

中国船东互保协会文件

中船保赔字[2011]2号

关于在印度港口安全装运精铁矿的通函

各会员公司：

2009年“Asian Forest”和“Black Rose”两艘船分别从印度的 Mangalore 港和 Paradip 港装运精铁矿，由于货物流态化导致船舶倾覆沉没。还有船舶在印度季风季节前后装运精铁矿，由于货物液化导致船舶失去稳性被迫寻求避难港的案件。另外一些船舶因装运精铁矿的含水量超过货物的适运水份限(TML)，印度港口当局禁止船舶离港，直至含水量检测合格，导致相当严重的船期损失。

印度政府授命其航运部对沉船事故进行调查，并成立了一个专门委员会负责研究印度港口安全装运精铁矿、铁矿石的问题。印度航运部已就此问题发布了多个通函，最近的一个是2010年8月27日发布的2010年第9号商船公告。国际保赔协会集团(IG)正在就这些通函所引发的的问题，以及这些通函与国际海运固体散货安全操作规则(IMSBC CODE)之间的关系问题，与印度航运部展开对话和讨论。2010年第9号商船公告的内容，很可能被包含在印度政府正在制定的海上货物运输规则中，从而成为正式的法律。

印度政府在2010年5月的国际海事组织(IMO)安全委员会第87次会议

(MSC 87) 中，向大会提交了对上述两起沉船事故的调查报告，以及印度政府在这两起沉船事故发生后所采取的一系列行动和对安全装运精铁矿的一些建议。危险货物、固体货物和集装箱运输分委会(DSC)于 2010 年 9 月的第 15 次会议中讨论了该报告，并针对精铁矿运输中的一些结论和建议发布了 DSC. 10/CIRC63 号通函。

鉴于已发生的多起事故，会员公司应给予高度重视，在印度港口装运精铁矿、铁矿石时，务必遵守所有国际公约、规则、地方法规以及国际海运固体散货安全操作规则(IMSBC CODE)中，所有关于精铁矿、铁矿石在装货、积载、运输，以及卸货过程中的注意事项和规定。

国际海运固体散货安全操作规则 IMSBC CODE

国际海运固体散货安全操作规则是作为 1974 年国际海上人命安全公约(SOLAS 1974)及其议定书的附件发布的，印度已经通过其 1958 年商船运输法将其并入成为国内法。该规则制定了国际通行的安全积载、运输固体散货的措施，包括易流态化的货物，如精铁矿。在规则中没有特别指出的货物，都适用规则第 1 章第 3 节的规定。该规则已于 2011 年 1 月 1 日成为强制性规定。印度也已经通过 2010 年第 9 号商船公告使其成为强制性规定。

SOLAS 1974 公约中的规则 V1/2 要求发货人在装船前向船长及其代理提供货物的有关信息，以保证有充分的时间可以安排正确的积载以及安全运输该类货物的相关措施。

IMSBC CODE 第 4 章明确了发货人提供货物信息的相关义务和责任。

对于易流态化货物(A 组货物)来说，尤其需要提供货物装船前的含水量证书，及适运水份限(TML)证书。规则中明确了 TML 应为流动水分点(FMP)

的 90%。流动水分点只能通过实验室检测每批货物的样本来确定。含水量超过适运水分限的货物不允许装运（除非是具有特殊结构的船舶）。规则中并没有关于运输精铁矿的专门章节，但其应视为 A 组货物。

（A）船长的责任

船长及其代理应全程监控装货过程。在船长及其代理收到有关货物相关信息的上述书面材料前，不能开始装货。按照 SOLAS 1974 公约的规定，当船长认为货物可能影响船舶安全时，船长有权决定拒绝装货或停止装货。

（B）发货人的责任

（1）货物信息

规则中规定发货人应该在装船前的充足时间内，以书面形式向船长及其代理提供规则中所要求的货物的相关信息及文件，以便货物能够安全的装卸和运输。

（2）文件

相关文件必须包括：

- （a）每个货舱的货物含水量证书，以及发货人声明货物含水量为货物的平均水分含量。
- （b）货物的适运水分限证书，以及由有资质的实验室测定的货物的流动水分点值。

规则规定一般货物的流动水分点的测定时间与装货开始的时间间隔不能超过 6 个月，除非货物的生产过程发生变化，货物含水量的测定与装货开始的时间间隔不能超过 7 天。但是对于特殊货物，例如精铁矿，每一航次的货物都需要检测。船长对于由发货人指定的实验室测定的货物含水量，以及

含水量非常接近适运水分限值的情况要特别谨慎。如果在含水量测定后，装货开始之前下过大雨，则发货人必须重新进行检测，以确保货物含水量依然在适运水分限以下。

(3) 实验室

发货人应提供检测货物样本的实验室名称。船长最好向当地通代或检验人核实该实验室确实具备相关资质。印度国内真正有资质的实验室数量有限。

(4) 货堆

发货人必须指明要装运上船的货堆，并提供书面证明检测的样本以及出具的证书都是针对该货堆的货物。

印度装运的精铁矿容易产生问题

据会员公司反馈，从印度装运精铁矿容易出现以下问题：

- 货物描述不实来规避 IMSBC CODE 的适用。
- 不将精铁矿申报为 A 组货物。
- 含水量证书及适运水分限证书数据不准确以致不安全货物装上船。
- 船长承受船期延误的压力不得不装运没有相关证书的货物。
- 租约中的限制性条款。
- 货物开采后直接装船未经过货堆晾晒。
- 货物来源不同但仅提供了一份证书。
- 含水量证书时间与装货开始的时间间隔超过 7 天。

建议采取的措施

- 1、 在船长得到发货人提供的 IMSBC CODE 和当地法律规定的货物

信息和相关证书，及确认货物确实安全之前，不能开始装货。

- 2、 在询问协会意见之后，在装船前指定检验人为船长提供帮助。当地港方可能已经要求船方必须指定检验人。必须向港方、发货人、租家声明，船方指定检验人并不能减轻发货人根据 IMSBC CODE 和当地法律规定所应承担的责任。

指定的检验人应完成下述工作：

- (a) 帮助船长完成 IMSBC CODE 以及当地法律规定的船长所应承担的责任。
- (b) 联络发货人，以确定装运的货物所处的货堆，并确保根据 IMSBC CODE 中 4.4 和 4.6 的规定正确提取货物样本。
- (c) 代表船东自行取样，并送交独立的有资质的试验室测试。
- (d) 联系专家以确保实验室 IMSBC CODE 附录 2 的规定对样本进行测试。
- (e) 将发货人提供的含水量证书和适运水分限证书与船东指定的检验得出的结果进行比较。船长对于由发货人指定的实验室测定的含水量，以及含水量非常接近适运水分限值的情况要特别谨慎。如果在含水量测定后，装货开始之前下过大雨，则发货人必须重新进行检测。
- (f) 船长及其代理应全程监控装货过程。需要特别注意天气情况以及存在的湿货（尤其是驳船上的湿货）。
- (g) 如果有必要对装运的货物的任何一部分进行圆桶测试或含水量测试，则应停止装货。
- (h) 监控相关货堆或驳船，以确保要装运的货物是来自已经测试过的货堆和驳船。这需要严格进行监装及确认装货的驳船。
- (i) 确保下雨时暂停装货。

(j) 严格检验未经遮盖的驳船上运来的货物，尤其是在下雨之后，如对其含水量有任何疑问，就应进行圆桶测试。圆桶测试是在 IMSBC CODE 第 8 章中规定的，当船长对货物状况产生疑问时，可以进行的现场测试，此测试不能代替或取代发货人有义务进行的实验室检测。IMSBC CODE 第 8 章规定，如果经过圆桶测试货物样本显示出流态化的特征，如表面平坦并有水分析出，则应在装货前进行实验室测试。不能仅仅根据圆桶测试的结果来决定是否可以装货。圆桶测试只能确定货物不适于装运，不能确定货物适于装运，而只能通过实验室测试来确定。

- 3、 如果相关方要求船长或检验人签字确认货物适于安全装运，他们必须严词拒绝。因为 IMSBC CODE 中规定声明货物安全是发货人的责任。签署这样的文件，会员可能会失去向发货人追偿的权利。
- 4、 如果有人以商业借口向会员施压，应该报告给协会，协会将通过国际保赔协会集团与印度航运部协商解决。
- 5、 会员在同意装运精铁矿货物之前，应该通过合同条款充分保护自身利益，例如在所有租约中增加适当的条款。同样的，会员应该拒绝签订任何限制其遵守 IMSBC CODE 规定，或其指定独立检验人，及其提取并检验样本的租约。
- 6、 如果会员对于在印度装运精铁矿、铁矿石有合同上或安全运输上的问题，应立即向协会咨询。

不遵守 IMSBC CODE 规定的后果

很明显，不遵守 IMSBC CODE 可能会造成人员伤亡、环境污染，以及财物损失的严重后果。同时会员还应意识到，如果不遵守 IMSBC CODE 和当地

法律法规的规定，还可能会影响到协会对其责任的承保。协会保险条款中有明确规定，因航程不谨慎、不安全、过于危险或不恰当所产生的索赔，协会不负赔偿责任。

重要事项

会员公司必须在确定租约所指定的船舶要到印度装运精铁矿之时即通知协会经理机构，以使经理机构可以立刻指定当地检验人和专家。如果货物已经在堆场，则可以在船舶到达之前，安排提取货物样本，送交有资质的独立实验室，在专家的指导下进行测试。即使这样，也不能完全排除耽误船期的可能，尤其是在没有提前足够的时间通知经理机构，或是货物依然在开采过程中的情况下。

会员还应该注意在租约、包运合同或其它运输合同中添加明示条款，来保障自身利益，并且应该在签订租约或定租确认书之前咨询协会理赔部的意见。

特此通函。

附件：印度航运部 2010 年第 9 号商船公告（中译文）

----Merchant Shipping Notice No.9 of 2010

中国船东互保协会经理部

二〇一一年二月十二日



主题词：中船保、印度、精铁矿、通函

抄送：大连分部、上海分部、中国保赔服务（香港）有限公司

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关于在印度港口各季节安全装卸、积载、运输精铁矿的公告

致：船东、船长、托运人、港口及其他相关各方

- 1、商船运输部将对所有在印度港口装运精铁矿/铁矿粉或类似货物的船舶实施船旗国检查或港口国检查。
- 2、这些船舶只有在获得了商船运输部的许可后才能离港。
- 3、本公告内各项要求必须严格遵守。
- 4、检测精铁矿样本的实验室必须获得相关部门的认证。
- 5、违反国际规则、国内条例及本公告的相关规定将带来严重后果。
- 6、违反上述规定，根据 1958 年商船运输法及其它相关法律，船东、船长、托运人、港口及其他相关方将会受到法律制裁。

第一部分 介绍

装运精铁矿所引发的海难事故

1、背景

2009 年 7 月从印度装运精铁矿的“亚洲森林”轮沉没，8 月又有几艘装运精铁矿的船舶遭遇了类似危险，紧接着 9 月“黑玫瑰”轮沉没。这一系列海难事故使政府航运部和航运管理总局意识到了装运精铁矿所带来的严重问题。“亚洲森林”轮和“黑玫瑰”轮沉没在印度海域，仍有 1,400 多吨燃油还留在舱内。这些船舶都是由于货物移动产生液化，导致严重的倾斜。在对这些事故的调查过程中，发现了诸如货物信息不正确、货物含水量过高、货物液化、港口拒绝船舶避难等问题。海事部门的及时救助在多处类似事故中避免了严重海难的发生。

2、调查委员会的成立

为了调查从印度装运精铁矿所涉及的问题，政府航运部和航运管理总局各成立了一个技术委员会。其中一个调查委员会由国家航运局主席领导，另一个则由政府海事顾问领导。在履行完相应职责后，各调查委员会都指出，托运人、港口、租家以及船东都没有就在印度港口安全装运精铁矿给予船长足够和及时的帮助。同时，各调查委员会也注意到船长在印度港口装运精铁矿时，没有做到谨慎处理，也没有行使安全管理体系 ISM 所赋予他们的拒绝装货的权力。

3、国际规则和国内条例的适用

为防止人身伤害及船舶和货物的损失，海上固体散货运输有一系列规定。印度政府是 1974 年国际海上人命安全公约(SOLAS 1974)及其议定书的缔约国，公约中关于固体散货运输的规定，即非强制性的散货运输规则(BC CODE)已通过商船运输法，即 1991 年货物运输条例并入印度法律。国际海运固体散货安全操作规则(IMSBC CODE)已于 2011 年 1 月 1 日起生效，取代现行的散货运输规则(BC CODE)。IMSBC CODE 强调了固体散货运输中的主要风险，例如由于货物液化而导致船舶稳性减小甚至丧失，由于货物积载不当导致船舶结构

损坏，货物发生化学反应等。虽然原 BC CODE 只是建议性质，但已经被并入到 1991 年货物运输条例中。新的 IMSBC CODE 从形式和内容方面都对 BC CODE 作了较大改动。航运管理总局针对上述海难和类似事故，于 2009 年 9 月发布了商船公告第 31 号和第 34 号，现在两公告仍然有效，各方应该严格遵守。这些公告对航运业安全运输精铁矿所应遵守的规则和条例提供了广泛的指导。

第二部分

4、对安全运输精铁矿有关各方的指令

航运管理总局重申，在装运精铁矿时，船东、船长、托运人及港口应该执行各项国际规则和国内条例，还需遵守 2009 年第 31 号商船公告中所列举的普遍的国际惯例，以及 2009 年第 34 号商船公告所要求的额外的防范措施。鉴于印度海域正处于西南季风季节，公告指出：

- (i) 船东应该遵守 SOLAS 1974 公约第 4 章的规定，IMSBC CODE，以及 SOLAS 1974 公约第 12 章关于散货船应采取的额外的安全措施。
- (ii) 托运人必须在装船前足够长的时间内向船长或其代理人以书面形式提供货物的相关信息，以保证货物的正确积载和安全运输。
- (iii) 港口当局应该确保托运人所提供的货物信息是有效的，如含水量（包括流动水分点 FMP），适运水份限以及货物密度声明等。他们还应该履行其在国际海运固体散货安全操作规则(IMSBC CODE)下的义务，这些义务包含了散货船安全装卸操作规则（BLU CODE）的具体规定。
- (iv) 在印度港口装运上述货物的船舶代理应该提醒并鼓励船长，根据自己的判断，在必要时行使 SOLAS 1974 公约中赋予的拒绝装货的权利。
- (v) 在整个装货的过程中，如果有怀疑，船长应该在接受货物装船前，依据 IMSBC CODE 的规定，核实精铁矿的含水量。
- (vi) 依据 IMO 决议 A.949(23)关于避难港的规定，港口应该对于因货物含水量超标而影响航行安全的船舶提供避难场所。同时，港方应采取一切必要措施确保港口的安全。如有疑问，港方应向航运管理总局咨询，并根据 IMO 决议 A.950(23)的规定，通知海事救助服务机构。

5、针对精铁矿安全装卸的特殊规定

船方、托运人、港方及安全装卸精铁矿所涉及的其他相关方还应遵守以下指示：

(I) 船方应确保：

- (a) 被指定到印度港口装运精铁矿的船舶合格，并且船长还应确保船舶符合以下条件：
 - 1) 水密性及其他性能良好，可以抵御预定航次的一般风险。
 - 2) 配备一本由船旗国认可的，采用船员能够掌握的语言，和使用标准的表达和缩写方式的船舶稳性和装载手册。如果使用语言并非英语、法语、西班牙语中的一种，则还应包含一份这几种语言之一的翻译件。
 - 3) 舱口尺寸足够大，以便进行正常的装载、积载和卸载货物。
 - 4) 装载手册和装卸计划中使用货舱识别码。这些识别码的位置、大小和颜色应该足够清晰，以便装卸机械的操作员可以清楚的辨别。
- (b) 被要求进行应力计算的船舶应该携带船旗国管理部门认可的装卸计算工具。
- (c) 所有动力装置和辅助机械运转正常。锚泊和靠泊所使用的甲板设备，包括锚、钢索、

缆绳、大缆、绞盘等处于正常的可操作状态。

(d) 所有货舱的操作系统和安全设备运转正常，并且仅用于设定的用途。

(e) 如果配有倾斜度指示灯，则应在装卸货开始前测试，并确认其处于正常操作状态。

(f) 船舶自身的装卸货设备应具备有效的证书并进行正常维护，且只能在合格的船方人员的指导下操作。

(g) 船长应确保托运人提供 SOLAS 1974 公约及其议定书第 6 章中所规定的货物信息。如果需要进一步的信息，如平舱及持续监测货物水分含量等，则船长应通知港方。

(h) 船长应在装货开始前确保船舶的适货性。

(i) 如果对托运人提供的货物信息或者货物的品质有疑问，在接受货物前，船长应会同港方代表，在合理可行的情况下，进行圆桶测试或 IMSBC CODE 里描述的其它测试。

(j) 在受到不合理的商业压力下，船长应毫不犹豫的行使 SOLAS 1974 公约第 5 章第 34 条第一款中所赋予的权利，以及安全管理体系 ISM 中赋予的拒绝装货的权利。

(k) 当港方、托运人或其他相关方在装货过程中拒绝合作，危及到船舶的安全，船长应立即向主管机构报告。

(II) 船东、船舶管理人、经营人在确定船舶装运精铁矿时，应确保：

(a) 船舶适航，并且状态良好。

(b) 船舶配备有合格的船员。

(c) 船上最少有一名高级船员能熟练掌握装港及卸港当地的语言，或者至少有一名高级船员熟练掌握英语。

(d) 船舶不存在可能会影响船舶安全航行及安全装卸货物的缺陷。

(III) 托运人的责任

(a) 托运人应该在装货开始前足够的时间内，向船长或其代理提供关于精铁矿货物的正确信息，如有疑问，应立即通知有关主管机构。

(b) 托运人应按照 IMSBC CODE 中规定的格式提供有关货物信息和货物密度声明。

(c) 托运人应对精铁矿货物进行取样化验，并根据 IMSBC CODE 的要求确定货物的含水量以及适运水份限。

(IV) 港方的责任

(a) 港方需确保在综合考虑以下因素的情况下，只接受能够安全靠泊于其码头设施的船舶进港。

1) 泊位的水深

2) 船舶尺度的最大值

3) 靠泊计划

4) 防撞设施

5) 安全进入

6) 可能阻碍装、卸作业的事项

(b) 港口设施应根据港口国当局所认可的有关港口法律、章程、港口安全法及其它适用法律及规范，具备相应的证书并进行维护保养。这些设施应仅供合格的和依照相关法律具备相应证书的人来操作。当使用自动计重设备时，应根据港口法律、章程或制造商的要求，定期进行校准。

(c) 应对港口人员就散货船或其它类型船舶在安全装卸方面的所有有关问题进行培训，使其尽早适应其职责。

1) 培训的目的应使港口人员能够熟悉装卸和运输精铁矿可能面临的风险，以及不正确的货物作业方式可能对船舶安全造成的负面影响。

2) 培训应该由合格的港口培训人员按照上述港口法律或其它适用法律所规定的标准来进行。

(d) 港口经营人应保证装卸过程中所涉及的工作人员有足够的休息时间，以避免疲劳作业。

(e) 港方应该在合理可行的情况下，对精铁矿货堆进行遮盖，以避免其受到降雨、高湿以及印度海域西南季风季节气候的影响。

(f) 港方应该在合理可行的情况下，对露天堆放的精铁矿货堆提供相应的排水系统。

(g) 港方应该在合理可行的情况下，确保港内有足够的合格的实验室，能够快速高效的测试托运人或是船东送检的样本，测定货物的含水量和适运水份限。

(h) 有关主管机构可能会对从事精铁矿货物运输的港口就 IMSBC CODE 的执行情况进行定期的检查。

(i) 如果装运精铁矿的船舶遇到危险，并为避免海难事故向港方求助，港方应该提供安全的避难场所，供其采取必要的补救措施。

(V) 实验室及托运人/出口商的检验人

(a) 所有根据 IMSBC CODE 第 8 章以及附件 2 中的有关规定对精铁矿样本进行检测的实验室都应该为托运人、船方及其代表所接受。此种接受可视为相关主管机构的认可。

(b) 进行这类检测的人员应该有相应的资质和经验。

(c) 托运人、出口商所指定的货物检验人应该具有相应的资质和经验，为港方代表就货物的数量、质量，和其是否适于从印度港口运输等提供信息。

(d) 为避免相关各方对精铁矿的样本产生争议，在可能的情况下，可以在发货人和船方代表都在场的情况下，联合提取样本。取样可以根据 IMSBC CODE 第 4 章规定的步骤进行。

(VI) 航运管理总局是执行 SOLAS 1974 公约、相关法律、规章以及 IMSBC CODE 和商船通告的主管机构。本公告须同 2009 年第 31 号和 34 号公告联合执行。

IMSBC CODE 中所规定的安全运输精铁矿的所有相关方都应当遵守 1991 年货物运输条例、本公告，以及 IMSBC CODE 中的相关规定。如果这些规定中有相互矛盾的地方，则应根据印度 1958 年商船运输法采取相应的法律程序解决。

本公告的颁布已通过航运管理总局以及印度政府秘书处的许可。

Merchant Shipping Notice No. 9 of 2010

No.: 69-NT (1)/2008

Date: 27th August, 2010

Subject: Safe loading, stowage, carriage and discharging of iron ore fines on ships from Indian Ports in fair and foul season - reg.

For the attention of – Ship owner, Ship master, Shipper, Port Terminal and other concerned Stakeholders.

1. The Mercantile Marine Departments shall carry out 100% Port State Control / Flag State Implementation Inspections of all vessels loading cargo of Iron ore fines / Concentrates and similar type of cargoes from Indian Ports during fair / foul weather season.
2. These vessels shall only sail out from Indian ports after obtaining clearance from the concerned Mercantile Marine Departments.
3. In addition, the provisions of this notice shall also be strictly complied with.
4. Laboratory Test Houses conducting test on cargo samples of iron ore fines has the approval of the Competent Authority if accepted by the ship, shipper or their representatives.
5. Non-compliance of the provisions of International Regulations, National Rules and this notice shall be viewed seriously.
6. Legal action for such contraventions shall be taken against the Ship owner, Ship master, Shipper, Port terminal and other concerned Stakeholders under the provisions of Merchant Shipping Act, 1958 and other applicable laws.

PART I

Introduction

Spate of shipping casualties involving ships engaged in carriage of Iron ore fines:

1. Introduction

Certain problems involved in the carriage of Iron ore fines came to notice of Directorate after the incident of M.V. “Asian Forest” in July 2009 followed by many near miss cases involving ships carrying iron ore fines from Indian Ports in August 2009 including another serious shipping casualty of “M.V.Black Rose” in the month of September 2009. M.V. Asian Forest and M.V.Black Rose became wreck in Indian waters leaving behind over 1400 tons of bunker oil entrapped in the bunker tanks. These ships encountered heavy listing due to shift of cargo on account of liquefaction. Investigation into these incidents highlighted improper cargo information, excessive moisture content in the cargo, liquification and refusal of entry of the affected vessels by Port Authorities. Timely intervention by the Maritime Assistance Service (MAS), i.e. Directorate General of Shipping, Mumbai prevented occurrence of shipping casualty in many cases of reported near misses.

2. Constitution of Committees

To address the concerns related to carriage of iron ore fines from Indian shores, a technical committee was constituted by the Ministry of Shipping and Director General of shipping each. One of the committees was headed by the Chairman National Shipping Board (NSB) and other by the Nautical Advisor to the Government of India. Upon completion of their task, the respective committee concluded that shippers, port terminals, charterers and the ship owners do not provide adequate and timely support to the ship masters in safe carriage of iron ore fines from Indian ports. It was also observed that the Master of the ships were not exercising due diligence while loading this cargo from Indian ports and not using their overriding authority provided under the safety management system (ISM Code requirement).

3. Applicability of International Regulations and National Rules

Carriage of solid bulk cargoes by sea is regulated to prevent injury to persons or damage to ship and their cargoes. The Government of India is party to the SOLAS Convention 1974 as amended and the provisions relating to the carriage of solid bulk cargoes under SOLAS 1974 as amended have been enacted into the rules made under Merchant Shipping Act called MS (Carriage of Cargo) Rules, 1991 incorporating the elements of code of safe practice for solid bulk cargoes (BC Code) which is recommendatory in nature till date. The International Maritime Solid Bulk Cargoes Code (IMSBC Code) is expected to come into force on 01.01.2011, and superceding existing Solid Bulk Cargo Code (BC Code). This IMSBC Code

highlights the prime hazards associated with the shipment of solid bulk cargoes, such as loss or reduction of stability during a voyage due to liquification, structural damage due to improper cargo distribution and chemical reactions of cargoes. Although the provisions of the existing BC Code are recommendatory in nature, the same has been included in the Merchant Shipping (Carriage of Cargo) Rules, 1991. The new IMSBC Code modifying the existing BC Code has undergone many changes in layout and content. The Directorate, in view of the shipping casualties and near misses stated above had issued Merchant Shipping (MS) Notice 31 and 34 in the September 2009, which are still in force and required to be adhered strictly. These notices broadly provide guidelines to the shipping industry to comply with the relevant rules and regulations for safe carriage of iron ore fines.

PART II

4. Directives to all concerned in safe carriage of Iron ore fines

The Directorate reiterates that the ship owners, ship masters, shippers and port terminals shall conform to National and International Regulations including prevailing International Practices as stipulated in MS Notice No. 31 of 2009 and additional safeguards specified under MS Notice No. 34 of 2009 for safe carriage of iron ore fines. In view of the onset of South West Monsoon in Indian waters, it is directed that:

- i) The ship owner shall comply with the provisions of SOLAS Chapter VI, IMSBC Code and additional safety measures for bulk carriers under Chapter XII of SOLAS 1974, if applicable;
- ii) The shipper shall provide the master or his representative with appropriate information on cargo sufficiently in advance, prior to of the loading of iron ore fines to take precautionary measures, which may be necessary for proper stowage and safe carriage of this cargo.
- iii) The Port Authorities shall ensure that shipper gives current cargo information such as Moisture Content,(including Flow Moisture Point (FMP) and Transportable Moisture Limit (TML), and Cargo Density declaration. They shall also fulfill their relevant obligations specified in the IMSBC Code which includes the provisions specified in the Code of practice for the safe loading and unloading of bulk carriers (BLU Code);
- iv) The agent of the ships calling Indian Ports for shipment of captioned cargo shall advise and encourage the Masters to use their discretion and overriding authority under SOLAS 1974 as amended;
- v) The masters are directed to verify the moisture content of the iron ore fines, if in any doubt, in accordance with the provisions of IMSBC code prior to the acceptance of the shipment during the entire loading operations;
- vi) The Ports are requested to facilitate entry of vessels in need of assistance as places of refuge when the masters are apprehensive about

the safety of their vessels due to excessive moisture contents, taking into account the provisions of IMO Resolution A.949 (23) that deals with Places of Refuge. In doing so, the Port shall take all measures for the safety of their own Port. If in any doubt, the Port Authority shall consult the D.G. Shipping, notified as Maritime Assistance Service (MAS) in accordance with IMO Resolution A.950 (23).

5. Special requirements for safe loading and unloading of iron ore fines

The ship, shipper, port terminal and other concerned in safe loading and unloading of iron ore fines shall in addition comply with the following instructions:

(i) Ships:

(a) Ships nominated for iron ore fines loading from Indian ports are suitable and in addition the ship master to ensure following that the ship is:

1) Weather tight and efficient in all respects to face the normal perils of the sea for the intended voyage;

2) Provided with an approved stability and loading booklet approved by the Flag Administration in a language understood by the ship's officers concerned and using standard expression and abbreviations. If the language is neither English, nor French, nor Spanish, a translation into one of these languages should be included;

3) Provided with hatch openings of sufficient size to enable the cargo to be loaded, stowed and unloaded satisfactorily; and

4) Provided with the hatch identification numbers used in the loading manual and loading or unloading plan. The location, size and colour of these numbers shall be chosen so that they are clearly visible to the operator of the loading or unloading equipment.

(b) Ships which are required to carry out stress calculations shall have on board an approved loading instrument by the flag administration for the rapid calculation of such stresses;

(c) All propulsion and auxiliary machinery shall be in good functional order. Deck equipment relating to mooring and berthing operations, including anchors, cables, mooring lines, hawsers and winches, shall be operational and in good order and condition;

(d) All hatches hatch operating systems and safety devices shall be in good functional order, and used only for their intended purpose.

- (e) List indication lights, if fitted, shall be tested prior to loading or unloading and proved operational;
 - (f) Ship's own cargo handling equipment shall be properly certificated and maintained, and used only under the general supervision of suitably qualified ship's personnel;
 - (g) Ship Master shall ensure to receive from the shipper of intended cargo, details of the nature of the cargo required under Chapter VI of SOLAS 1974, as amended. Where additional details, such as trimming or continuous measurement of the water in the cargo, etc, are required, the master shall inform the terminal accordingly;
 - (h) Ship master shall ensure that the prior to the shipment of cargoes stated above the vessel is made cargo worthy;
 - (i) ship master shall conduct can test or other test prescribed in the IMSBC Code to the extent reasonable and practicable prior to the acceptance of shipment of cargo along with the terminal representative in case of any doubt about the information submitted by the shipper or quality of cargo;
 - (j) in the event of any undue commercial influence, the master shall not hesitate to use his authority prescribed under SOLAS Chapter V regulation 34 - 1 and over riding authority under the safety management system as applicable;
 - (k) In case of non co-operation by the port terminal or shipper or other entities in safe loading of cargo posing threat to safety of the ship, the master shall not hesitate to report the matter to the Competent Authority.
- (ii) Ship owner, manager or operator when offering a ship for cargo of iron ore fines, shall ensure that the ship:
- (a) is maintained in a sound, seaworthy condition;
 - (b) has on board a Competent and Qualified Crew;
 - (c) has on board at least one Officer proficient in the languages used at both the loading and unloading ports, or has an officer available who is proficient in the English language; and
 - d) is free of defects that may prejudice the ship's safe navigation, loading or unloading.
- (iii) Shipper has the following responsibility:
- (a) the Shipper shall provide the master or his representative with appropriate information of the iron ore fines cargo sufficiently in

advance, prior to loading and if in any doubt shall approach the Competent Authority without any delay;

(b) the Shipper shall provide Cargo Information and Cargo Density Declaration for iron ore fines in the prescribed form as specified in the IMSBC Code;

(c) the shipper shall have the samples of iron ore fine cargoes tested for ascertaining the moisture content or transportable moisture limit as per the requirements specified in IMBSC Code.

(iv) Port terminal has the following responsibility:

(a) Port terminal operators shall ensure that they only accept ships that can safely berth alongside their installation, taking into consideration issues such as:

(i) water depth at the berth;

(ii) maximum size of the ship;

(iii) mooring arrangements;

(iv) fendering;

(v) safe access; and

(vi) obstructions to loading / unloading operations.

(b) Terminal equipment shall be properly certificated and maintained in accordance with the Port Laws, Bye Laws, Dock Safety Laws and other applicable laws or standards accepted by the Port State Authorities. Such equipments shall only be operated by duly qualified and, if appropriate, certificated personnel required under the applicable laws. However, where automatic weighing equipment is provided, this shall be calibrated at regular intervals as per the requirements of the port laws/bye laws or the manufacturers as the case may be;

(c) Terminal personnel shall be trained in all aspects of safe loading and unloading of bulk carriers or other suitable types of ships, commensurate with their responsibilities at the earliest taking into account that:-

(i) the training shall be designed to provide familiarity with the general hazards of loading, unloading and carriage of iron ore fines and the adverse effect of improper cargo handling operations that may have on the safety of the ship; and

(ii) training to such personnel shall be provided by qualified trainer of the port terminals conforming to the standards specified in the port and other laws specified above.

(d) terminal operators shall ensure that personnel involved in the loading and unloading operations are duly rested to avoid fatigue;

(e) the port terminal shall cover the stockpiles of iron ore fines cargo likely to be adversely affected by precipitation or high humidity or rain or weather conditions during the South West seasonal monsoon in Indian waters to the extent reasonable and practicable;

(f) the port terminal shall provide proper drainage system for water from the stock piles of iron ore fines cargo lying in the open areas of its premises to the extent practicable and reasonable;

(g) the port terminal shall to the extent reasonable and practicable ensures adequate number of approved laboratory test houses availability within the port premises for carrying out efficient and effective testing of samples submitted by the shipper or the ship owner to verify the compliance of moisture content or transportable moisture limit of such cargoes;

(h) the port terminals engaged in the shipment of the cargo of iron ore fines may be audited by the Competent Authority if necessary for the purpose of verification of compliance with the relevant provisions of IMSBC Code at periodical intervals;

(i) the port terminals, if approached by the master of the ship in need of any assistance to prevent shipping casualty after the shipment of such cargoes shall provide safe and sheltered place to such ships to take corrective measures.

(v) Lab tests houses and cargo surveyors of shippers / exporters:

(a) all laboratory test houses conducting the tests on cargo samples of iron ore fines under Section 8 (test procedures for cargo that may liquefy) and appendix 2 (laboratory test procedures, associated apparatus and standards) under IMSBC Code shall be duly accepted by the shipper, ship or their representative. In the interim such acceptance shall be construed as having the approval of the Competent Authority;

(b) all personnel conducting such tests shall be suitably qualified and experienced;

(c) the cargo surveyors appointed by shippers / exporters shall be suitably qualified and experienced for the purpose of informing the terminal representative in respect of cargo quantity, quality and suitability of such cargoes for shipments from Indian ports;

(d) to avoid any dispute between the concerned parties with respect to sampling of iron ore fines, to the extent possible, the samples may be drawn jointly in presence of shipper and ship's representative. The sampling may be carried out in accordance with procedures prescribed in Section 4 of IMSBC Code.

(vi) For the purpose of implementation and enforcement of the provisions of the relevant part of SOLAS 1974 , Act, Rules, IMSBC Code and the M.S. Notices, the **Competent Authority is the Directorate General of Shipping.** This notice shall be read with Merchant Shipping Notices (MS) No. 31 and 34 of 2009.

All concerned in the safe carriage of iron ore fines specified in IMSBC Code from Indian ports or places are directed to comply with these provisions of Merchant Shipping Act, M.S. (Carriage of Cargo) Rules, 1991, this notice and the relevant provisions of IMSBC code. In the event of any contravention of these provisions, an appropriate legal action as prescribed in Indian Merchant Shipping Act, 1958 shall be taken.

This issues with the approval of Director General of Shipping, Additional Secretary to the Government of India.

(Capt. Deepak Kapoor)

Nautical Surveyor-cum-DDG(Tech)