

STS operations at Port/OPL Kavkaz – reducing shortage claims

Several recent issues with the vessels completed loading bulk cargoes at the outer anchorage of Port Kavkaz and OPL Kavkaz (neutral waters of the Black Sea) have resulted in disputes over quantity of cargo which caused delays in issuance of cargo documents and vessel's departure.

As per agreed Charter Party terms, the determination of the cargo quantity was as follows:

- The Master signs clean Bill of lading as presented with weight to be as per Shippers' figures.
- In case of dispute over the actual loaded weight, the cargo quantity loaded to be established by the shore figures, which shall be conclusive as to the loaded weight and the Bills of lading shall be drawn up and signed accordingly, unless fraud or manifest error.

In the described cases, during the whole period of loading operations no any evidence of the shore figure, such as shore scales measurements was provided to the Masters by Stevedores, Agents or Shipper's representatives.

In each case there was a surveyor appointed by Shippers for a draught survey. The shipper's surveyor had not disclosed the results of the initial and final surveys before completion of loading. While reading the draught marks and in the process of calculating, he did not compare his findings with the Chief Officer. After completion of loading the shipper's surveyor presented his draught survey report to Master, with quantity exceeding 200-400 MT the actual finding, or 1 % of the total quantity loaded, that was beyond a normal and/or customary difference on the loaded cargo quantity.

It was found that in his report the shipper's surveyor adjusted the actual density of sea water, changed draught marks reading and provided no calculation sheet for the ballast tanks, aiming to increase the quantity of cargo loaded in favor of the Shippers.

The Master refused to sign the falsified report issued by shipper's surveyor. The subsequent disputes over the cargo quantity resulted in considerable delays.



Recommendations

In the described cases, the shipper surveyor's draught survey report with the falsified calculation was used as evidence of the quantity of cargo loaded, contrary to the Charter Party terms.

- It would be advisable to clarify the term 'shore figure' from the very beginning and specify documentation to be presented by Shippers to Master in support of the declared 'shore' weight.

Where the shipper's surveyor is appointed for a draught survey and/or in case of the quantity of cargo is to be determined by the 'ship's figure' (draught survey method), particular attention should be paid to the following:

- Co-operation between the independent surveyors and the ship's officers is essential.
The readings and measurements should be undertaken together, figures compared and parties should come to a mutual solution. There should be No difference between the density of sea and ballast water, soundings and volumes of the ballast tanks.
If there is a dispute over the quantity of ballast water, the shipper's surveyor should be requested to issue a calculation sheet showing breakdown of volumes and densities per each ballast tank for comparison.
The parties conducting the survey should avoid or agree on a minimal difference between the readings of draught marks, preferably not exceeding 1 cm.
- Condition of sea at Port/OPL Kavkaz.
This region can experience changeable weather with frequent winds, causing swell up to 0.5-1.5 m and making accurate reading of the draught marks impossible.
If the situation that the condition of sea is not appropriate for draught marks reading but the barges with cargo and floating cranes are ready to commence transshipment operations, the vessel/surveyors may be demanded to complete the initial survey and not to delay loading.
Although the transparent draught damper tubes can be used for reading of the Midships draughts, it is still difficult to read the Fore and Aft draught marks carefully in case of swell and the results of draught survey will be incorrect.
If the so-called vessel's 'constant' determined during the initial draught survey in stormy weather does not meet its usual weight, then the previous draught survey reports can be examined and the average figure applied. In case the shipper's surveyor does not accept the average vessel's 'constant', it would be recommended to wait for weather improvement and conduct the initial draught survey in calm sea conditions.
- Correctness of draught survey.
Under no circumstances the actual readings and measurements can be amended and adjusted by the attending surveyors. If any effort to falsify the draught survey results is noticed, the vessel should react immediately and prevent such attempts.