

SUB-COMMITTEE ON DANGEROUS
GOODS, SOLID CARGOES AND
CONTAINERS
16th session
Agenda item 4

DSC 16/4/95
15 July 2011
Original: ENGLISH

**AMENDMENTS TO THE IMSBC CODE, INCLUDING EVALUATION OF
PROPERTIES OF SOLID BULK CARGOES**

Measures to improve safe transportation of solid bulk cargoes by ships

Submitted by INTERCARGO, BIMCO, International Group of P & I Clubs and IUMI

SUMMARY

Executive summary: This document provides further information concerning the difficulties faced by industry in response to MSC's request for further information to be submitted directly to DSC 16 (MSC 89/25, paragraph 7.17)

Strategic direction: 5.2

High-level action: 5.2.3

Planned output: 5.2.3.3

Action to be taken: Paragraph 9

Related documents: MSC 89/7/4, MSC 89/7/7; and MSC 89/25

Introduction

1 MSC 89 considered documents MSC 89/7/4 (China) and MSC 89/7/7 (INTERCARGO and BIMCO) concerning "Measures to improve safe transport of solid bulk cargoes by ships", with an emphasis on cargo liquefaction, discussing proposals for: independent sampling, testing and certification of cargoes; operational guidance for seafarers on board ships carrying solid bulk cargoes; and prevention of accidents through ship design. The Committee forwarded the documents to DSC 16 for detailed consideration and instructed the Sub-Committee to advise MSC 90 accordingly (MSC 89/25, paragraph 7.16).

2 This document provides further information concerning the difficulties faced by industry in response to MSC's request for further information to be submitted directly to DSC 16 (MSC 89/25, paragraph 7.17).

The challenge for industry

3 The root cause of the recent casualties (with the loss of 45 lives in 2010) and many other incidents (near misses) involving cargo liquefaction is inaccurate shipper declarations. Difficulties in obtaining accurate shippers' declarations are not restricted to one geographical area, specific cargo or type of cargo.

4 Although it is clearly the shipper's responsibility to test the cargo (SOLAS regulation VI/2.1 and IMSBC Code 4.2.1) and not that of the master or shipowner, because of the frequency of inaccurate shipper declarations, it is now common practice for ship owners to employ independent cargo surveyors to test the cargo properties to ensure safe shipment. This in itself has proved challenging with many reports of surveyors being intimidated, threatened (including with firearms) and subjected to actual bodily harm. There are now locations that surveying companies will not send their surveyors because the risk is too great.

5 Some commercial interests have attempted to exclude the use of third party cargo surveyors through charterparty clauses. This includes restricting the surveying companies that can be used to named local companies – attempting to remove the use of independent surveyors. Some clauses have even explicitly excluded the use of named international firms of consulting scientists and marine survey companies.

6 The London Market's Joint Hull Committee is increasingly concerned by the continuing loss of vessels owing to liquefaction of various cargoes. A working group is examining the issues and considering what language to use in a clause which could exclude losses arising from such liquefaction.

7 The co-sponsors and individual P & I Clubs provide alerts and guidance to their members on cargo issues. In response to MSC's request for further information some of this guidance has been posted at <http://www.intercargo.org/cargoes/185-dsc-16-information.html> for the reference of the Sub-Committee.

8 The current situation is not safe or sustainable. It is in the interests of all parties including shippers, shipowners and Member States to facilitate safe trade in dry bulk cargoes and to reassert appropriate responsibilities and strengthen the enforcement of the provisions of SOLAS and the IMSBC Code.

Action requested of the Sub-Committee

9 The Sub-Committee is invited to consider the above comments and information and decide as appropriate.
