

JAPAN P&I NEWS

No.849-16/10/05

To the Members

Dear Sirs,

Ukraine – Ballast Water Inspection Problems (4)

We have obtained updated information on the captioned topic by our correspondent in Ukraine, DIAS Marine Consulting PC. Please find attached circular. Reportedly, the situation is becoming worse.

As we have stated in our Japan P&I News(No.744, 767, 787, 838), despite the new Ukrainian law which cancelled the segregated ballast quality control on board ships, the local ecological inspectors are still trying to go on board vessels and exact bribes from the Master. It is recently noticed that in case Master rejects to provide the ecological inspectors with samples of the ship's ballast water, they take port water around his ship and sample it. They then inform unsatisfactory result of its analysis to Harbour Master, which may cause the detention of the ship. As a result of it, Owners/Charterers may suffer absurd cost such as idle occupation of berth alleged by stevedoring companies.

The correspondents recommend that the ecological inspectors should not be allowed to take samples of the ballast and any ship's documentation on the ballast operation. In case of any trouble on the captioned matter, please inform the P&I Correspondent immediately. Depending on the case, local lawyer may need to be appointed in order to help the situation.

Yours faithfully,

The Japan Ship Owners' Mutual Protection & Indemnity Association

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Attachment: Information provided by DIAS Marine Consulting PC

Notification: Ecologists continue to attack the vessels – Update

Further to our previous reports unfortunately we have to inform you that ecological inspection officials' attacks on foreign ships calling at the Ukrainian ports have been recently getting even worse: for the last week we encountered two more attempts of ecological inspectors to get on board a ship and take samples of segregated ballast. In one of the said cases the Master agreed to allow the inspectors to take the ballast water samples which eventually cost the ship USD 18,500.00.

When the inspectors are not allowed to get to the ballast tanks they resort to wily tactics which have already become standard for such cases: they write a letter to the Harbor Master informing him about "unsatisfactory results of the analyses of the samples of port water area near the ship in question". Despite apparent absurdity of such letters it has already happened so that on their basis the Harbour Master ordered detention of the vessel in the port. As a result, the ship is shifted to another pier which may cost the Owners/Charterers a nice little sum of USD 10,000 - 20,000.00 depending on time and days of the week. At that, a stevedoring company tries to make the owners pay for "idle occupation of berth" (usually this fine is over USD 1000 for 1 hour).

In this regard we have to repeat once again our strong recommendation to the Owners: please do follow one simple rule: never allow the ecological inspectors to come to the segregated ballast tanks, never let them take segregated ballast samples and never provide them with any ship's documentation on segregated ballast operations.

If you are under pressure from the local "ecologist" please urgently call for a P&I Correspondent. Taking into consideration all the complications and more than strange attitude of some Harbour Masters, an involvement of a lawyer may usually be necessary to successfully resolve the situation.

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