

JAPAN P&I NEWS

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To the Members

Dear Sirs,

Ukraine – Ballast Water Inspection Problems

The Association has been informed by Legat Ltd., our correspondents in Ukraine, of 2 recent cases concerning the new Ukrainian law which abolishes segregated ballast quality control on board ships. This law was previously discussed in [Japan P&I News No.744](#) dated 10 July 2015.

According to the correspondents, while both vessels were loading grain at two private terminals – Nibulon and Nikaterra of Nikolaev port, local ecological inspectors used fake arguments to claim that both vessels had polluted the sea surface near the terminals.

In the first case, the inspectors declared that they noticed oil spots near the vessel during de-ballasting operations. In the second, the inspectors took samples and carried out tests of the sea water surrounding the vessel before and after de-ballasting, and then declared there was an excess of pollutants in the sea. The inspectors alleged that the ballast had not been isolated on board and thus was subject to sampling and tests. As a result of the tests, huge fines were imposed on the vessels.

The inspectors were accompanied on board by the prosecutor and police investigator. However, the correspondents and surveyors were able to prove that the inspectors broke their own rules and that the ballast system on both vessels had kept the ballast isolated and that the water in the area had already been polluted.

In the first case the vessel left port after the investigation and no claim has been lodged. In the second, the vessel's owners chose to pay a fine in order to avoid the potential arrest and detention of the vessel. The owners wanted to avoid setting a precedent for the future, although the correspondents warned them that making the payment they did could set a precedent.

As per our previous advice, the new Ukrainian law has abolished segregated ballast quality controls on board ships. Members are, however, required to be cautious of the activities of local ecological inspectors. The inspectors are trying to return to the “old scheme” of sampling and testing ballast, and they may use the above case in which a fine was paid as a precedent in other

ports towards their goal.

Yours faithfully,

The Japan Ship Owners' Mutual Protection & Indemnity Association