

Dear Valued Customer,

Weathernews Inc.
Sea Planning Group
October, 2022

Voyage Audit Report - Performance Assessment Methodology

Weathernews Inc. strives to assess vessel performance in accordance with the governing charter party agreement, and in line with English Case Law precedent. Our stance is to apply a “quick and fair” approach when developing Voyage Audit Reports for the purposes of vessel performance assessment. Our methodology includes application of a “good weather method” as described by Case Law such as *The Didymi* [1987] 2 Lloyd’s Rep 166 and *The Gas Enterprise* [1993] 2 Lloyd's Rep. 352. A recent ruling from the Commercial Court on August-10th, 2022 (*The Divinagate*) requires Weathernews Inc. to reevaluate our methodology regarding ocean currents when developing Voyage Audit Reports.

The recent ruling, [2022] EWHC 2095 (Comm), indicates that ocean currents may not be considered when quantifying a vessel’s performance. While Charter Party terms such as “*no adverse current*” may be used to determine good weather periods, the effects of currents encountered during good weather shall not be considered when calculating the good weather performance speed. In other words, if a Charter Party agreement does not contain terms regarding ocean currents, then the effects of currents on a vessel’s performance shall not be considered when developing the Voyage Audit Report.

In line with the *Divinagate* ruling, Weathernews Inc. has commenced developing all Voyage Audit Reports without adjustment of a vessel’s good weather speed for the effects of currents. Henceforth, Weathernews Inc. will require that a Charter Party agreement include clear terms requiring application of a current factor if such methodology is to be included with a Voyage Audit Report. Voyage Audit Reports developed by Weathernews Inc. will no longer apply a current factor to adjust a vessel’s speed for the effects of positive or negative currents.