

# JAPAN P&I NEWS

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To the Members

Dear Sirs,

## **Fender Damage Claims in Alexandria and Dekheila Ports**

We have obtained the information on the captioned topic by the survey company in Egypt, El Hamamsy Marine Services Ltd. We hope it will be of help to you with regard to the safe voyage.

Yours faithfully,

### **The Japan Ship Owners' Mutual Protection & Indemnity Association**

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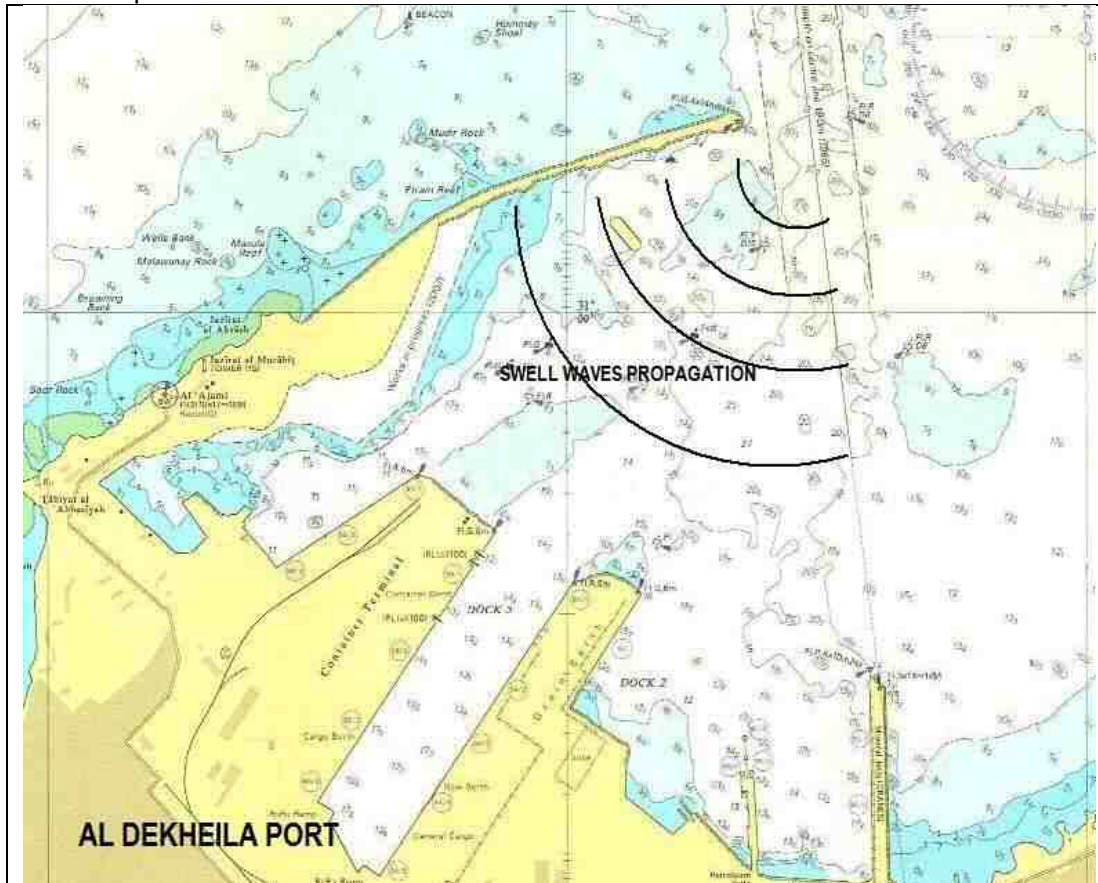
## Fender Damage Claims in Alexandria and Dekheila Ports.

### Introduction:

During the past 2-3 years, we have noticed that fender damage claims have become increasingly annoying to clubs and members, especially, at port of Alexandria and Dekheila.

Most of the fenders in these ports are already old, not maintained and sometimes sustain cracks,

On the other hand, damage to any fender, in case had been actually sustained, would be due to rough berthing maneuvers, especially with tugs assistance when excessive push or uneven berthing, can sometimes lead to fender damage in both Alexandria and Dekheila ports.



Moreover, and due to the prevailing sea currents, sea depths, Dekheila port, is characterized by high swell during rough weather, since the port entrance is facing North with a short western breakwater, while all the quays are aiming toward port entrance, where swell propagate toward the quays uninterrupted, hence, vessels berthed alongside, sometimes exercise heavy swell which may frequently cause fender damages

### **The Claim:**

Unfortunately dealing with Alexandria Port Authority (APA), in fender claim, is not very easy due to the following reasons:-

- 1- Once a vessel is blamed for damaging a fender, the only way to deny vessel's liability is to find previous damage record for the same fender at the port's accident department.
- 2- APA doesn't allow vessel's sailing before settlement of the claim in one of the following ways;
  - Vessel's agent sign a non negotiable template format guarantee, in which vessel's liability is already established, in this format vessel's agent guarantee to cover PA's claim at their first demand after vessel's departure. This format is only accepted by PA in certain circumstances.
  - The claim is fully covered by a certified bank cheque in favor of APA.
  - The claim is covered by an unconditional Bank Letter of Guarantee.
- 3- APA doesn't accept Club Letter of Undertaking.

### **Handling the Case:**

1. Our surveyor inspects the alleged damaged fender and takes photos of same.
2. We attend at APA accident department to investigate, if the fender has previous damage record by another vessel, if the result is positive we are able to deny vessel's liability and cancel the claim.
3. If the fender sustained a crack, regardless minor or major, it is considered by PA as total loss, in this case we cover PA's claim in full by certified bank cheque.
4. If the fender is dismantled, dislocated or a chain is cut; then the damage can be repaired, in this case we issue Bank Letter of Guarantee to be represented to APA as security, until we appoint a contractor to repair the fender up to the satisfaction of the authorities' technical committee, and then we can cancel the Bank Letter of Guarantee. In this way the claim is reduced to the minimum

### **Recommendations to Avoid Such Claims:**

- Vessel's agent are kindly requested to visually inspect fenders mounted to the quay where the vessel is expected to berth, prior to vessel's berthing and report to APA any damages found in a formal letter, also to inspect same upon vessel's un-berthing
- Vessel's master, before berthing, can also take photos of any fender suspected to be damaged, missing or found in bad condition and advise agents about same to report to Alexandria Port Authority.
- Owners can appoint a surveyor to inspect quay fenders before and during berthing and right after un-berthing.

- Masters are kindly requested to report the incident in case they had been verbally advised of any fender damage, as sometimes we can interfere and cancel the claim before it is officially issued by APA.

**The present information was drawn by us to the best of our knowledge and belief.**

**El Hamamsy Marine Services Ltd,**