



## Port state control inspections must not be abused

PORT state control is a powerful force for the good in terms of ship safety, but recent events brought to the notice of the Club suggest that there are occasions when the procedure can be abused, to the detriment of innocent shipowners.

A Club member reports that one of its vessels has been boarded by port state control inspectors on three occasions this year - once in May, and twice in September. The inspectors were from three different port state regimes, operating under separate Memorandums of Understanding (MoU).

Another member's vessel was boarded in August, September and October, on each occasion by inspectors operating under the Paris MoU. The first of these inspections was carried out while the vessel was in drydock, which the owners considered absurd and unnecessary. The second inspection took no more than 45 minutes to complete, and



*Is he talking to other MoUs?*

no certificate was issued. In the case of the third inspection, the vessel was boarded while lightering cargo and was forced to lower lifeboats as an exercise when the crew should have been engaged in attending and monitoring discharge.

The Club fully supports the principle of port state control, but is obviously disturbed at reports of such apparent abuse of the process. The Paris MoU is quite specific in noting that, if a ship has been inspected within the MoU region during the previous six months, and found to comply, it will in principle be exempted from further

inspection unless there are clear grounds to warrant further investigation. The Club is satisfied that there was no cause for further inspection in either of these two cases.

Too often, it seems, the individual MoUs only speak to each other in the event of a vessel being detained. In other cases, there seem to be instances of communication breakdowns within MoUs. Any members who have experienced instances of over-zealous intervention by port-state control, where no deficiencies have been noted, should contact the Club.

### Check your boxes

The Club's attention has been drawn to a number of recent incidents of port authorities rejecting containers because of alleged contamination, including instances of infestation by gypsy moth eggs.

Port authorities in some parts of the world are particularly strict in monitoring containers for the presence of infestation. Clearly, owners are limited in terms of the proactive initiatives they can take in this regard, but members are urged to use their customary vigilance in this respect and to contact the Club for advice if necessary.

## Gabon gets tough on fines

**C**RIME continues to be a problem in a number of West African ports.

The Club has recently been advised of problems in Port Gentil, Gabon, involving crew members who have been caught selling electrical equipment - mainly television sets, video recorders and refrigerators - to local buyers.

Customs officers in the port have traditionally tended to turn a blind eye to this sort

of thing, but have apparently decided to crack down in the last three months.

One case resulted in detention and subsequent confiscation of the vessel, and an initial fine of about \$350,000 which was subsequently settled at the compromise figure of \$84,000.

In another reported case, a fine of \$66,000 was agreed, but it looked suspiciously as though the crew member and his vessel had been set up by

local officials. It is well-known that, in some African countries, arresting customs officials are paid a percentage of the fine imposed, which can lead to unheard-of levels of zealotry.

All members with vessels trading to Port Gentil should ensure that masters are aware of the current problems there, and that crew are instructed accordingly. They should also note that customs officials are legally entitled to confiscate the means of transport involved in the alleged crime, and to calculate fines based on the value of the vessel.

## Scrap metal cargoes may not always be what they seem

**S**CRAP metal has never been a particularly romantic business. It has, on the other hand, often proved to be a lucrative one for those engaged in the trade. For the P&I clubs, meanwhile, it has on more than one occasion proved to be a

source of confusion and costly delay. The Club has been alerted to several recent incidents involving shipments of scrap metal in which the content of the scrap has contained some unpleasant surprises for the shipowner. The problems arise from the trend in recent years for the

scrap metal market to benefit from the use of recycled ammunition. In one case, a vessel was delayed for two months after explosives were found in a cargo of scrap. Salvage operators struggled to separate explosives from a tangle of scrap cargo. In addition to a number of anti-tank mines, several hundred bombs were found, three with damaged detonators.

*Just scrap - or something more volatile?*



Members are urged to take great care when accepting scrap cargoes for shipment. Misdescribed cargo may have serious implications under the terms of any cargo description warranties or exclusions under a charter party, for example.

## Problems heat up for corn feed pellet shipments from US Gulf

**I**N recent months the Club has become aware of an unusually high incidence of severe heating problems associated with cargoes of corn gluten feed pellets originating from the New Orleans / US Gulf region.

The overheating has been noted on outturn at ports of discharge in Europe. The precise cause is not known at present, but all indications are that it is connected to intrinsic factors associated with different qualities involved with these particular cargoes.

One possible explanation is an excessively high moisture content in the cargo. Another is that the pellets may not have been sufficiently cooled before being loaded on board the vessel.

Corn gluten feed pellets have until now proved to be a relatively trouble-free bulk cargo as far as shipping is concerned, but a number of



shipments have outturned recently with temperatures in the upper 90s and, in some cases, even higher. If overheating is spotted on outturn, and is seen to be localised in a bulk stow, it may be that it can be got at fairly quickly, removed and segregated on the quayside.

If this is not possible, or practical, however, all hatch openings and ventilators should be shut down tightly, and all sources of oxygen to the cargo shut off. Members in any doubt about the safest course of action to follow should contact the Club immediately.

first offence, any crew member coming from a non-infected port will be fined \$340, rising to \$510 for second and subsequent offences. For so-called 'grave' offences involving crew from infected areas, the fines rise to \$1,700 and \$2,550 respectively. 'Very grave'

## Caught on film

A RECENT incident on board a member's vessel shows the importance of keeping and protecting evidence of numbers of stowaways on board, and written and recorded evidence of the treatment accorded them.

Two stowaways were found on board the vessel during a voyage from Richards Bay to Dunkirk. After they were refused political asylum in France, they claimed they had been raped and beaten and improperly treated by the crew. Subsequently, a Filipino crew member handed in a video tape to the chaplain at the Dunkirk seamen's mission which showed that the stowaways had been fairly treated while on board. Although four crew members were held for questioning by French police, they were later allowed to rejoin the vessel. The stowaways remain in France awaiting deportation.

## Yellow fever alert

FINES are being imposed in Brazil on crews who do not conform with the necessary yellow fever certification. Possession of a WHO Yellow Fever Certificate is a required document for entry to any point in Brazil. For a

offences, meanwhile, attract minimum fines of \$3,302 for a first offence. One member was recently fined \$8,000 - reduced on appeal to \$2000 - by the Brazilian authorities. Members are urged to ensure that crew documentation is in order before calling at ports in Brazil.

# US ruling looms on dunnage for Chinese import cargoes

**T**HE United States Department of Agriculture is set to issue an interim ruling covering shipments into the US from China following concern over infestation in wood packing and dunnage material.

It is understood that the rule could result in a 100 per cent check of all shipments.

Each shipment will require:

- A statement of "no wood packing material" if such is in fact the case.
- A certificate that any wood packing or dunnage material has been suitably treated for infestation. (This criteria already has to be met under existing regulations).

If no certificate is available, the packing or dunnage material must be retained on board the ship, destroyed or treated for infestation.



The USDA could also order the return of the cargo.

The new rule will mean an increase in the number of USDA inspections,

with obvious potential for delays in the movement of cargo.

The biggest impact could be experienced in connection with containerised cargoes.

It is not clear at the moment whether the rule will apply only to cargo originating from mainland China, or if it will extend to include shipments from Taiwan and/or Hong Kong.

## Ready or not

THE tendering of notice of readiness can be a minefield for owners. Members can access the latest developments in the Club's new Legal Casenote service, which can be found on the web at [www.lssso.com](http://www.lssso.com). Meanwhile, the Club can offer no better advice than to remind masters to continue tendering notice of readiness until they are sure the owner's position is secure.

## Warri warning

THE Club has been alerted to a serious situation in the Warri Port and Escravos River areas in Nigeria, where armed pirates are said to be patrolling the area, boarding vessels and demanding money. It is considered unsafe for vessels to move on the river, even with armed escorts. Members who are contemplating operating to the area in the near future are advised to contact the Club for advice.

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