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Cargo shortage and damage claims at Vietnamese ports



REPORTS have reached the Club of an increase in the number of claims for shortage and damage to cargoes, arising during the discharge of agricultural products at Vietnamese ports.

P&I correspondent Wallem Shipping (Vietnam) says that local receivers often determine cargo outturn quantities on the basis of draft survey results, and that there appears to be a particular risk of shortage allegations in circumstances where the surveys have been performed unilaterally by surveyors acting on their behalf.

Wallem suggests that the danger of shortage claims should be minimised by members arranging for

independent surveyors to conduct joint draft surveys at the load port and discharge port with the shippers' and receivers' surveyors, before and on completion of cargo operations.

Moreover, the correspondents report a high level of instances of cargo damage occurring as a consequence of rainfall during discharge due to delay in closing of vessel hatchcovers.

Wallem advises that there is a local susceptibility to the sudden onset of heavy rain showers. Crews should be particularly vigilant for signs of approaching rainfall, to enable a prompt response in the event that closure of the hatchcovers becomes necessary.

Maintaining comprehensive records of draft surveys and suspension of cargo operations due to rain etc in vessel files and log-books should assist in supporting the vessel's position in relation to cargo outturn figures and condition.

Additional information is available via the correspondents at:

wallemvn@hcm.vnn.vn

STCW changes in force

AMENDMENTS to the STCW Code entered into force on January 1 which are aimed at improving minimum standards of crew competence in connection with the loading and discharge of bulk carriers, and inspection/assessment of damage to cargo spaces, hatchcovers and ballast tanks. More information can be accessed at:

www.imo.org

Maintaining a safe speed



IN STOPLOSS BULLETIN 28 (November 2002), attention was drawn to the importance of maintaining a proper look-out in order to avoid collisions. Similarly basic - but crucial - principles of bridge watchkeeping apply to ensuring the safe speed of a vessel.

The International Regulations for Preventing Collisions at Sea (1972, as amended) also emphasise the range of factors

that watchkeepers should consider in assessing safe speed. These include visibility, traffic density, proximity of navigational hazards, weather conditions, and characteristics and functionality of radar equipment. Account should also be taken of vessel characteristics, including stopping distance and turning circle.

Special attention should also be paid to company instructions and master's standing and night orders.

Effective watchkeeping should support an early, accurate determination of safe speed. And safe speed should also provide bridge teams with more time to take critical decisions in potential collision circumstances - so reducing the risk of a casualty.

Kandla relaxes total ban on stowaways

THE Indian west coast port of Kandla has relaxed its total ban on entry to vessels which have stowaways on board. (See *StopLoss 26, May 2002*). The port authorities have now instituted a procedure

to be followed in such cases, which involves, among other things, obtaining permission from the immigration authorities and the police, who will provide protection throughout the vessel's stay at Kandla.

(James Mackintosh, Mumbai)

Single hull restrictions

WITH effect from January 1 this year, all single-hull tankers transporting heavy oil are banned from entering Spanish ports, by order of the Spanish government. A breach of the ban may result in the imposition of fines of up to 3m Euros. And Spain, France, Portugal and Morocco have also introduced restrictions on the movement of single-hull tankers through their respective Exclusive Economic Zones.

These measures have been taken in the wake of the sinking in November last year of the single-hulled tanker *Prestige*. The vessel suffered structural damage in heavy weather off Cape Finisterre, and later broke up while under tow, having been refused entry to a place of refuge in sheltered waters close to the Spanish coast. Leaked oil subsequently came ashore in Spain and France.

The recent measures involving single-hull tankers may impact on the performance of new and existing tanker fixtures. So members should ensure that their charter parties clearly address the financial consequences of compliance.

Deballasting in Ukraine ports

THE attention of members is drawn to the stringent regulations covering permissible levels of ballast water quality on board vessels calling at ports in Ukraine.

Local regulations require the master to inform the agent of all ballast on board upon arrival. This information is passed to the SIPBS (State Inspection for Protection of the Black Sea), which determines its accuracy by taking onboard samples.

In a recent incident at the port of Yuzhny involving a Club member, a SIPBS inspection and analysis showed that the amount of oil, suspended matter and iron in the ballast water exceeded permissible levels. Faced with this problem, masters can either deballast at the port and pay a fine, or engage in the costly alternative of loading only a part-cargo, and deballasting in waters outside the twelve-mile zone said to constitute the port's jurisdiction. In this particular case, the vessel discharged ballast in order to load its full cargo, and was duly fined the sum of \$4,700 by the SIPBS.



P&I correspondent Dias Co, in Odessa, says that members trading vessels to Ukrainian ports should pay particular attention to maintenance of ballast tanks. To reduce the risk of fines, they should be properly painted, with no rust or loose scale inside. Failing this, the iron content in the ballast water will likely exceed the permissible level.

And even freshly painted tanks may cause a problem. If the paint used is not of sufficiently good quality, the ballast water may absorb some of its components, with the result that it will not pass SIPBS inspection. It is also an SIPBS requirement that vessels should change ballast water in the Black Sea. Masters are advised to have on board only as much ballast as they need to maintain stability.

Discretion needed on FD&D matters

THE London Club encourages close co-operation with members in the handling of all claims. Such teamwork is especially valuable in FD&D cases, where support for members seeking assistance with legal proceedings is subject to Club discretion.

But, before support is sought, consideration should also be given to all of the implications of involving FD&D. For example, members should remember that settlement terms providing for the recovery - or payment - of legal costs are subject to the Club's discretion. The Club will try to agree the settlement conditions, but the involvement of FD&D in such circumstances should always be borne in mind.

Revised piracy note

THE UK Maritime & Coastguard Agency has issued an updated Marine Guidance Note on Measures to Counter Piracy, Armed Robbery and other Acts of Violence against Merchant Shipping. The full guide can be downloaded from: www.mcga.gov.uk/mgn/mgn_0241.htm

Collision regulations to be amended

REPORTS of a relatively high frequency of conflicting avoidance manoeuvres resulting in collisions have led to IMO making amendments to the International Regulations for Preventing Collisions at Sea 1972. IMO's Sub-Committee on Safety of Navigation says that reports of collision cases indicate that, at times, in head-on or near-head-on encounters, Rule 8(d) of the regulations ('action taken to pass at safe distance') was being applied in isolation of the other Steering and

Sailing Rules, resulting in conflicting actions, and in collisions.

It was also reported that, in some such cases, one vessel took avoiding action by turning to port, and the other by turning to starboard.

To avoid the application of Rule 8 in isolation from the other Steering and Sailing Rules, Rule 8(a) is to be amended to read as follows: "Any action to avoid collision shall be taken in

accordance with the rules of this Part and, if the circumstances of the case admit, be positive, made in ample time and with due regard to the observance of good seamanship."

The amendment comes into force on November 29, 2003.

US Coast Guard ponders ballast report fines

THE United States Coast Guard is understood to be proposing to establish penalty provisions for non-submission of ballast water management reports. It is also thought to be contemplating widening the applicability of report and record-keeping requirements to all vessels bound for ports or places within the US, with some minor exceptions. The requirement to file such reports has been in place for a number of years but compliance has been low, reportedly due to lack of penalties for non-compliance. It is understood that the penalty for failure to submit ballast reports will be \$25,000.

(Haight, Gardner, Holland and Knight)



Singapore ups fire response capacity

THE port of Singapore has opened a Maritime Fire Base at its West Coast Pier, and has commissioned two new firefighting craft. The

facilities will be manned by trained emergency personnel and will provide a ready response to shipboard fires and other maritime casualties, such as oil and chemical spills.

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