

UK P&I CLUB 

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Hellas HiLights

September 2018, Issue 38

UK P&I AND
UKDC ARE
MANAGED
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In this issue

Welcome	3
Personal Injury	4
Posidonia Special: Brief overview	7
Posidonia Special: Cup race	8
Posidonia Special: Open day	10
51st International Andros Yacht Race	12
Loss Prevention Seminar Piraeus	14
History of P&I and FD&D Clubs Presentation	15
Fun & Games: Go Karting	16
RightShip – an update on Approval Clauses	18
Fun & Games: Pictures of Piraeus	21

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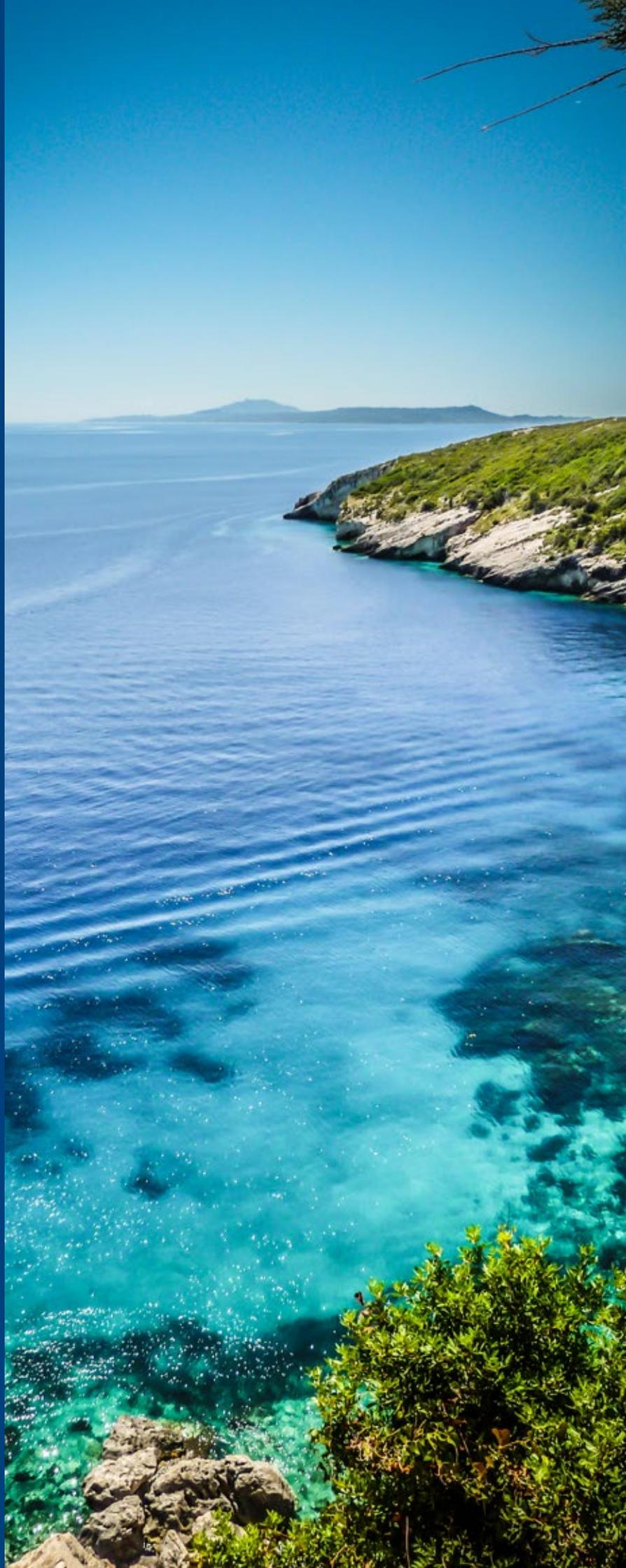
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Article: Welcome



Welcome

It's been a very busy but exciting period over the last few months. Whilst many events have made this year one to remember, Posidonia 2018 was a definite highlight. A big thank you to everyone who contributed this year and to those who attended our Open day. You can view the photos on pages 10 and 11.

It is also my pleasure to report we were winners of the Posidonia Cup 2018 and the 51st Andros Race! Although we did have a little help from a well-known Olympic sailor, the Posidonia team worked hard to achieve a well-earned victory (page 8 and 9.) Similarly, the Andros team demonstrated excellent skills in challenging conditions to be crowned overall winner of the Andros Cup.

Back to the articles in this edition. Senior Loss Prevention Executive David Nichol explains how to prevent accidents and personal injuries' on-board and Syndicate Manager for L2 Nick Milner provides an update of Approval Clauses/ We also have a roundup of all other recent seminars and events held here in Piraeus.

As you can tell its been a successful summer and as we enter September it is set to be a busy Autumn!

We hope you find this edition of interest and as always should you have any thoughts on future articles, please do not hesitate to let us know.

Daniel Evans

Regional Director and Club Manager

Preventing accidents and personal injuries

Senior Loss Prevention Executive David Nichol comments on the measures we should be taking to help prevent accidents and personal injuries occurring onboard.



Personal injury incidents to crew members represent one of the largest categories of P&I claim both in terms of frequency and cost. By their very nature, significant personal injuries are traumatic, physically and also mentally, potentially resulting in full or partial disability, unfitness for future employment and sometimes death. Their impact can therefore be far reaching, not just for the affected crew members but also their families and dependents for whom the seafarer may be the sole bread winner. Such incidents can also deeply affect ship management staff, who may have known the seafarer and his family for many years.

The very nature of sea-going life can be a contributory factor to the incidence of crew personal injuries as well as exacerbating their consequences when they do occur. Ships operate in a hostile environment, with ship motions depriving seafarers of the predictably stable platform for moving about and working that shore workers would take for granted. Sick bay equipment and medicines on board are basic and medical training of officers and crew rudimentary. Furthermore, when an accident occurs, the ship may be many days away from professional shore medical facilities meaning that what would ordinarily be considered a relatively minor injury ashore could turn out to be life threatening in the absence of timely medical intervention.

Clearly the aim for all ship managers and crew must be to prevent accidents happening in the first place. The concept of "zero accident" policies is sometimes derided as being unrealistic or unobtainable, but must nevertheless be something that the shipping industry strives for. However, reducing or eliminating accidents is not possible to achieve without having a full understanding as to why they occur in the first place.

Although it is well established that the large majority of accidents are attributable to human error, this rather broad term needs to be dissected to determine what factors are actually at work. At an elemental level we are all prone to human failings and vulnerabilities which must be overcome by a combination of nurture, cultural conditioning, learning, and vigilance. We all make mistakes but it is within our evolutionary make-up to learn by them in order to survive.

As a starting point, a great challenge facing ship managers when recruiting seafarers is identifying applicants who possess the right aptitude not just for the position but also for the peculiar demands and rigours of life at sea. A career at sea is not just a job but a way of life for which not all people are naturally suited. Therefore apart from holding the requisite pieces of paper, recruits need to be of the right character, fortitude and resilience to enable them to be happy, safe and successful seafarers.

Modern seafarers must now possess a plethora of training certificates in accordance with STCW

requirements. To what extent these qualifications are meaningful will very much depend upon the quality of the training received, which is not always easy to assess. For all the noble aims of STCW, a criticism that is sometimes levelled at the system is that it can drive expectations of competence down to a lowest common denominator, rather than producing seafarers able to meet the demands of the modern shipping industry.

Deficient training, experience and knowledge gaps are undoubtedly a contributory factor to many accidents. However, there are also numerous instances of seafarers making inexplicable or uncharacteristic errors despite being well trained and suitably experienced, with the following being a tragic example.

The chief officer of a general cargo ship loaded with sawn timber did not appear on the bridge as expected to perform his afternoon watch. Upon becoming notified by the duty OOW, the master ordered a systematic search of the vessel during which his body was found lying motionless below an open cargo hold access hatch. The alarm was raised but before a properly planned rescue attempt could be performed, the chief engineer entered the hold without protection and very soon collapsed on top of the chief officer. Thereafter, the second officer followed suit and himself became a casualty. It was only then that the remaining crew members carried out a properly executed rescue using breathing apparatus. Unfortunately, the chief officer and chief engineer could not be revived and the second officer suffered serious injury.

Later investigation determined that the casualties were asphyxiated after entering a hold space that was severely depleted of oxygen caused by the nature of the sawn timber cargo. Although there was some criticism of the vessel Safety Management System in respect of enclosed space procedures, sufficient procedural guidance was in place to have required enclosed space pre-entry safety checks to have been performed. Information was available on board which could have alerted the ship's officers to the potential danger of entering a hold space loaded with sawn timber, should it have been consulted. The chief officer and other crew members should have been aware of the hazards and precautions associated with enclosed space entry and yet they were not observed on this occasion.

This is not an isolated example of otherwise good crew making fundamental mistakes and thus endangering themselves and others due to the neglect to apply accumulated knowledge or follow documented procedures. The reasons why this occurs with alarming regularity are varied and include complacency, lack of motivation or alertness, poor material resources or management support, pressure of time, conflicting and high work demands and fatigue, which can all conspire individually or in combination to influence seafarers in

not performing to the standards that they would normally expect of themselves. In the aforementioned example, the actions of the chief engineer and second officer were probably an instinctive response to wanting to save the life of fellow crew members with little regard to their own safety, but why didn't other crew present intervene to stop them entering the hold? All that was required was for someone to stand up and say "No!" This is again a common feature of accidents whereby for cultural or other behavioural reasons, seafarers do not feel able or willing to challenge the decision making or actions of someone more senior in the shipboard hierarchy.

Just as the underlying causes of accidents can be complex and diverse, providing management solutions requires a multi-faceted approach. The scope of this article cannot purport to give an exhaustive overview of what steps good ship managers are taking to develop a good safety culture within their organisations, but the following guiding principles can be considered to apply not just in the context of the preventing personal injuries but in accident prevention as a whole.

- Select the right crew not just in terms of qualifications and experience but also aptitude and conscientiousness. This may involve more forensic pre-employment due diligence and interviewing techniques than traditionally applied.
- Facilitate and encourage continuous learning and development both on board and ashore. Company training conferences held in-house, at crew manning centres or training establishments also offer a unique opportunity for office and sea staff interaction and bonding.
- Consideration may be given to reviewing Safety Management Systems to ensure that they are readily accessible, concise, written in plain language and easy to understand. Voluminous or complex SMS's risk being unread or incomprehensible.
- Shipboard training and drills should be fit for purpose, ship specific, varied and as realistic as safely possible.
- Risk Assessments and Permits to Work should be tailored practically to the applicable job and treated as essential working documents, not a tick box exercise carried out by rote.
- Involve all concerned crew members in safety briefings and pre-work tool-box talks and promote open discussion between ranks
- Encourage on board mentoring of junior crew members by officers or senior ratings who demonstrate suitability and enthusiasm for the task.
- As the old saying goes, "we learn by our mistakes". However, it is far preferable to learn from the

mistakes of others. Therefore the diligent and open reporting of accidents and near misses with accompanying "lessons learnt" will not only benefit the ship's crew but all the company's seafarers if communicated throughout the fleet.

- Auditing and monitoring of crew performance should be diligent, thorough and carried out by persons suitably qualified and experienced for this vital role. This may be enhanced by remote monitoring facilities or having auditors sail with the ship. Audits should be seen as constructive and not over-bearing.
- Recognise the value of regular management shipboard visits. This not only gives an invaluable opportunity for direct face to face interaction with the crew but will also assist in gauging standards and the condition of morale on board.
- Impose a zero tolerance policy to breaches of STCW requirements for work and rest hours. Where the nature of a vessel's trading pattern makes compliance difficult, proper consideration must be given to engaging additional crew as needed.
- All crew members should feel empowered to reasonably question the actions or decision making of senior colleagues, without fear of ridicule or reprimand. The implementation of "Stop Card" type systems may be considered.
- Make sure the crew have the proper tools for the job and that no compromises are made with regard to the provision of safety equipment and its diligent use.
- Be alert to under-performing crew members and offer support as appropriate. However, demonstrably incompetent or persistently disruptive individuals posing a danger to themselves and their shipmates should be relieved at the first opportunity in accordance with Flag State disciplinary procedures.
- Have a dedicated policy in place of looking after the mental welfare, recreational and pastoral needs of crew members. Masters and senior officers in particular should be trained to recognise the signs of mental distress and the means made available for all crew members to seek support and advice from ashore.
- Encourage a sense of belonging and culture of excellence throughout the fleet and offer incentives for good performance. Fair employment conditions and mutual respect will foster professional pride and loyalty.

The development of a solid and enduring partnership between ship managers and sea staff is widely recognised as being an essential element in promoting safe and efficient shipboard operations as well as the commercial success of the enterprise.



Posidonia – A brief overview

Posidonia: the world renowned international shipping exhibition, which takes place every two years in Athens and is a meeting point for international players in the shipping industry. Greece, undeniably hosts the biggest fair that offers direct access to international industry leaders, but how many of us know how it all started?

Over 50 years ago, the journalist Theodore Vokos, decided to bring hundreds of foreigners from the shipping industry to Greece, organising the first ever Posidonia. Despite the obvious hurdles of organising such an event, at the time, Mr Vokos and his friend Richard Stubbs, along with his son, Themistocles Vokos, had a vision to promote the strength of Greek shipping and the value of Greece's fleet internationally.

The organisers, who were not facilitated by modern means of communication, managed to put together 80 shipping companies and shipyards from 15 countries, transforming the then introvert shipping community. The first ever Posidonia exhibition was held at the Zappeion Palace in Athens.

Every two years since 1970 the fair takes place continuing to grow in size. The event is a hub for shipping but also positively affects many other industries in Greece.

During this year's Posidonia exhibition, which boasted even greater numbers of participants and visitors, it was obvious that this innovative initiative continues to evolve as times change, reflecting the changes of the industry.



Cup Race

The UK P&I and UK Defence Club and Hellenic War Risks sponsored the yacht ARISTOFANI which took part in the 9th Posidonia Cup Yacht Race on 1st June in Greece.



The race is the flagship event in the Posidonia calendar and attracts participation of over 50 yachts and 600 crew who compete for the coveted Posidonia trophy. The race took place in Faliro Bay over a triangular course which was about 16.40 nautical miles. The weather conditions were challenging as the offshore wind was battling with the sea breeze that developed in the early afternoon.

Our own Tania Bourla, Mark Beare, Michael Chanouzas, Alex Gray and Rod Lingard

together with invited members, Sozon Alifraghis and Alex Pattakos, participated on the ARISTOFANI which was captained by Olympic sailor Panagiotis Kambouridis.

After an exciting race, the ARISTOFANI finished first (on corrected time) and the crew was awarded the prestigious Posidonia Cup trophy as well as the trophy for first place in the performance category, in a prestigious award ceremony at the picturesque Island Private Club.

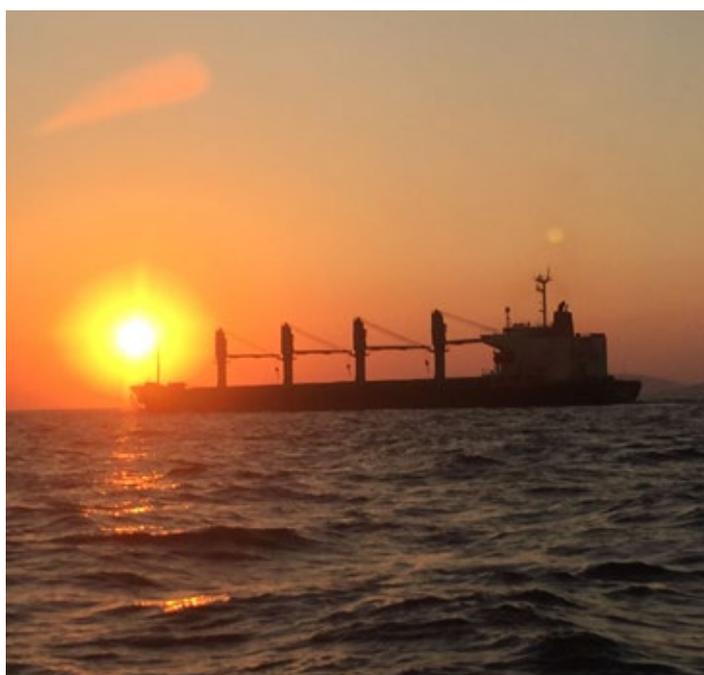


Pictures from our Open Day



51st International Andros Yacht Race

Michael Chanouzas reflects on this year's International Andros Yacht Race.



The UK P&I and UK Defence participated once again in the 51st International Andros Yacht Race "Ioannis V. Goulandris" which took place on 30 August - 2 September 2018. Last year, the team took first place for winning the opening leg of the Race. This year, the 'Etesian Meltemia' - strong, dry north winds of the Aegean Sea - played havoc with the 17 yachts entered in the Race.

The first leg, a distance of 72 miles and designed as a night race, commenced with the yachts departing at 2pm on August 30th from Vouliagmeni Bay in Athens. From there they headed north through the challenging Kafireas Straights (Cavo D' Oro) and around the North-West tip of Andros Island, leading to Chora, the main town of Andros Island on the East coast.

The team came fourth out of seven in the ORCi Class completing the 72 NM in 9 hours. The hungry and exhausted crews were welcomed on arrival with a traditional meat soup!

Given that the prevailing winds persisted, the various informal races, which were to be held off the town of Chora, were postponed and then cancelled as the wind speeds reached close to 50 knots! In the final race, the return leg from Chora to Dysvato (Tinos lighthouse) commenced with the yachts racing upwind towards the first buoy with wind speeds around 25 knots. From the first buoy towards Dysvato, the yachts sailed on a broad reach with their spinnakers up towards Dysvato.

In some places, however the wind speeds increased gusting 40 knots which proved too strong for the mainsails and spinnakers of some yachts. Our team, traveling about 14-15 knots, were thrilled with the conditions and ploughed along to take the line honours in the ORCi Class with a 5 minute interval from the second yacht finishing behind them (on corrected time). We were delighted to hear that we had also won the return leg - meaning we had won the 51st International Andros Yacht Race!

Amongst the crew were Alex Pattakos of NJ Goulandris and our own Michael Chanouzas, Alec Kyrle-Pope and Costas Zoidis who together with the rest of the crew and skipper Panagiotis Kambouridis were awarded the coveted trophy at the prize giving ceremony held on 3 September at the Yacht Club of Greece.





Loss Prevention Seminar – Piraeus

On 5th July, the UK P&I Club hosted a Loss Prevention seminar for Members and brokers at the “Yacht Club of Greece”, Piraeus.

Director of Loss Prevention, Stuart Edmonston, delivered a presentation on the latest UK Club loss prevention initiatives which included the launch of the ‘Lessons Learnt’ Reflective Learning series of training videos. This was followed up with an overview of ship collision issues presented by senior loss prevention executive, David Nichol. After the seminar, the attendees enjoyed a drinks buffet on the Yacht Club terrace.

More information on the ‘Lessons Learnt’ video series can be found on the Club’s dedicated Thomas Miller video channel ‘TMTV’: <https://www.ukpandi.com/knowledge-publications/tmtv/>



History of P&I and FD&D Clubs – Presentation

The UK P&I and UK Defence Clubs were invited to give a lecture organised jointly by the Baltic Exchange and the Institute of Chartered Shipbrokers held in Piraeus in March.

Alex Gray gave a presentation which was well attended by local Members, brokers and students of the Institute.

The presentation was to re-cap and discuss the history and origins of a P&I Club and the reasons why the concept of mutual came about, before discussing the role of a modern day P&I and FD&D Club and the International Group of P&I Clubs.



Go Karting

This year's annual Thomas Miller (Hellas) Limited Karting Challenge Cup race, took place on May 17th 2018, at the usual racetrack (Speed Force), in Vari, where many of our Members joined us for an evening of racing and fun.

This year the 'weather Gods' decided to test us as the day started with light rain and drizzling. However, it eventually cleared for a fine day of racing. A couple of showers during the race (sent by the weather Gods to intimidate us?) were not enough to put us (veterans by now) off the track.

The evening started with participants divided into 4 groups of 10 drivers, each driving the usual familiarisation laps, followed by another eight laps which indicated who were the best timed racers to compete in yet another race to indicate the poll positions of the final ten-lap race.

After a competitive but enjoyable race, the driver who saw the black and white squared flag first was Mr. Nektarios Katikas of Ionic Shipping (Mgt) Inc., with second and third places occupied by our own Mark Bear (2nd year in a row!) and Mr. Nicholas Giannos of Transmed Shipping Ltd., respectively.

The women's competition once again saw Miss Zoi Petridi of Empire Navigation Inc. claim victory on the highest step of the podium, with our own Miss Efcharis Rocanas (2nd year in a row) and Miss Kyra Kougia of Benetech Shipping S.A., taking second and third places respectively.

Following tradition, prizes were also awarded for the "safest driver". This year the award went to Mr. George Michas. And our own Eva Ioannidou was also awarded the honour for managing the slowest lap! "Riskiest driver" went to Mr Pantelis Pittas of Eurobulk Ltd. and Mr. Kyriakos Kastriotis of Efshipping Company S.A. for the most spectacular crash of the evening.

The buffet dinner was held afterwards offering our guests the opportunity to relax over a few drinks and reflect on the results of the race. We look forward to welcoming you to our next rendezvous on the racetrack.





RightShip - an update on Approval Clauses

Syndicate Manager for L2 Nick Milner discusses a recent review of the Rightship Approval Clauses, the information you need to know and the new changes that have come into force.

It's fair to say that Approval Clauses have sprouted up in charterparties since the boom years. Given the state of the freight market and imbalance of power in cargo's favour since the mid-noughties that is hardly surprising. In the dry bulk sector RightShip is at the forefront of this development.

Approval in a nutshell

Established in 2001 RightShip has grown into a significant commercial force in the dry bulk trade. It currently gathers data on virtually all commercial vessels over 500GT, or roughly 75,000 ships and scores them on over 50 factors. Data is processed through algorithms to produce a rating of 1 (low) to 5 (high). "Approval" is achieved with a rating of 3 and above. However, the rating is only intended to provide an assessment at a given time - in RightShip's own words, the "risk recommendation provided by RightShip is only valid for that particular customer at that particular time and date".

Since the Silver Constellation

The arbitration tribunal found that The Member was obliged to allow A RightShip inspection and to obtain and maintain RightShip approval. The High Court overturned the award in part. It decided that in the absence of specific wording, the charterparty contained no obligation to obtain and maintain RightShip approval, and that obligations of eligibility to trade relate to legally imposed requirements only, and not those of a private vetting scheme such as RightShip. However, the Court did uphold the tribunal's finding that the Member was obliged to permit a RightShip inspection, in order to fulfil its obligation to follow the "orders and directions of the charterers as regards employment" of the ship under clause 8 of the NYPE form.

Apart from the Silver Constellation case there has been little judicial comment on Rightship or approval clauses in the bulk trade context. A trawl through recent caselaw reveals a formation of contract dispute in 2014 that involved a ship owned by Panocean (The Pan Gold) mistakenly rejected for a Samarco iron ore pellet shipment ex-Brazil for China as a result of a finding in a pre-existing RightShip report of financial poor health on the part of Panocean. Whilst a contemporary vetting assessment carried out during fixture negotiations rated the ship at 5 the chartering broker held firm on his rejection of the ship. The broker contended this was sufficient to entitle charterers to void the contract for uncertainty. The case serves to illustrate the commercial significance that can be attributed to the data Rightship gathers.

Approval clauses vary in form. Some are drafted in a similar manner to Oil Major approval clauses commonly found in tanker charters and impose an obligation on owners to maintain a rating throughout a charter period.

However, given how Rightship itself explains its rating mechanism and in light of its own statement about the validity of its rating - i.e. "at that particular time and date" – continuous compliance is practically impossible to achieve.

Rightship ratings can be affected by any number of the 50+ factors taken into consideration. Those factors are as diverse as they are varied and include: shipyard, owner, operator/manager, age, casualty history, PSC history, flag, conditions of class and class changes, terminal inspections, ISPS certificate data, trading patterns, and cargo history many of which are variable in nature. An illustration of how a downgrade could have serious consequences was reported in a popular trade publication on 11 February 2011. The article concerns the "Anarchos", the owners of which found their RightShip rating suddenly lowered from 5 stars to 2 stars after a Belfast PSC detention concerning documentation. RightShip ultimately agreed to reverse the deduction, but only after some delay and the shipowner providing extensive proof that the detention was unwarranted. A 2-star rating translates in the freight market to a real loss of earnings as demand for the ship falls away similarly to how the loss of Oil Major Approval seriously affects a tanker's marketability. It is, of course, disturbing that owners are effectively having to prove an error or face a commercial penalty.

Rightship itself does not endorse "approval clauses". In fact, RightShip seeks to distance itself from the practice of referring to its vetting procedure in charterparty contracts.

Which Clause?

The wordings of Approval Clauses are now many. Some can be onerous to say the least. One wording, for example, places all economic implications of the ship breaching a warranty to maintain RightShip wholly on Owners. Equally, Owners are obliged to arrange and pay for reparatory attendance by Rightship. But it does not stop there. If a delay of more than 10 days follows a Rightship approval issue an entitlement to terminate the charter on notice arises. Onerous indeed!

BIMCO clause

If during fixing you are asked to agree a "Rightship approval" provision the Club's recommendation would be to include the BIMCO "Dry Bulk Marine Assessment Clause for Time Charterparties".

BIMCO has prepared this wording with the purpose of setting out a fair, balanced and workable contractual regime for marine risk assessments. Crucially, while charterers' right to conduct desk-top based risk assessments on the ship's suitability for prospective employment are preserved, owners' obligations fall short of warranting the acceptability of their vessel. As such, if the outcome of the risk assessment does not result in a recommendation for the prospective employment then charterers simply seek alternative employment.

continued

No recourse lies against owners. Moreover, provided owners have otherwise met all their obligations under the charter, charterers will have no right to place the vessel off-hire if a risk assessment or vetting does not result in a recommendation or approval.

Another advantage of the BIMCO Clause is that it encourages a greater level of communication between charterers and owners as a key part of the risk assessment process. In order to allow owners wherever reasonably practicable (and within the confines of their charter party obligations) to assist the charterers in resolving any issues arising out of a risk assessment, the Clause provides for reports to be sent to owners by charterers on completion of the assessment. By working together and sharing information owners and charterers can increase the prospect of the vessel receiving the required recommendation.

Physical inspections of vessels by vetting agencies on behalf of charterers are a contentious issue. To avoid frivolous inspections by charterers the Clause limits such activities to cases where there are clear grounds demonstrated by the initial desk-top assessment to warrant a physical inspection of the vessel.

The BIMCO Clause reads as follows:

- (a) The Charterers may, at their time, risk, cost and expense, conduct a marine risk assessment of the Vessel in accordance with this Clause. However, the Owners do not warrant or represent that the Vessel is or will be acceptable or recommended as a result of any such marine risk assessment.
- (b) The Owners shall assist the Charterers in the marine risk assessment process by submitting such documentation as is in the possession of the Owners and readily available. There shall be no obligation to provide confidential information.
- (c) Inspections
- (i) The Charterers shall not be entitled to physically inspect the Vessel unless there are particular grounds under the marine risk assessment process and that those grounds are specified to the Owners. The Charterers shall provide the owner with a checklist for the inspection in advance. The above shall be subject to the Owners' express approval, which shall not be unreasonably withheld. The time and place of all inspections shall be mutually agreed by the parties.

- (ii) The Charterers shall indemnify and hold harmless the Owners against any consequences of the inspection including any costs, expense, risk, delay, loss or damage occasioned thereby
- (iii) The Master shall endeavour to co-operate with the inspector to facilitate such inspection. The inspection shall be planned and carried out in a manner that does not interfere with the safe operation or working of the Vessel or other inspections.
- (iv) A copy of the inspection report shall be give to the Master on completion of the inspection.
- (d) The Charterers shall provide the Owners with a copy of the marine risk assessment report, if any, without delay.
- (e) The Owners shall exercise due diligence to comply with recommendations arising out of the assessment provided that they are consistent with and do not exceed the Owners' obligations under this Carter Party including the rules, requirements, guidelines, directives or any other relevant regulations of the Vessel's Classification Society and/or Flag Stage administration, which shall always prevail.
- (f) Nothing in this Clause shall create any right to place the vessel off-shire and its provisions shall be without prejudice to all other rights, exceptions, obligations and defences of the parties under this Carter Party.

Lastly, a word on a recent change in Rightship's vetting process. Effective from January, 2018 RightShip published a regulation which changed the age trigger for a dry cargo inspection for vessels over 8,000 dwt downwards from 18 years to 14 years. After that an annual acceptable RightShip inspection will be required. This change is justified in order to address an increase in the loss of bulk carriers in the recent years.

But for owners/operators the effect is clear - more inspections than were previously required - which when we consider that an inspection usually takes approximately two working days (1 to 1.5 days for Handysize vessels) and will cost approximately US\$7,500 (US\$6,500+/- for Handy vessels) is not an insignificant consideration - and, crucially, a need greater vigilance and diligence to ensure that ships do not suffer commercial repercussions from unexpected downgrades.

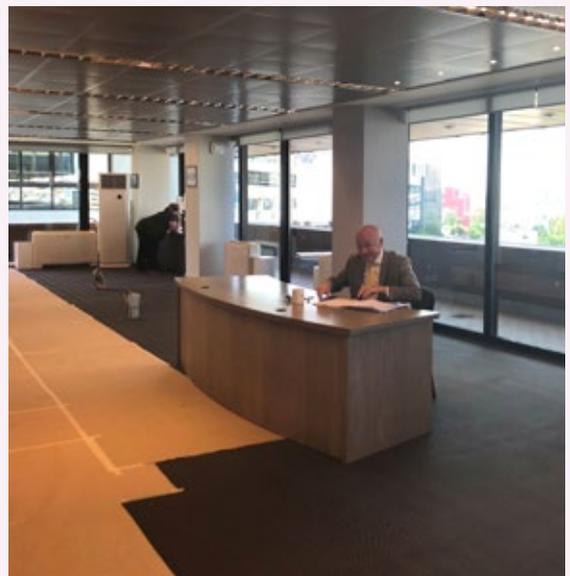


Pictures of Piraeus

The more eagle eyed amongst you may have noticed that our Greek team have been getting snap happy and sending in their shots of Piraeus life for us to tweet weekly as a 'Friday photo'.

The photos aim to capture the essence of Piraeus, which have ranged from the view from the office balcony, to an abandoned teddy bear, to Daniel Evans in a desolate office post Posidonia madness!

Think you can do better or have ideas for our next Friday photo? Tweet us at [@ukpandi](https://twitter.com/ukpandi).





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