



İstanbul :

Sayı  
Our Reference: 243

20.01.2016

Konu  
Subject :**Dökme Yük Gemilerinin Güvenli Bir Şekilde Yüklenmesi ve Boşaltılması Hk.**

Sirküler No: 51 / 2016

Sayın Üyemiz,

**İlgi:** Uluslararası Deniz Ticaret Odası'ndan (ICS) alınan 05.01.2016 tarih ve MC(16)01 sayılı yazı ve Eki.

**İlgi yazı ile ICS Üyeleri dökme yük gemilerinin güvenli bir şekilde yüklenmesi ve boşaltılması hakkında verilen bilgilere ilişkin görüşlerini ECSA'ya yönlendirilmek üzere 29 Ocak 2016 tarihine kadar Teknik Direktör Alistair HULL'a bildirmeye ve IMO onaylı kontrol listelerinin kullanımını teşvik ederek yaygınlaştırmaya davet edilmektedirler.**

Avrupa Topluluğu Armatörler Birliği (ECSA), kaptanların EU BLU Direktifi (Direktif 2001/96/EC) Ek III kapsamında tamamlaması ve liman idarelerine beyan etmesi gereken kontrol listelerinin geliştirilmesine yönelik Avrupa bünyesinde bulunan kıyı kesimi taraflarının sunmuş olduğu bir öneri hakkında bilgilendirme yapmıştır. Bahse konu öneri, dökme yük gemilerinde yükleme ya da boşaltma yapılması sırasında liman işçilerinin sağlığı ve emniyeti ile ilgilidir. ICS Sekreteryası'nın öneri hakkındaki düşünceleri aşağıdaki unsurları kapsamaktadır:

1. Liman işçilerinin sağlığı, emniyeti ve eğitimi hususundaki endişenin, gemiye fazladan bir idari yük eklenerek giderilmesi önerilmiştir.
2. **Gemi ve terminal işletmecilerinin kullanımına sunulmuş IMO onaylı gemi/kıyı güvenliği kontrol listeleri paketleri şeklinde yerleşmiş bir endüstri standardı hâlihazırda bulunmaktadır. Söz konusu kontrol listeleri (<http://www.ics-shipping.org/publications/safety-and-operations> internet adresinden ve Uluslararası Denizcilik Katı Dökme Yükler Kodu'nun (IMSBC) ekinde temin edilebilir) BIMCO, INTERCARGO ve IAPH ile ortaklaşa olarak ICS tarafından geliştirilmiş, akabinde IMO tarafından kabul edilmiştir.**

Aşağıdaki noktalara dikkat edilmelidir:

- a) Bu kontrol listeleri, IMSBC Kodu'na Ek olarak dâhil edilen IMO Dökme Yük Gemilerinin Emniyetli Yüklenmesi ve Boşaltılmasına Yönelik Uygulama Kodu (BLU Code) kapsamına alınmış ve kabul edilmiştir.
- b) Terminal işletmecileri, ilgili IMO Kodlarına ve gemi/liman işbirliğine ilişkin tavsiyelere uymak zorundadır.
- c) IMSBC Kodu'nun ekinde ayrıca, katı dökme yüklerin yüklenmesi ve boşaltılması hakkında terminal temsilcileri için bir kılavuz (BLU Manual) mevcuttur. Bu kılavuz, (BLU Kod'da tanımlandığı şekilde) terminal temsilcilerine ve personel eğitiminden sorumlu kimseler de dâhil olmak üzere katı dökme yüklerin elleçlenmesiyle ilgili diğer kişiler için daha detaylı rehberlik sağlamayı amaçlamaktadır.

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İstanbul :

Sayı  
Our Reference :

Konu  
Subject : ICS bu sebeple, IMO'nun hâlihazırda talep ettiklerinin yanı sıra paralel kılavuz/prosedürlerin geliştirilmesinin gereksiz ve kafa karıştırıcı olduğu görüşünde olup, paralel metin geliştirmekten ziyade, IMO gerekliliklerine uyumun sağlanması gerektiğini ileri sürmektedir.

İlgi yazıda ayrıca, her ne kadar ICS Web sitesi orijinal basım tarihi olan 2000'e atıfta bulunsa da, kontrol listelerinin IMSBC Kodununun 2011'deki takdiminin ardından güncellendiği bilgisi verilmektedir.

Bilgilerinizi arz ve rica ederiz.

Saygılarımızla,

Murat TUNCER  
Genel Sekreter

**EKLER:**

Ek-1: İlgi yazı ve Eki

**DAĞITIM:**

**Gereği:**

- Tüm Üyelerimiz (Web Sayfasında)
- Türk Armatörler Birliği
- S/S Gemi Armatörleri Motorlu Taş. Koop.
- Vapur Donatanları ve Acenteleri Derneği
- 19,23,24,34,35 No.'lu Meslek Komitesi Bşk.
- İMEAK DTO Şubeleri
- Türk Loydu Vakfı
- Türk Uzakyol Gemi Kaptanları Derneği
- Gemi Sahibi Firmalar

**Bilgi:**

- Ulaştırma, Denizcilik ve Haberleşme Bakanlığı  
Deniz ve İçsular Düzenleme Genel Müdürlüğü
- Sn. Sefer KALKAVAN  
TOBB DTO'ları Konsey Başkanı
- Meclis Başkanlık Divanı
- Yönetim Kurulu Başkanı ve Üyeleri
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# International Chamber of Shipping

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5 January 2016

To: **MARINE COMMITTEE**

MC(16)01

CC: **Radio and Nautical Sub-Committee  
Bulk Carrier Panel  
All Full and Associate Members for Information**

## SAFE LOADING AND UNLOADING OF BULK CARRIERS

**Action required: Members are invited to:**

- 1. Review information provided and provide comment to assist ECSA during discussion with other European stakeholders. Comment should be addressed to the undersigned by Friday 29<sup>th</sup> January; and**
- 2. Disseminate the availability and encourage the use of IMO approved checklists as noted below.**

ECSA has provided information on a proposal by shore-side parties within Europe for the development within Annex III of the EU BLU Directive (Directive 2001/96/EC) of checklists to be completed by the Master and submitted to port authorities.

The information provided by ECSA is attached for reference at **Annex A**. An analysis by the European Commission (DG MOVE) that is referenced by ECSA is provided at **Annex B**; and the current text of the Directive is provided at **Annex C**.

The proposal relates to the health and safety of dock workers when loading or unloading bulk carriers. Concern within the ICS Secretariat over this proposal relates to the factors discussed below:

1. It appears that concern over the health, safety and training of dock workers is proposed to be addressed by adding an additional administrative burden on the ship.
2. There is already an established industry standard in the form of packs of IMO approved ship/shore safety checklists for use by ship and terminal operators. These incorporate detailed guidance on completion as well as example loading/unloading plans in blank and sample completed versions. The checklists (available from <http://www.ics-shipping.org/publications/safety-and-operations> and from the supplement to the IMSBC Code) were developed by ICS in conjunction with BIMCO, Intercargo and IAPH. They have subsequently been adopted by IMO.

The following points should be noted:

- a) These checklists have been adopted and incorporated in the IMO Code of Practice for the Safe Loading and Unloading of Bulk Carriers (BLU Code) which is included in the Supplement to the IMSBC Code;
- b) The forward to the BLU Code states, inter alia, that; “*terminal operators are required to comply with the relevant IMO Codes and recommendations on ship/port cooperation*”; and
- c) A Manual for terminal representatives on loading and unloading of solid bulk cargoes (BLU Manual) is also included in the supplement to the IMSBC Code. This manual is intended to provide; “*more detailed guidance to terminal representatives (as defined in the BLU Code) and others involved in the handling of solid bulk cargoes, including those responsible for the training of personnel*”.

It therefore appears unnecessary and potentially confusing to develop parallel guidance/procedures in addition to those already required by IMO. We suggest that rather than the development of parallel text, the real need is for compliance with the IMO requirements.

Although the ICS website refers to the original publication date in 2000, the checklists were subsequently updated following introduction of the IMSBC Code in 2011.

The preliminary comments above have been transmitted to the ECSA secretariat for consideration.

**Members are invited to review the information provided and to provide any additional comment considered relevant. Comment provided will be collated and forwarded to ECSA. Comment should be addressed to the undersigned by Friday 29<sup>th</sup> January.**

**Members are further invited to disseminate the availability and encourage the use of IMO approved checklists as referenced above.**

Alistair Hull  
Technical Director



## ANALYSIS OF POSSIBLY RELEVANT MARITIME SAFETY ACQUIS FROM THE PERSPECTIVE OF PORT/DOCK WORKERS

As a general comment, with the possible exception of Directive 2001/96/EC, the maritime safety *acquis* does not establish *expressly* rights for, nor imposes obligations upon, port/dock workers. Nor are there obligations under EU maritime safety law incumbent upon Member States which could concern *expressly* port/dock workers. Several EU acts, identified below, have incidence on port/dock workers and could be, thus, applicable to them, albeit such applicability is only of an indirect nature and not part of the main rationale of the respective acts.

### 1 Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers<sup>1</sup>

Directive 2001/96/EC, Annex II in particular, contains several provisions which **may be relevant** to workers employed in a terminal and involved in the loading or unloading of cargo from or onto bulk carriers.

More specifically, this Directive applies to all bulk carriers, irrespective of their flag, calling at a terminal for the loading or unloading of solid bulk cargoes and to all terminals in the Member States visited by such bulk carriers and it sets requirements in relation to the operational suitability of bulk carriers for loading and unloading solid bulk carriers (including, among others, deck equipment related to mooring and berthing operations which shall be operable and in good order and condition). The Directive defines "terminal operator" to mean the owner of a terminal, or any organisation or **person to whom the owner has transferred the responsibility for loading or unloading operations** conducted at the terminal for a particular bulk carrier. Also, the Directive defines "terminal representative" as any person **appointed by the terminal operator**, who has the overall responsibility for, and authority to, control the preparation, the conduct and the completion of loading or unloading operations conducted by the terminal for a particular bulk carrier. Thus, provisions applicable to "terminal representatives" are not to be understood as relevant for regular port employees (unless they are so appointed by the terminal operator).

The Directive allocates responsibilities between the master of the ship and terminal representatives and defines the procedures applicable in respect of the loading or unloading of bulk carriers with solid bulk cargoes.<sup>2</sup> Member States are entrusted to make the necessary arrangements to ensure that terminal operators are satisfied with the operational suitability of bulk carriers for loading or unloading of solid bulk cargoes, by checking compliance with the provisions of Annex I, which include verification of whether deck equipment related to mooring and berthing operations is operable and in good order and condition.

At the same time, Member States must satisfy themselves that terminal operators comply with the requirements provided in Article 5 of the Directive. Specifically, Annex II of the Directive lists the requirements in relation to the suitability of terminals for loading and

<sup>1</sup> OJ L 13, 16.1.2002, p. 9.

<sup>2</sup> The duties of the master of the ship prior to and during loading or unloading operations are included in Annex IV to the Directive, while the duties of the terminal representative are listed in Annex VI.



unloading solid bulk cargoes, among which is included the requirements that terminal loading and unloading equipment is properly certified and maintained in good order, in compliance with the relevant regulations and standards, and only operated by duly qualified and, if appropriate, certified personnel, and that terminal personnel needs to be trained in all aspects of safe loading and unloading of bulk carriers commensurate with their responsibilities. Lastly, Annex II paragraph 4 provides that terminal personnel involved in the loading and unloading operations have to be provided with and use personnel protective equipment and shall be duly rested to avoid accidents due to fatigue.

## **2 Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships<sup>3</sup>**

Directive 2009/45/EC imposes several safety requirements on certain types of passenger ships (including passenger ships designed or adapted for the carriage of goods vehicles) when engaged in domestic voyages. As such it **could be only indirectly relevant from port workers' point of view** to the extent such rules would impact the activities of such workers on board the ship (for example, for loading or unloading) or on dock (for example, when mooring or unmooring personnel is involved).

More specifically, among the potentially relevant safety rules and standards provided in Annex I of Directive 2009/45/EC could be the ones regarding towing and mooring equipment (Regulation II-1/A-1.3), closure of cargo loading doors (Regulation II-1/B-2/17), integrity of the hull and superstructure, damage prevention and control, which include requirements for the ro-ro cargo spaces to be monitored by effective means such as television surveillance (Regulation II-1/B-2/20) and provision for supplementary emergency lighting for ro-ro ships with cargo spaces (Regulation II-1/D/4). It needs to be highlighted that the rationale of this Directive is ensuring safety performance of passenger ships and incidence on port workers/dockers is only indirect and remote.

## **3 Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector<sup>4</sup>**

The provisions of Directive 2009/18/EC do not single out rights/obligations relevant, even indirectly, to the specific situation of port workers. The applicability of this Directive to specific cases where port/dock workers would be involved would depend on the characteristics in which the marine casualties or incidents occurred. Possible scenarios could involve incidents or accidents involving a port worker carrying out unloading or loading activities who is injured either while on board the ship or on dock or a dock worker who is injured while the ship is being moored or unmoored. Such scenarios would be relevant in view of the applicability of the Directive **to the extent the activities in which port workers are involved (which would result in marine casualties or incidents) would be considered to be "directly connected with the operations of a ship"**. The meaning of this phrase remains an issue of interpretation.

<sup>3</sup> OJ L 163, 25.6.2009, p. 1.

<sup>4</sup> OJ L 131, 28.5.2009, p. 114.



The Directive imposes a number of obligations on EU Member States with regard to the occurrence of "marine casualties" (defined as an event that has resulted, among others, in the death of, or serious injury to, a person or the loss of a person from a ship which has occurred directly in connection with the operations of a ship) and "marine incidents" (defined as an event, or sequence of events, other than a marine casualty, which has occurred directly in connection with the operations of a ship that endangered, or, if not corrected, would endanger the safety of the ship, its occupants or any other person or the environment) if such events involve ships flying the flag of one of the Member States, occur within Member States' territorial seas and internal waters or involve other substantial interests of the Member States.

The Member States have firstly to establish permanent independent accident investigation bodies. Article 6 of the Directive obliges the Member States to require, in the framework of their legal system, that its investigative body be notified without delay, by the responsible authorities and/or by the parties involved, of the occurrence of all casualties and incidents falling within the scope of this Directive.

The investigative bodies are obliged to investigate accidents depending upon their severity. More specifically, these bodies are obliged to investigate "very serious marine casualties" which are defined to involve the total loss of the ship or a death or severe damage to the environment. In the case of serious casualties (defined as an event that had resulted, among others, in the death of, or serious injury to, a person or the loss of a person from a ship) the investigative body shall carry out a preliminary assessment in order to decide whether or not to undertake a safety investigation. In less serious cases, the investigative body may decide not to undertake a safety investigation. If an investigation is carried out, the investigative bodies have to make every effort to issue publicly the report within 12 months of the date of the casualty (Article 14(2)).

It is important to note that the investigations under this Directive are not concerned with determining liability or apportioning blame and their key purpose is to improve maritime safety and reduce the risk of future marine casualties. Also, to note that Article 9 contains an obligation to maintain the confidentiality of the all witness evidence and other statements, of the records revealing the identity of persons who have given evidence in the context of the safety investigation and information relating to the persons involved in a marine casualty or incident which is of a particularly sensitive and private nature.

#### **4 Current international initiative on safe mooring at the IMO relevant to port workers**

Within the International Maritime Organisation's sub-committee on Ship Design and Construction to be held in London from 18-22 January 2016, there is an initiative to revise SOLAS regulation II-1/3-8 and associated guidance (MSC.1/Circ.1175) and new guidelines for safe mooring for all ships. These proposed guidelines are aimed at preventing unsafe and unhealthy work situations during mooring operations on new ships. This is to be achieved through innovative design features and more appropriate equipment. The EU is planning on making a joint submission at this sub-committee. The amendment is envisaged to enter into force internationally in 2020. As this is relevant for the implementation of Directive 2009/45/EC the same considerations would apply to this initiative as regards its relevance for port/dock workers.



To National Associations  
Safety and Environment Committee

Ref. ECSA C-9215

22/12/2015

**Safe loading/unloading of bulk vessels - checklist proposal EU port social partners - Action required**

**SUMMARY (ACTION REQUIRED)**

**Social partners from the EU port sector have invited ECSA to participate in a working group which is meant to draft a standardised EU health and safety checklist that would be integrated in the EU Directive on the Safe Loading and Unloading of Bulk Carriers. Masters would have to complete this checklist prior to port operations commencing. The first meeting of the working group is scheduled on 19 February 2016. Members are invited to provide initial feedback on the concept of such a checklist and suggest experts that could participate in the working group with port social partners.**

The social partners in the Sectorial Social Dialogue Committee for Ports (FEPOR, ESPO, ETF and IDC – International Dockers Council) have started discussions on safety of port and dock workers' work on board of ships. For that purpose, they have asked the European Commission to analyse the EU maritime safety acquis from the perspective of port and dock workers.

The analysis prepared by DG Move, which you will find enclosed, concludes that, with the possible exception of the EU Directive on Safe Loading and Unloading of Bulk Carriers ([Directive 2001/96/EC, hereafter BLU Directive](#)), the maritime safety acquis does not establish expressly rights for, nor imposes obligations upon, port and dock workers. Nor are there obligations under EU maritime safety law incumbent upon Member States which could concern expressly port and dock workers. Several EU acts have incidence on these workers and could thus be applicable to them, albeit such applicability is only of an indirect nature and not part of the main rationale of the respective acts.

Social partners have now agreed to focus on the BLU Directive and work towards a revision of Annex III of the Directive. This Annex refers to the information to be provided by the master to the terminal in accordance with Article 7.1.a of the Directive. This Annex can be modified without a legislative revision of the Directive as such. The proposed amendment would introduce an obligation for the master to provide the terminal with a completed health and safety checklist.

Social partners from the EU port sector view this as a priority issue given that many accidents that occur in ports are preventable, especially where it concerns port workers carrying out cargo handling operations on board bulk carriers. The completion of a standardized EU health and safety checklist would make operators aware of possible health and safety risk prior to commencing operations, and allow them to take the necessary measures to minimalise potential risks.



A standardised document could also be in the interest of shipowners and ship masters, as it would mean that masters do not need to complete different checklists in different ports.

**Port social partners have established a working group to elaborate the checklist and have invited ECSA to participate. A first meeting is scheduled to be held on Friday 19 February. Members are invited to provide initial feedback on the concept of a checklist for safe operations of bulk vessels and suggest experts that could participate in the working group.**

Patrick Verhoeven  
Secretary General



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**DIRECTIVE 2001/96/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 4 December 2001**  
**establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(3)</sup>,

Whereas:

- (1) In view of the high number of shipping accidents involving bulk carriers with an associated loss of human lives, further measures should be taken to enhance safety in maritime transport within the framework of the common transport policy.
- (2) Assessments of the causes of bulk carrier casualties indicate that loading and unloading of solid bulk cargoes, if not properly conducted, can contribute to the loss of bulk carriers, either by over-stressing the ship's structure or by mechanically damaging its structural members in the cargo holds. The protection of the safety of bulk carriers can be enhanced through the adoption of measures aimed at reducing the risk of structural damage and losses due to improper loading and unloading operations.
- (3) At international level, the International Maritime Organisation (the 'IMO'), through a number of Assembly Resolutions, has adopted recommendations on the safety of bulk carriers addressing ship/port interface issues in general and loading and unloading operations in particular.
- (4) By Assembly Resolution A.862(20), the IMO adopted a Code of Practice for the Safe Loading and Unloading of Bulk Carriers ('the BLU Code'), and urged contracting

governments to implement this Code at the earliest possible opportunity and to inform IMO of any non-compliance. In the Resolution, the IMO further urged contracting governments in whose territories solid bulk cargo loading and unloading terminals are situated to introduce laws so that a number of key principles necessary for the implementation of this Code could be enforced.

- (5) The impact of loading and unloading operations on bulk carrier safety, in view of the global character of trade in dry cargo in bulk, has transboundary implications. The development of action to prevent the foundering of bulk carriers due to improper loading and unloading practices is therefore best done at Community level by establishing harmonised requirements and procedures to implement the IMO recommendations laid down in the Assembly Resolution A.862(20) and the BLU Code.
- (6) In view of the subsidiarity principle set out in Article 5 of the Treaty, a Directive is the appropriate legal instrument as it provides a framework for the Member States' uniform and compulsory application of the requirements and procedures for the safe loading and unloading of bulk carriers, while leaving each Member State the right to decide which implementation tools best fit its internal system. In accordance with the principle of proportionality, this Directive does not go beyond what is necessary for the objectives pursued.
- (7) The safety of bulk carriers and their crews can be enhanced by reducing the risks of improper loading and unloading at dry bulk cargo terminals. This can be implemented by establishing harmonised procedures for cooperation and communication between ship and terminal and by laying down suitability requirements for ships and terminals.
- (8) In the interests of enhancing bulk carrier safety and avoiding distortion of competition, the harmonised procedures and suitability criteria should apply to all bulk carriers, irrespective of the flag they fly, and to all terminals in the Community at which, under normal circumstances, such carriers call for the purpose of loading or unloading solid bulk cargoes.

<sup>(1)</sup> OJ C 311 E, 31.10.2000, p. 240 and OJ C 180 E, 26.6.2001, p. 273.

<sup>(2)</sup> OJ C 14, 16.1.2001, p. 37.

<sup>(3)</sup> Opinion of the European Parliament of 13 February 2001 (OJ C 276, 1.10.2001, p. 38), Council Common Position of 27 June 2001 (not yet published in the Official Journal) and Decision of the European Parliament of 25 October 2001 (not yet published in the Official Journal).



- (9) Bulk carriers calling at terminals for the loading or unloading of solid bulk cargoes should be suitable for that purpose. Equally, terminals should also be suitable for receiving and loading or unloading visiting bulk carriers. For these purposes suitability criteria have been established in the BLU Code.
- (10) Terminals should, in the interests of enhancing cooperation and communication with the ship's master on matters relating to the loading and unloading of solid bulk cargoes, appoint a terminal representative responsible for such operations in the terminal and make information books with the terminal's and port's requirements available to the masters. There are, for this purpose, provisions in the BLU Code.
- (11) The development, implementation and maintenance of a quality management system by the terminals would ensure that the cooperation and communication procedures and the actual loading and unloading by the terminal are planned and executed in accordance with a harmonised framework that is internationally recognised and auditable. In view of its international recognition, the quality management system should be compatible with the ISO 9000 series of standards adopted by the International Standardisation Organisation. To allow new terminals sufficient time to achieve the relevant certification, it is important to ensure that a temporary authorisation to operate is available to them for a limited period of time.
- (12) For the purpose of ensuring that loading and unloading operations are carefully prepared, agreed and conducted in order to avoid endangering the safety of the ship or crew, the responsibilities of the master and the terminal representative should be laid down. To this end, relevant provisions can be found in the 1974 International Convention for the Safety of Life at Sea (1974 SOLAS Convention), IMO Assembly Resolution A.862(20) and the BLU Code. For the same purpose, procedures for the preparation, agreement and conduct of loading or unloading operations can be based on the provisions of those international instruments.
- (13) In the general interests of the Community, in deflecting sub-standard shipping from its ports, the terminal representative should notify apparent deficiencies on board a bulk carrier which could prejudice the safety of loading or unloading operations.
- (14) It is necessary that the competent authorities of the Member States prevent or halt loading or unloading operations whenever they have clear indications that ship or crew safety is endangered by these operations.
- The authorities should also intervene in the interests of safety in the event of disagreement between the master and the terminal representative as to the application of these procedures. The safety-related action of the competent authorities should not be dependent on commercial interests related to terminals.
- (15) It is necessary to lay down procedures for the purpose of reporting damage to ships incurred during loading or unloading operations to the appropriate bodies, such as the relevant classification societies, and of repairing such damage if necessary. Where such damage could impair the safety or seaworthiness of the ship, the decision as to the necessity and urgency of repairs should be taken by the port State control authorities in consultation with the administration of the flag State. In view of the technical expertise necessary to take such a decision, the authorities should have the right to call upon a recognised organisation to inspect the damage and to advise them on any need for repairs.
- (16) Enforcement of this Directive should be enhanced by efficient monitoring and verification procedures in the Member States. Reporting the results of this monitoring effort will provide valuable information on the effectiveness of the harmonised requirements and procedures laid down in this Directive.
- (17) In IMO Assembly Resolution A.797(19) of 23 November 1995 on the safety of ships carrying solid bulk cargoes it is requested that port State authorities submit confirmation that loading and unloading terminals for solid bulk cargoes comply with the IMO Codes and recommendations on ship/shore cooperation. Notification of the adoption of this Directive to the IMO will provide an appropriate response to this request and a clear signal to the international maritime community that the Community is committed to supporting the efforts undertaken at international level to enhance the safe loading and unloading of bulk carriers.
- (18) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>.
- (19) It should be possible to amend certain provisions of this Directive in accordance with that procedure, so as to bring them into line with international and Community instruments adopted, amended or entering into force after the entry into force of this Directive and for the implementation of the procedures laid down in this Directive, without broadening its scope.

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.



(20) Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work<sup>(1)</sup> and its relevant individual Directives are applicable to the work relating to the loading and unloading of bulk carriers,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

##### Purpose

The purpose of this Directive is to enhance the safety of bulk carriers calling at terminals in the Member States in order to load or unload solid bulk cargoes, by reducing the risks of excessive stresses and physical damage to the ship's structure during loading or unloading, through the establishment of:

1. harmonised suitability requirements for those ships and terminals; and
2. harmonised procedures for cooperation and communication between those ships and terminals.

#### Article 2

##### Scope

This Directive shall apply to:

1. all bulk carriers, irrespective of their flag, calling at a terminal for the loading or unloading of solid bulk cargoes; and
2. all terminals in the Member States visited by bulk carriers falling under the scope of this Directive.

Without prejudice to the provisions of Regulation VI/7 of the 1974 SOLAS Convention, this Directive shall not apply to facilities that only in exceptional circumstances are used for loading and unloading dry cargo in bulk into or from bulk carriers, and shall not apply in cases where the loading or unloading is carried out solely with the equipment of the bulk carrier concerned.

#### Article 3

##### Definitions

For the purposes of this Directive:

1. 'international conventions' shall mean the conventions in force on 4 December 2001, as defined in Article 2(1) of Council Directive 95/21/EC<sup>(2)</sup>;

<sup>(1)</sup> OJ L 183, 29.6.1989, p. 1.

<sup>(2)</sup> Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control) (OJ L 157, 7.7.1995, p. 1). Directive as last amended by Commission Directive 1999/97/EC (OJ L 331, 23.12.1999, p. 67).

2. '1974 SOLAS Convention' shall mean the International Convention for the Safety of Life at Sea, together with the Protocols and amendments thereto, in force on 4 December 2001;

3. 'BLU Code' shall mean the Code of Practice for the Safe Loading and Unloading of Bulk Carriers, as contained in the Annex to IMO Assembly Resolution A.862(20) of 27 November 1997, as it stands on 4 December 2001;

4. 'bulk carrier' shall bear the meaning given to it in Regulation IX/1.6 of the 1974 SOLAS Convention and interpreted by Resolution 6 of the 1997 SOLAS Conference, namely:

- a ship constructed with single deck, top-side tanks and hopper-side tanks in cargo spaces and intended primarily to carry dry cargo in bulk, or
- an ore carrier, meaning a sea-going single deck ship having two longitudinal bulkheads and a double bottom throughout the cargo region and intended for the carriage of ore cargoes in the centre holds only, or
- a combination carrier as defined in Regulation II-2/3.27 of the 1974 SOLAS Convention;

5. 'dry cargo in bulk' or 'solid bulk cargo' shall mean solid bulk cargo as defined in Regulation XII/1.4 of the 1974 SOLAS Convention, excluding grain;

6. 'grain' shall bear the meaning given to it in Regulation VI/8.2 of the 1974 SOLAS Convention;

7. 'terminal' shall mean any fixed, floating or mobile facility equipped and used for the loading or unloading of dry cargo in bulk into or from bulk carriers;

8. 'terminal operator' shall mean the owner of a terminal, or any organisation or person to whom the owner has transferred the responsibility for loading or unloading operations conducted at the terminal for a particular bulk carrier;

9. 'terminal representative' shall mean any person appointed by the terminal operator, who has the overall responsibility for, and authority to, control the preparation, the conduct and the completion of loading or unloading operations conducted by the terminal for a particular bulk carrier;

10. 'master' shall mean the person who has command over a bulk carrier or a ship's officer designated by the master for the loading or unloading operations;

11. 'recognised organisation' shall mean an organisation recognised in accordance with Article 4 of Council Directive 94/57/EC<sup>(3)</sup>;

<sup>(3)</sup> Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ L 319, 12.12.1994, p. 20). Directive as amended by Commission Directive 97/58/EC (OJ L 274, 7.10.1997, p. 8).



12. 'administration of the flag State' shall mean the competent authorities of the State whose flag the bulk carrier is entitled to fly;
13. 'port State control authority' shall mean the competent authority of a Member State empowered to apply the control provisions of Directive 95/21/EC;
14. 'competent authority' shall mean a national, regional or local public authority in the Member State empowered by national legislation to implement and enforce the requirements of this Directive;
15. 'cargo information' shall mean the cargo information required by Regulation VI/2 of the 1974 SOLAS Convention;
16. 'loading or unloading plan' shall mean a plan as referred to in Regulation VI/7.3 of the 1974 SOLAS Convention and having the format as contained in Appendix 2 of the BLU Code;
17. 'ship/shore safety checklist' shall mean the checklist as referred to in section 4 of the BLU Code and having the format as contained in Appendix 3 of the BLU Code;
18. 'solid bulk cargo density declaration' shall mean the information on the density of the cargo to be provided in compliance with Regulation XII/10 of the 1974 SOLAS Convention.

#### Article 4

#### Requirements in relation to the operational suitability of bulk carriers

Member States shall make the necessary arrangements to ensure that terminal operators are satisfied with the operational suitability of bulk carriers for loading or unloading of solid bulk cargoes, by checking compliance with the provisions of Annex I.

#### Article 5

#### Requirements in relation to the suitability of terminals

Member States shall satisfy themselves that terminal operators ensure that, as concerns terminals for which they assume responsibilities under this Directive:

1. the terminals comply with the provisions of Annex II;
2. terminal representative(s) is (are) appointed;
3. information books are prepared containing the requirements of the terminal and competent authorities and information on the port and terminal as listed in Appendix 1, paragraph 1.2, of the BLU Code, and that these books are made available to the masters of bulk carriers calling at the terminal for loading or unloading solid bulk cargoes; and

4. a quality management system is developed, implemented and maintained. Such quality management system shall be certified in accordance with the ISO 9001:2000 standards or an equivalent standard fulfilling at least all aspects of ISO 9001:2000, and it shall be audited in accordance with the guidelines of the ISO 10011:1991 or equivalent standard fulfilling all aspects of ISO 10011:1991. Directive 98/34/EC<sup>(1)</sup> shall be complied with in relation to the said equivalent standards.

A transitional period of three years from the entry into force of this Directive shall be granted to set up the quality management system and one additional year to obtain the certification of the system.

#### Article 6

#### Temporary authorisation

By way of derogation from the requirements of Article 5(4), a temporary authorisation to operate, valid for no more than 12 months, may be issued by the competent authority for newly established terminals. The terminal must however demonstrate its plan to implement a quality management system in accordance with the ISO 9001:2000 standard or equivalent standard, as set out in Article 5(4).

#### Article 7

#### Responsibilities of masters and terminal representatives

Member States shall make the necessary arrangements to ensure that the following principles concerning the responsibilities of masters and terminal representatives are respected and applied:

1. Responsibilities of the master:
  - (a) the master shall be responsible at all times for the safe loading and unloading of the bulk carrier under his command;
  - (b) the master shall, well in advance of the ship's estimated time of arrival at the terminal, provide the terminal with the information set out in Annex III;
  - (c) before any solid bulk cargo is loaded, the master shall ensure that he has received the cargo information required by Regulation VI/2.2 of the 1974 SOLAS Convention, and, where required, a solid bulk cargo density declaration. This information shall be contained in a cargo declaration form as set out in Appendix 5 of the BLU Code;
  - (d) prior to the start of and during loading or unloading the master shall discharge the duties listed in Annex IV.

<sup>(1)</sup> Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ L 204, 21.7.1998, p. 37). Directive as amended by Directive 98/48/EC (OJ L 217, 5.8.1998, p. 18).



## 2. Responsibilities of the terminal representative:

- (a) upon receipt of the ship's initial notification of its estimated time of arrival, the terminal representative shall provide the master with the information mentioned in Annex V;
- (b) the terminal representative shall be satisfied that the master has been advised as early as possible of the information contained in the cargo declaration form;
- (c) the terminal representative shall without delay notify the master and the port State control authority of apparent deficiencies he has noted on board a bulk carrier which could endanger the safe loading or unloading of solid bulk cargoes;
- (d) prior to the start of and during loading or unloading, the terminal representative shall discharge the duties listed in Annex VI.

### Article 8

#### Procedures between bulk carriers and terminals

Member States shall ensure that the following procedures are applied in respect of the loading or unloading of bulk carriers with solid bulk cargoes.

1. Before solid bulk cargoes are loaded or unloaded, the master shall agree with the terminal representative on the loading or unloading plan in accordance with the provisions of Regulation VI/7.3 of the 1974 SOLAS Convention. The loading or unloading plan shall be prepared in the form laid down in Appendix 2 of the BLU Code, it shall contain the IMO number of the bulk carrier concerned, and the master and the terminal representative shall confirm their agreement to the plan by signing it.

Any change to the plan, which according to either party may affect the safety of the vessel or crew, shall be prepared, accepted and agreed by both parties in the form of a revised plan.

The agreed loading or unloading plan and any subsequent agreed revisions shall be kept by the ship and the terminal for a period of six months for the purpose of any necessary verification by the competent authorities.

2. Before loading or unloading is commenced, the ship/shore safety checklist shall be completed and signed jointly by the master and the terminal representative in accordance with the guidelines of Appendix 4 of the BLU Code.
3. An effective communication between the ship and the terminal shall be established and maintained at all times, capable of responding to requests for information on the loading or unloading process and to ensure prompt compliance should the master or the terminal representative order the loading or unloading operations to be suspended.

4. The master and the terminal representative shall conduct the loading or unloading operations in accordance with the agreed plan. The terminal representative shall be responsible for the loading or unloading of the solid bulk cargo as regards the hold order, quantity and rate of loading or unloading stated on that plan. He shall not deviate from the agreed loading or unloading plan, otherwise than by prior consultation and written agreement with the master.
5. On completion of the loading or unloading, the master and the terminal representative shall agree in writing that the loading or unloading has been done in accordance with the loading or unloading plan, including any agreed changes. In the case of unloading, such agreement shall include a record that the cargo holds have been emptied and cleaned to the master's requirements and shall record any damage suffered by the ship and any repairs carried out.

### Article 9

#### Role of the competent authorities

1. Without prejudice to the rights and obligations of the master provided under Regulation VI/7.7 of the 1974 SOLAS Convention, Member States shall ensure that their competent authorities prevent or halt the loading or unloading of solid bulk cargoes whenever they have clear indications that the safety of the ship or crew would be endangered thereby.
2. In cases where the competent authority is informed of disagreement between the master and the terminal representative as to the application of the procedures provided for in Article 8, the competent authority shall intervene where this is required in the interests of safety and/or the marine environment.

### Article 10

#### Repair of damage incurred during loading or unloading

1. If damage to the ship's structure or equipment occurs during loading or unloading, it shall be reported by the terminal representative to the master and, if necessary, repaired.
2. If the damage could impair the structural capability or watertight integrity of the hull, or the ship's essential engineering systems, the administration of the flag State, or an organisation recognised by it and acting on its behalf, and the port State control authority shall be informed by the terminal representative and/or the master. The decision as to whether immediate repair is necessary or whether it can be deferred shall be taken by the port State control authority, due account being taken of the opinion, if any, of the administration of the flag State, or the organisation recognised by it and acting on its behalf, and of the opinion of the master. Where immediate repair is considered necessary, it shall be carried out to the satisfaction of the master and the competent authority before the ship leaves the port.



3. For the purpose of taking the decision referred to in paragraph 2, a port State control authority may rely upon a recognised organisation to undertake the inspection of the damage and to advise on the necessity of carrying-out repairs or their deferral.

4. This Article applies without prejudice to Directive 95/21/EC.

#### Article 11

##### Verification and reporting

1. Member States shall regularly verify that terminals comply with the requirements of Article 5(1), Article 7(2) and Article 8. The procedure of verification shall include the carrying-out of unannounced inspections during loading or unloading operations.

In addition, Member States shall verify that terminals comply with the requirements of Article 5(4), at the end of the period provided for therein, and for newly established terminals at the end of the period provided in Article 6.

2. Member States shall provide the Commission every three years with a report on the results of such verification. The report shall also provide an assessment of the effectiveness of the harmonised procedures for cooperation and communication between bulk carriers and terminals as provided for in this Directive. The report shall be transmitted at the latest by 30 April of the year following the period of three calendar years upon which it reports.

#### Article 12

##### Evaluation

The Commission shall submit an evaluation report on the operation of the system as provided for in this Directive to the European Parliament and the Council, on the basis of the reports of the Member States provided for in Article 11(2). This report shall also include an assessment of whether it is necessary to continue the reporting by the Member States referred to in Article 11(2).

#### Article 13

##### Notification to the IMO

The Presidency of the Council, acting on behalf of the Member States, and the Commission shall jointly inform the IMO of the adoption of this Directive, whereby reference shall be made to paragraph 1.7 of the Annex to IMO Resolution A.797(19).

#### Article 14

##### Regulatory Committee

1. The Commission shall be assisted by the committee set up pursuant to Article 12(1) of Council Directive 93/75/EEC<sup>(1)</sup>, hereinafter referred to as 'the Committee'.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

#### Article 15

##### Amendment procedure

1. The definitions in points 1 to 6 and 15 to 18 of Article 3, the references to international conventions and codes and to IMO Resolutions and Circulars, the references to ISO standards, the references to Community instruments, and the Annexes, may be amended in accordance with the procedure referred to in Article 14(2), in order to bring them into line with international and Community instruments which have been adopted, amended or brought into force after the adoption of this Directive, provided that the scope of this Directive is not thereby broadened.

2. The procedure referred to in Article 14(2) shall apply when amending Article 8 and the Annexes for the implementation of the procedures laid down in this Directive, and when amending or repealing the reporting obligations referred to in Articles 11(2) and 12, provided that such provisions do not broaden the scope of this Directive.

#### Article 16

##### Penalties

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

<sup>(1)</sup> Council Directive 93/75/EEC of 13 September 1993 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods (OJ L 247, 5.10.1993, p. 19). Directive as last amended by Commission Directive 98/74/EC (OJ L 276, 13.10.1998, p. 7).

*Article 17***Implementation and application**

1. Member States shall adopt and publish, before 5 August 2003, the provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 March 2004.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall notify to the Commission the provisions of their national law which they adopt in the field governed by this Directive.

*Article 18***Entry into force**

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

*Article 19***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 4 December 2001.

*For the European Parliament*

*The President*

N. FONTAINE

*For the Council*

*The President*

D. REYNERS



## ANNEX I

**REQUIREMENTS IN RELATION TO THE OPERATIONAL SUITABILITY OF BULK CARRIERS FOR LOADING AND UNLOADING SOLID BULK CARGOES**

*(as referred to in Article 4)*

Bulk carriers calling in terminals in the Member States for the loading or unloading of solid bulk cargoes shall be checked for compliance with the following requirements.

1. They shall be provided with cargo holds and hatch openings of sufficient size and such a design to enable the solid bulk cargo to be loaded, stowed, trimmed and unloaded satisfactorily.
2. They shall be provided with the cargo hold hatch identification numbers as used in the loading or unloading plan. The location, size and colour of these numbers shall be clearly visible to and identifiable by the operator of the terminal loading or unloading equipment.
3. Their cargo hold hatches, hatch operating systems and safety devices shall be in good functional order and used only for their intended purpose.
4. List indicating lights, if fitted, shall be tested prior to loading or unloading and proved to be operational.
5. If required to have an approved loading instrument on board, this instrument shall be certified and operational to carry out stress calculations during loading or unloading.
6. Propulsion and auxiliary machinery shall be in good functional order.
7. Deck equipment related to mooring and berthing operations shall be operable and in good order and condition.

## ANNEX II

**REQUIREMENTS IN RELATION TO THE SUITABILITY OF TERMINALS FOR LOADING AND UNLOADING SOLID BULK CARGOES**

*(as referred to in Article 5(1))*

1. Terminals shall only accept bulk carriers for loading or unloading of solid bulk cargoes at their terminal that can safely berth alongside the loading or unloading installation, taking into consideration water depth at the berth, maximum size of the ship, mooring arrangements, fendering, safe access and possible obstructions to loading or unloading operations.
2. Terminal loading and unloading equipment shall be properly certified and maintained in good order, in compliance with the relevant regulations and standards, and only operated by duly qualified and, if appropriate, certified personnel.
3. Terminal personnel shall be trained in all aspects of safe loading and unloading of bulk carriers commensurate with their responsibilities. The training shall be designed to provide familiarity with the general hazards of loading and unloading of solid bulk cargoes and the adverse effect improper loading and unloading operations may have on the safety of the ship.
4. Terminal personnel involved in the loading and unloading operations shall be provided with and use personnel protective equipment and shall be duly rested to avoid accidents due to fatigue.

## ANNEX III

**INFORMATION TO BE PROVIDED BY THE MASTER TO THE TERMINAL**

*(as referred to in Article 7(1)(b))*

1. The ship's estimated time of arrival off the port as early as possible. This advice shall be updated as appropriate.
2. At the time of the initial time of arrival advice:
  - (a) name, call sign, IMO number, flag, port of registry;
  - (b) loading or unloading plan, stating the quantity of cargo, stowage by hatches, loading or unloading order and the quantity to be loaded in each pour or unloaded in each stage of the discharge;
  - (c) arrival and proposed departure draughts;
  - (d) time required for ballasting or de-ballasting;
  - (e) ship's length overall, beam, and length of the cargo area from the forward coaming of the forward-most hatch to the after coaming of the aft-most hatch into which cargo is to be loaded or from which cargo is to be unloaded;
  - (f) distance from the waterline to the first hatch to be loaded or unloaded and the distance from the ship's side to the hatch opening;
  - (g) location of the ship's accommodation ladder;
  - (h) air draught;
  - (i) details and capacities of ship's cargo-handling gear, if any;
  - (j) number and type of mooring lines;
  - (k) specific requests, such as for trimming or continuous measurement of the water content of the cargo;
  - (l) details of any necessary repairs which may delay berthing, the commencement of loading or unloading, or may delay the ship sailing on completion of loading or unloading;
  - (m) any other information related to the ship requested by the terminal.



## ANNEX IV

**DUTIES OF THE MASTER PRIOR TO AND DURING LOADING OR UNLOADING OPERATIONS**

*(as referred to in Article 7(1)(d))*

Prior to and during loading or unloading operations the master shall ensure that:

1. the loading or unloading of cargo and the discharge or intake of ballast water is under the control of the ship's officer in charge;
  2. the disposition of cargo and ballast water is monitored throughout the loading or unloading process to ensure that the ship's structure is not overstressed;
  3. the ship shall be kept upright or, if a list is required for operational reasons, it shall be kept as small as possible;
  4. the ship remains securely moored, taking due account of local weather conditions and forecasts;
  5. sufficient officers and crew are retained on board to attend to the adjustment of the mooring lines or for any normal or emergency situation, having regard to the need of the crew to have sufficient rest periods to avoid fatigue;
  6. the terminal representative is made aware of the cargo trimming requirements, which shall be in accordance with the procedures of the IMO Code of Safe Practice for Solid Bulk Cargoes;
  7. the terminal representative is made aware of the requirements for harmonisation between de-ballasting or ballasting and cargo loading or unloading rates for his ship and of any deviation from the de-ballasting or ballasting plan or any other matter which may affect cargo loading or unloading;
  8. the ballast water is discharged at rates which conform to the agreed loading plan and does not result in flooding of the quay or of adjacent craft. Where it is not practical for the ship to completely discharge its ballast water prior to the trimming stage in the loading process, he agrees with the terminal representative on the times at which loading may need to be suspended and the duration of such suspensions;
  9. there is agreement with the terminal representative as to the actions to be taken in the event of rain, or other change in the weather, when the nature of the cargo would pose a hazard in the event of such a change;
  10. no hot work is carried out on board or in the vicinity of the ship while the ship is alongside the berth, except with the permission of the terminal representative and in accordance with any requirements of the competent authority;
  11. close supervision of the loading or unloading operation and of the ship during final stages of the loading or unloading;
  12. the terminal representative is warned immediately if the loading or unloading process has caused damage, has created a hazardous situation, or is likely to do so;
  13. the terminal representative is advised when final trimming of the ship has to commence in order to allow for the conveyor system to run-off;
  14. the unloading of the port side closely matches that of the starboard side in the same hold to avoid twisting the ship's structure;
  15. when ballasting one or more holds, account is taken of the possibility of the discharge of flammable vapours from the holds and precautions are taken before any hot work is permitted adjacent to or above these holds.
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## ANNEX V

**INFORMATION TO BE PROVIDED BY THE TERMINAL TO THE MASTER**

(as referred to in Article 7(2)(a))

1. The name of the berth at which loading or unloading will take place and the estimated times for berthing and completion of loading or unloading <sup>(1)</sup>.
2. Characteristics of loading or unloading equipment, including the terminal's nominal loading or unloading rate and the number of loading or unloading heads to be used, as well as the estimated time required to complete each pour or — in the case of unloading — the estimated time required for each stage of the discharge.
3. Features on the berth or jetty the master may need to be aware of, including the position of fixed and mobile obstructions, fenders, bollards and mooring arrangements.
4. Minimum depth of water alongside the berth and in approach and departure channels <sup>(1)</sup>.
5. Water density at the berth.
6. Maximum distance between the water line and the top of the cargo hatch covers or coamings, whichever is relevant to the loading or unloading operation, and the maximum air draught.
7. Arrangements for gangways and access.
8. Which side of the ship is to be alongside the berth.
9. Maximum allowable speed of approach to the jetty and availability of tugs, their type and bollard pull.
10. The loading sequence for different parcels of cargo, and any other restrictions if it is not possible to take the cargo in any order or any hold to suit the ship.
11. Any properties of the cargo to be loaded which may present a hazard when placed in contact with cargo or residues on board.
12. Advance information on the proposed loading or unloading operations or changes to existing plans for loading or unloading.
13. If the terminal's loading or unloading equipment is fixed, or has any limits to its movement.
14. Mooring lines required.
15. Warning of unusual mooring arrangements.
16. Any restrictions on ballasting or de-ballasting.
17. Maximum sailing draught permitted by the competent authority.
18. Any other item related to the terminal requested by the master.

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<sup>(1)</sup> Information on estimated times for berthing and departure and on minimum water depth at the berth shall be progressively updated and passed to the master on receipt of successive ETA advice. Information on minimum water depth in approach and departure channels shall be provided by the terminal or the competent authority, as appropriate.



## ANNEX VI

**DUTIES OF THE TERMINAL REPRESENTATIVE PRIOR TO AND DURING LOADING OR UNLOADING OPERATIONS**

*(as referred to in Article 7(2)(d))*

Prior to the start of and during loading or unloading operations the terminal representative shall:

1. provide the master with the names and procedures for contacting the terminal personnel or shipper's agent who will have the responsibility for the loading or unloading operation and with whom the master will have contact.
  2. take all precautionary measures to avoid damage to the ship by the loading or unloading equipment and inform the master if damage occurs.
  3. ensure the ship is kept upright or, if a list is required for operational reasons, it shall be kept as small as possible.
  4. ensure the unloading of the port side closely matches that of the starboard side in the same hold to avoid twisting the ship.
  5. in the case of high density cargoes, or when the individual grab loads are large, alert the master that there may be high, localised impact loads on the ship's structure until the tank top is completely covered by cargo, especially when high free-fall drops are permitted and special care is taken at the start of the loading operation in each cargo holds.
  6. ensure that there is agreement between the master and the terminal representative at all stages and in relation to all aspects of the loading or unloading operations and that the master is advised on any change to the agreed loading rate, and at the completion of each pour of the weight loaded.
  7. maintain a record of the weight and disposition of the cargo loaded or unloaded and ensure that the weights in the holds do not deviate from the agreed loading or unloading plan.
  8. ensure that the cargo is trimmed, when loading or unloading, to the master's requirements.
  9. ensure that the quantities of cargo required to achieve the departure draft and trim shall allow for all cargo on the terminal's conveyor systems to be run off and empty on completion of a loading. For that purpose the terminal representative shall advise the master of the nominal tonnage contained on the terminal's conveyor system and any requirements for clearing the conveyor system on completion of the loading.
  10. in the case of unloading, give the master the maximum warning when it is intended to increase, or to reduce, the number of unloading heads used and advise the master when unloading is considered to be completed from each hold.
  11. ensure that no hot work is carried out on board or in the vicinity of the ship while the ship is alongside the berth, except with the permission of the master and in accordance with any requirements of the competent authority.
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