



Robert-Jan Temmink - EU investigation into alleged price-signalling
Elizabeth Turnbull and Rob Collins - Maritime Claims in Latin America
Baris Oztoprak and Nick Parton - Letter of guarantee effective security for Limitation Fund
Daniel Sheard - Liquefaction of Mineral Ore Cargoes and IMSBC Code
Posidonia

Interview with Alex Goulandris (essDOCS)





Managing Editor

Roger White LL.M. (Solicitor)

Publishing Director

Research Michael McQuilkin

Subscription/Advertising Manager

Kathryn Grandon **Concept Design** Tony Pryce

Published by Guthrum House Limited Registered Office: Abacus House, 33 Gutter Lane, London EC2V 8AR

Printed and bound in Great Britain by Lavenham Press Ltd, Arbons House, 47 Water Street, Lavenham, Suffolk CO10 9RN

Shipping & Transport International was formerly titled Shipping & Transport Lawyer International.

Advisory Panel

Professor Yvonne Baatz University of Southampton John Balfour Clyde & Co

Professor Simon Baughen Institute of International Shipping and Trade Law, Swansea University

> Ray Burke Burke & Parsons (New York) Captain Graham Botterill Ferriby Marine

> > Charles Debattista Stone Chambers

Dr Sarah C Derrington

Barrister/Adjunct Professor University of Queensland

Rob Fisher Chaffe, McCall (New Orleans)

David Glass Cardiff University

Professor Rolf Herber Ahlers & Vogel (Germany)

 ${\it Robert\ Hough}$ Formerly Tindall Riley (Britannia) Limited

Måns Jacobsson Former Director IOPC Funds

> Ray Luukas Brookes Bell

ContributionsWe welcome contributions to *Shipping & Transport* International. All material should be submitted to:

The Editor, Guthrum House Limited, Guthrum House, 145 Angel Street, Hadleigh, Suffolk IP7 5BY, UK.

Subscriptions and Orders
Shipping & Transport International is published four times per subscription year.

Annual Subscription (including postage) UK: £339 per volume. Overseas: £359 (US\$550) per volume. 20% discount for new subscribers purchasing all ten volumes at the same time. Visa and Mastercard accepted. Cheques payable to Guthrum House Ltd.

Subscription Department Guthrum House Limited, Guthrum House 145 Angel Street, Hadleigh, Suffolk IP7 5BY, UK.
Tel: +44 (0)1473 822061. Fax: +44 (0)1473 822839.
www.STL-Mag.co.uk

ISSN 1751-9896

The opinions expressed in this magazine are not necessar ily those of "Shipping & Transport International" or the Advisory Panel; the magazine accepts no responsibility for those views so expressed. While every effort is made to ensure the accuracy of the information contained in this magazine, the magazine and the publishers do not guarantee the accuracy of the information contained in this publication nor do they accept responsibility for errors or omissions or their consequences. The magazine is not designed to provide legal advice on specific issues or problems and professional legal advice should be sought.

Law is as stated at 6 May 2014. The issue should be cited as 10(1) S.&T.I (2014)

Guthrum House Limited 2014. Registered Office: Abacus House, 33 Gutter Lane, London EC2V 8AR. All rights reserved. UK statutory material in this publication is acknowledged as Crown copyright. No part of this publication may be reproduced or transmitted in any form or by any means, or stored in any retrieval system of any nature without prior written permission, except for permitted fair dealing under the Copyright, Designs and Patents Act 1988, or in accordance with the terms of a licence issued by the Copyright Licensing Agency in respect of photocopying and/or reprographic reproduction. Application for permission for other use of copyright material including permission to reproduce extracts in other published works shall be made to the publishers. Full acknowledgement of author, publisher and source must be given.

SOME ISSUES ARISING OUT OF THE EU'S INVESTIGATION OF ALLEGED

| CONTAINER LINER PRICE-SIGNALLING4 |
|--|
| Robert-Jan Temmink FCIArb (Barrister, Quadrant Chambers) explores the background |
| to the EU Commission's announcement at the end of 2013 that it will investigate 14 liner |
| container shipping companies to determine whether they have been engaging in anti-com- |
| petitive behaviour through price-signalling in breach of EU anti-trust rules since 2009. |

COURT OF APPEAL: LETTER OF GUARANTEE EFFECTIVE SECURITY

| TO CONSTITUTE A LIMITATION FUND IN ENGLAND | 10 |
|--|-------|
| Baris Oztoprak and Nick Parton (Jackson Parton) examine the recent case of the Atla | ıntik |
| Confidence in which the Court of Appeal considered whether a cash payment was requir | ed to |
| constitute a limitation fund. | |

Maritime Claims in Latin America - Some Practical considerations.......16 Elizabeth Turnbull (Partner) and Rob Collins (Partner) (Clyde & Co. LLP) examine some of the practical issues that frequently arise for parties litigating in respect of maritime claims in Latin America, including the strictness of procedural rules, invalidity of time bar extensions, the right to sue owner's agents, the lack of enforceability of exclusive jurisdiction clauses, and LOUs and ship arrest.

A New Port of Refuge for the Limitation of Liability: Turkey20 Caglar Coskunsu (Cavus & Coskunsu, Istanbul) examines recent developments in relation

to limitation of liability in Turkey. Until recently it was widely doubted whether there was an effective limitation-of-liability regime in Turkey for shipowners.

Edmund Greiner & Vanil Bagwandeen (Shepstone & Wylie. South Africa) explain recent developments in relation to pollution legislation in South Africa and. in particular, imple-

A summary of the presentations on some cutting-edge topics

CASE-NOTE

mentation of CLC 1992.

AMERICAN PETROLEUM AND TRANSPORT, INC. V. CITY OF NEW YORK 902 F. SUPP.2D 466 (S.D.N.Y. 2012), AFF'D, 737 F.3D 185 (2D CIR. 2013)......32 A case-note prepared by Bill Dougherty (Burke & Parsons, New York).

TECHNICAL

LIQUEFACTION OF MINERAL ORE CARGOES - RECENT CHANGES TO THE IMSBC CODE34 Daniel Sheard (Brookes Bell) on some recent changes to the IMSBC Code

BRIEF CALLS

Update on News and Developments......42

PERSONALITY

THE FUTURE IS ELECTRONIC43 An interview with Alex Gouldandris (CEO essDOCS).