

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.<sup>1</sup>

## 1. Chinese Coastal Waters - The 2023 Summer Fishing Ban Will Be Lifted

Please be advised that a Rural Affairs on Adjusting the System of Ocean summer fishing ban will be lifted gradually as from 16th August ban, a large number of fishing boats will flock to the sea, the traffic situation in coastal waters of China will become more complicated merchant vessels and fishing boats would be significantly increased. 10 Chinese Coastal Waters - The 2023 Summer Fishing Ban will be Lifted Please be advised that according to the "Notice of the Ministry of Agriculture and Rural Affairs on Adjusting the System of Ocean Summer Fishing Ban", the 2023 summer fishing ban will be lifted gradually as from 16th August. After the lift of fishing ban, a large number of fishing boats will flock to the sea, the traffic situation in coastal waters of China will become more complicated and the risk of collision between merchant vessels and fishing boats would be significantly increased.



Source: Huatai Insurance Agency & Consultant Service Ltd.

### Time of the End of Fishing Ban

- i. The East China Sea and South China Sea area between 12:00 p.m. of 16th August 2023.
- ii. The Bohai Sea and Yellow Sea area to 12:00 p.m. of 1st September 2023.
- iii. The Yellow Sea and East China Sea area between 35°N and 26°30'N 12:00 p.m. of 16th September 2023.

### Recommendations for Prevention of Collision between Merchant Vessels and Fishing Boats

It is suggested that merchant vessels navigating in Chinese coastal waters should pay attention to the end date of the fishing ban and be alert to the risk of collision with fishing boats. According to the collision prevention guidelines issued by MSA, in addition to comply with the COLREG 1972, the following measures are suggested:

i. If the navigation officer of merchant vessel has doubts about the action of the fishing boat, he may call the fishing boat through the VHF 16 channel to coordinate the collision avoidance action. If there is no response from the fishing boat after several calls, give at least 5 short and rapid flashes by ALDIS lamp, or use a continuous sound signal to attract her attention.

ii. Merchant vessels shall take full account of the possibility of a fishing vessel not keeping clear in accordance with the COLREG 1972, and shall be alert to collisions caused by uncoordinated actions when approaching a fishing boat at close range. To avoid collision, crewmembers shall also consider reducing speed or stopping engine in addition to the alteration of course.

iii. The north-south customary route waters near 122°45'E-123°E is the area of high incidence of collisions between merchant vessels and fishing boats. It is recommended that merchant vessels keep high alert when navigating in the above waters.

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## 2.Black Sea Ports of Russia - Update

The grain deal conflict has sparked a new crisis in the Black Sea area that is fueled by the use of sea drones.

These new technologies have significantly changed the balance of power.

The Ukraine's State Hydrological Service warned vessels against using several Russian ports due to the war.

The Ukrainian authorities say that they will continue to target the bridge in Kerch Strait and vessels navigating Ukrainian territorial waters controlled by Russia.

The latest attacks and official statements raise concerns over the safety of trade in the area of the Russian ports.

In this overview we recap the risks to vessels trading in the Black Sea arising out of the ongoing conflict between Russia and Ukraine.

We will also try to evaluate whether it is still safe for vessels to continue calling at the Russian ports in the prevailing circumstances, with different types of potential hazards in mind.

The vessels targeted during the first days of the Russia's invasion of Ukraine in February, 2022 are not taken into account in this risk assessment.

The probability of accident with such random factor as floating mine is assessed as Very Low basing on zero-incident rate so far.

For potential attacks by naval drones, where the process is fully controlled, the conclusion based on the analysis of the facts and events is that the risk primarily concerns the Russian-flagged vessels, whereas for vessels flying flags of all other states the danger is presently considered as Very Low.

### Risk factors

- Since March, 2022 there has been a risk of encountering a drifting mine. No accident with any civilian vessel has occurred yet.
- New additional risk factor is the sea drones, after the first attack on the Russian merchant vessel at Kavkaz on 04.08.2023.
- There have been no risks so far in connection with the missiles, unmanned aerial vehicles (aircraft drones), and torpedoes.

### Floating mines

In March, 2022 the first warnings came against obsolete floating mines off the coast of Ukraine which had reportedly come adrift after a storm.

In June, 2022 Ukraine admitted publicly to having installed naval mines at the coast and approaches to prevent the Russian invasion from water.



Source: AXIS Ltd

The cables keeping mines anchored under water have been coming loose or breaking in storms. Although there are no strong tides and currents in the Black Sea, the floating mines can still drift long distances posing a threat to the vessels trading in the area.

In 2022 a number of mines reached the Turkish coast in the southern part of the Black Sea. Experts say that it could take years to de-mine the Black Sea. Therefore, the risk of encountering a mine will remain.

How big is the risk?

The danger from sea mines is very low basing on the fact that there have been no accidents with the merchant vessels since March, 2022.

The naval fleets of several countries are constantly working to spot and defuse the mines to reduce risks for navigation, with over 30 mines reportedly destroyed so far.

The last reported case with mines:

- on 19 July, 2023 the Russian patrol ship Sergey Kotov detected and destroyed a drifting mine northeast of the Bosphorus Strait, using a Ka-27 helicopter;
- on 06 August, 2023 a drifting mine was observed off Sevastopol, at the northern part of the Black Sea.
- The risk probability is Very Low.
- Over 35000 vessels passed through the Bosphorus Strait in 2022, and no any single accident is known. Without adding the vessels already transited through the strait in 2023, the risk probability is less than 1 in 35000 or below 0.00003.

Risk probability < 0.00003

## Conclusion

- The Russian-flagged vessels are at risk of being targeted by the sea drones.
- The risk from sea drones to vessels flying the flags of the other States is very low.
- In case of further attacks there is always a risk of unintentional hit.

### 3. The Security Level of Turkish Flagged Ships Has Been Increased To The Highest Level

Due to the war between the Russian Federation (RF) and Ukraine, for Turkish Flag ships that will call at the Black Sea ports of Ukraine and RF and cruise off the coasts where the said ports are located; In line with the provisions of the "International Ship and Port Facility Security Code (ISPS Code) Implementation Regulation", the "ISPS Code Security Level" has been determined as level 3 (three), which includes the highest security measures.



Source: Esenyel Law Firm

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