



Revised Procedure for Group A Cargo issued by MMD Kolkata - loading permission, sailing clearance and survey regime for iron ore fines and other Group A cargoes following the loss of MV *Ocean Winner*.

1. Summary:

Following the very recent loss of the Panama-flagged bulk carrier *Ocean Winner*, the Principal Officer, MMD Kolkata has, with immediate effect, imposed additional controls on the loading and sailing of vessels carrying iron ore fines, sand and other Group A (liquefiable) cargoes from ports under Kolkata Port jurisdiction, this would include Kolkata, Haldia, Budge Budge, Diamond Harbour, Paradip, Dhamra, Gopalpur and Port Blair. Members with vessels loading, or due to load, such cargoes at these ports — Paradip in particular — should anticipate additional permissions, port-conducted risk assessments, mandatory multi-stage surveyor attendance. Detailed procedures are stated to be under preparation and the position is evolving.

The controls invoke the existing framework under MS Notice 9 of 2010 (safe loading, stowage and carriage of iron ore fines in fair and foul season), read with the shipper's declaration requirement the authority attributes to MS Notice 2 of 2017. Para 5(iv) of MS Notice 9 of 2010 sets out port/terminal responsibilities, including covering of stockpiles liable to be affected by monsoon precipitation.

2. Revised requirements as presently notified:

As communicated by the Principal Officer, MMD Kolkata:

- (a) Explicit prior loading permission** — permission must be obtained from the PO, MMD Kolkata before commencement of loading of the subject cargoes;
- (b) Explicit departure / sailing permission** — separate permission from the PO must be obtained prior to departure;
- (c) Port risk assessment** — a Risk Assessment is to be carried out by the port and submitted to the PO for any liquefiable cargo, addressing at least expected rainfall, jetty condition (open or closed) and cargo storage arrangements;
- (d) Shipper's declaration** — to be submitted as per MS Notice 2 of 2017;
- (e) Mandatory surveyor attendance at each stage** — surveyor attendance now operates as a gate on the loading operation itself: an MMD surveyor must attend

and clear each stage, and loading may not commence, resume after any stoppage, or be treated as complete in the surveyor's absence. The survey covers — (i) the storage location prior to loading, with the arrangement for covering the cargo in the shortest time in the event of rain to be demonstrated; (ii) any rain stoppage — loading is to halt, the surveyor informed and the cargo covered, with the surveyor's go-ahead required before loading resumes; (iii) continued TML testing on board; and (iv) a further attendance on completion of loading;

(f) Declaration of the full path (chain of custody) of the cargo — the Owners / Agents / Shippers are to submit a document detailing the full path of the Group A cargo up to sailing of the vessel: where the cargo is stored, how it is transported, when sampling is carried out and by whom, how and where testing is done together with the results, how the cargo is loaded and where it is kept in port, and how ingress of moisture/water is prevented — supported by photographs and identifying the responsible person at each stage; and, in the event of rain during loading, the actions taken (again with photographs).

The authority has indicated this is an initial requirement and that detailed procedures are being drafted.

Division of responsibility: The onus for the path declaration at 2(f) is divided. The portion of the cargo path up to the point at which the cargo crosses the ship's rail is to be declared in detail to the authorities by the Shippers, with a copy of that report/path provided to Owners for their reference and records. The Owners / Master are to complete the remainder of the path — from the quay / crossing of the ship's rail and into the holds — evidencing the precautions and actions taken (e.g. timely closing of hatches during rain, testing of cargo on the quay and within the holds), supported by photographic evidence.

3. Recommendations to Members / Masters:

- Ensure the Master receives a valid, current cargo declaration from the shipper (moisture content, TML and FMP, cargo density) before acceptance, in accordance with the IMSBC Code and SOLAS Ch. VI.
- The Master should **not sign** any document presented by shippers/terminals seeking the ship's confirmation that the cargo is safe to carry — that obligation rests with the shipper.
- Where there is any doubt as to moisture condition, conduct a can test and insist on independent laboratory verification of TML; cargo should never be accepted on the can test alone.
- Masters should be reminded of their overriding authority under SOLAS and the ISM Code to refuse or suspend loading where safety is in doubt, notwithstanding commercial pressure.

- Highly recommended to appoint a P&I / cargo surveyor to attend loading, both to protect the Member's position and to interface with the MMD survey requirements.
- Given the divided declaration duty (paragraph 2(f)), obtain from the shipper a copy of their declared cargo path for the ship's records, and ensure the Master independently documents the ship-side portion — timely hatch closures during rain, testing at the quay and in the holds — with photographs and named responsible persons at each stage.
- Maintain a full evidential record (declarations, test results, rain logs, notes of protest, correspondence with PO/agent) in case of subsequent disputes.

4. Our assistance

James Mackintosh & Co. is available to assist entered vessels at Paradip and other Kolkata-jurisdiction ports — including liaison with the PO/MMD, arranging surveyor attendance, and guidance on the permission and declaration process. Please contact us for specific support.

We will circulate a further update once the detailed procedures are issued.