cooperation, and good luck, we can avoid such conflicts in the future. The US Navy issued a [news release](http://www.navy.mil/submit/display.asp?story_id=84710) [located at http://www.navy.mil/submit/display.asp?story_id=84710] four sailors who were serving on USS Arizona (BB 39) during the attack recently returned and visited the World War II Valor in the Pacific National Monument at Joint Base Pearl Harbor.

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If you have questions regarding the above items, please contact the editor:

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