



JAPAN P&I NEWS

外航組合員各位

Kolkata 周辺港での Iron Ore Fines および Group A 積荷について

Paradip, India にて Iron Ore Fines を積載し、同港を 2026 年 8 月 21 日に出港し、航行中であった
撤積貨物船“Ocean Winner”（72,928DWT）が 2026 年 8 月 22 日にベンガル湾で沈没しました。

本件事故の原因は調査中ですが、現地コレスポンデント James Mackintosh & Co.によると、Kolkata
の Mercantile Marine Department (MMD : 商船局)は、Kolkata、Haldia、Paradip、Dhamra など
当該 MMD が管轄する港からの Group A 貨物（Iron Ore Fines や砂等の液化化貨物）積載に関し、追
加の規制措置を導入したとのことです。詳細は添付コレスポンデント作成ニュースをご参照ください。

インドでは 2009 年頃に貨物液化化事故が数件報告されており、液化化貨物を積載する全ての船舶に対
して、MMD の承認・検査が義務付けられました（添付 MS Shipping Notice 31 of 2009、34 of 2009
および 9 of 2010 ご参照）。2017 年にその規制が一部緩和されましたが（添付 DG Shipping Circular
2 of 2017 ご参照）、今回 Kolkata 地域で新たな規制措置が導入されるに至りました。

なお、コレスポンデントによれば、当該規制措置は暫定的なものであり、詳細な手続については現在
MMD にて作成中のため、追加情報を入手次第改めてお知らせします。

以上

添付資料： James Mackintosh & Co.作成ニュース当組合試訳
James Mackintosh & Co.作成ニュース原文
MS Shipping Notice 31 of 2009、34 of 2009 および 9 of 2010
DG Shipping Circular 2 of 2017

MMD Kolkata 発行の Group A 貨物に関する改訂手順 — Ocean Winner 号の沈没を受けた、Iron Ore Fines およびその他の Group A 貨物に対する積載・出港許可および検査体制について

1. 概要

先日発生したパナマ船籍の撤積貨物船 Ocean Winner 号の沈没を受け、MMD Kolkata の首席検査官 (PO: Principal Officer) は、Kolkata 港の管轄下にある港 (Kolkata, Haldia, Budge Budge, Diamond Harbour, Paradip, Dhamra, Gopalpur, Port Blair を含む) から Iron Ore Fines、Sand およびその他の液化化する可能性のある Group A 貨物を積載・出港する船舶に対し、即時効力を持つ追加規制を課しました。これらの港、特に Paradip において当該貨物を積載している、または積載する予定の船舶を持つ組合員は、追加の許可、港湾が実施するリスクアセスメント、および義務付けられた複数段階での検査員の立ち会いを予期する必要があります。詳細な手順は現在準備中であると述べられており、状況は進展しています。

この規制は、MS Notice 9 of 2010 (平穏時および荒天時における鉄鉱石粉の安全な積載、積み付けおよび運送) に基づく既存の枠組みを適用するものであり、当局が MS Notice 2 of 2017 に帰属させている荷送人の申告要件と合わせて解釈されます。MS Notice 9 of 2010 の第 5 項(iv)は、モンスーン期の降雨による影響を受けやすい貨物貯蔵場所の保護カバーを含む、港湾／ターミナルの責任を定めています。

2. 現在通知されている改訂された要件

MMD Kolkata の首席検査官 (PO) によって通知された内容は以下のとおりです：

(a) 明示的な事前の積載許可

対象貨物の積載開始前に、MMD Kolkata の PO から許可を取得しなければなりません。

(b) 明示的な出港許可

出港前に、PO から別途許可を取得しなければなりません。

(c) 港湾リスクアセスメント

いかなる液化化貨物についても、港湾によってリスクアセスメントが実施され、PO に提出されなければなりません。これには、少なくとも予想される降雨量、栈橋の状況 (開放型か閉鎖型か)、および貨物の保管手配について対処している必要があります。

(d) 荷送人の申告

MS Notice 2 of 2017 に従って提出されなければなりません。

(e) 各段階でのサーベイヤー立ち会いの義務化

サーベイヤーの立ち会いは現在、積載作業自体に対するゲートとして機能しています。MMD のサーベイヤーが立ち会い、各段階を承認しなければならず、サーベイヤーが不在の場合、積載の開始、中断後の再開、または完了と見做したりすることは出来ません。この検査は以下の事項を対象とします：(i) 積載前の保管場所 (雨天時に最短時間で貨物を覆うための手配が実証されること)、(ii) 降雨による中断 (積載を停止し、サーベイヤーに通知し、貨物を覆うこと。積載を再開する前にサーベイヤーの許可が必要)、(iii) 船上での継続的な TML (運搬許容水分値) の検査、および(iv) 積載完了時の追加立会い。

(f) 積込に至るまでの貨物保管経路に関する申告

船主／代理店／荷送人は、本船の出港に至るまでの Group A 貨物の全経路を詳述した文書を提出しなければなりません。それには、貨物がどこに保管され、どのように輸送され、いつ誰によってサンプリングが実施され、どのようにどこで検査が行われその結果はどうであったか、貨物がどのように積載され、港内のどこに保管され、そして水分／水の侵入がどのように防が

れたかが含まれ、写真による裏付けと各段階における責任者の特定が求められます。また、積載中に雨が降った場合に取られた措置（これも写真付きで）も含まれます。

当局は、これが暫定的な要件であり、詳細な手続きは現在策定中であることを示しています。

責任の分担： 2(f)における経路申告の義務は分割されます。貨物が船の舷側を越える時点までの貨物経路については、荷送人が当局に詳細に申告し、その報告書／経路の写しは、船主に参考および記録用として提供されなければなりません。船主／船長は、残りの経路（船の舷側を超えて貨物倉内に入るまでの区間）について講じた予防措置および行動（例：降雨時のタイムリーなハッチの閉鎖、岸壁および船倉内での貨物の検査）を、写真の証拠を添えて証明しなければなりません。

3. 組合員／船長への推奨事項

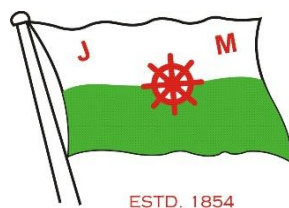
- IMSBC Code および SOLAS 条約第 VI 章に従い、貨物の受け入れ前に、船長が荷送人から有効かつ最新の貨物申告書（水分含有量、TML および FMP、貨物密度）を確実に受け取るようにしてください。
- 船長は、貨物が安全に運送できることの船舶側の確認を求める、荷送人／ターミナルから提示されたいかなる文書にも署名すべきではありません。その義務は荷送人にあります。
- 水分状態に疑義がある場合は、缶テストを実施し、独立した試験機関による TML の検証を強く求めてください。缶テストのみで貨物を受け入れるべきではありません。
- 商業的な圧力にかかわらず、安全性に疑いがある場合に積載を拒否または一時停止できる、SOLAS 条約および ISM コードに基づく優先的権限が船長にあることを改めてご留意ください。
- 組合員の立場を保護し、かつ MMD の検査要件に対応するために、P&I／貨物サーベイヤーを起用して積載に立ち会わせることを強く推奨します。
- 分割された宣言義務（第 2 項(f)）を考慮し、船舶の記録のために荷送人が申告した貨物経路の写しを荷送人から入手し、船長が本船側の部分（降雨時のタイムリーなハッチ閉鎖、岸壁および船倉内での検査）を、写真および各段階の指名された責任者と共に独立して文書化することを確認してください。
- 後に紛争が発生した場合に備えて、完全な証拠記録（宣言書、検査結果、降雨記録、ノート・オブ・プロテスト、PO／代理店との通信）を保管してください。

4. 弊社のサポート

James Mackintosh & Co.は、Paradip およびその他の Kolkata 管轄の港に入港する船舶をサポートするため用意があり、これには PO／MMD との連絡、サーベイヤーの立ち会い手配、および許可・宣言プロセスに関するガイダンスが含まれます。具体的なサポートについては、弊社までお問い合わせください。

詳細な手順が発表され次第、さらなる最新情報を回覧いたします。

内容についてご不明な点がございましたら、いつでもお知らせください。



Revised Procedure for Group A Cargo issued by MMD Kolkata - loading permission, sailing clearance and survey regime for iron ore fines and other Group A cargoes following the loss of MV *Ocean Winner*.

1. Summary:

Following the very recent loss of the Panama-flagged bulk carrier *Ocean Winner*, the Principal Officer, MMD Kolkata has, with immediate effect, imposed additional controls on the loading and sailing of vessels carrying iron ore fines, sand and other Group A (liquefiable) cargoes from ports under Kolkata Port jurisdiction, this would include Kolkata, Haldia, Budge Budge, Diamond Harbour, Paradip, Dhamra, Gopalpur and Port Blair. Members with vessels loading, or due to load, such cargoes at these ports — Paradip in particular — should anticipate additional permissions, port-conducted risk assessments, mandatory multi-stage surveyor attendance. Detailed procedures are stated to be under preparation and the position is evolving.

The controls invoke the existing framework under MS Notice 9 of 2010 (safe loading, stowage and carriage of iron ore fines in fair and foul season), read with the shipper's declaration requirement the authority attributes to MS Notice 2 of 2017. Para 5(iv) of MS Notice 9 of 2010 sets out port/terminal responsibilities, including covering of stockpiles liable to be affected by monsoon precipitation.

2. Revised requirements as presently notified:

As communicated by the Principal Officer, MMD Kolkata:

- (a) Explicit prior loading permission** — permission must be obtained from the PO, MMD Kolkata before commencement of loading of the subject cargoes;
- (b) Explicit departure / sailing permission** — separate permission from the PO must be obtained prior to departure;
- (c) Port risk assessment** — a Risk Assessment is to be carried out by the port and submitted to the PO for any liquefiable cargo, addressing at least expected rainfall, jetty condition (open or closed) and cargo storage arrangements;
- (d) Shipper's declaration** — to be submitted as per MS Notice 2 of 2017;
- (e) Mandatory surveyor attendance at each stage** — surveyor attendance now operates as a gate on the loading operation itself: an MMD surveyor must attend

and clear each stage, and loading may not commence, resume after any stoppage, or be treated as complete in the surveyor's absence. The survey covers — (i) the storage location prior to loading, with the arrangement for covering the cargo in the shortest time in the event of rain to be demonstrated; (ii) any rain stoppage — loading is to halt, the surveyor informed and the cargo covered, with the surveyor's go-ahead required before loading resumes; (iii) continued TML testing on board; and (iv) a further attendance on completion of loading;

(f) Declaration of the full path (chain of custody) of the cargo — the Owners / Agents / Shippers are to submit a document detailing the full path of the Group A cargo up to sailing of the vessel: where the cargo is stored, how it is transported, when sampling is carried out and by whom, how and where testing is done together with the results, how the cargo is loaded and where it is kept in port, and how ingress of moisture/water is prevented — supported by photographs and identifying the responsible person at each stage; and, in the event of rain during loading, the actions taken (again with photographs).

The authority has indicated this is an initial requirement and that detailed procedures are being drafted.

Division of responsibility: The onus for the path declaration at 2(f) is divided. The portion of the cargo path up to the point at which the cargo crosses the ship's rail is to be declared in detail to the authorities by the Shippers, with a copy of that report/path provided to Owners for their reference and records. The Owners / Master are to complete the remainder of the path — from the quay / crossing of the ship's rail and into the holds — evidencing the precautions and actions taken (e.g. timely closing of hatches during rain, testing of cargo on the quay and within the holds), supported by photographic evidence.

3. Recommendations to Members / Masters:

- Ensure the Master receives a valid, current cargo declaration from the shipper (moisture content, TML and FMP, cargo density) before acceptance, in accordance with the IMSBC Code and SOLAS Ch. VI.
- The Master should **not sign** any document presented by shippers/terminals seeking the ship's confirmation that the cargo is safe to carry — that obligation rests with the shipper.
- Where there is any doubt as to moisture condition, conduct a can test and insist on independent laboratory verification of TML; cargo should never be accepted on the can test alone.
- Masters should be reminded of their overriding authority under SOLAS and the ISM Code to refuse or suspend loading where safety is in doubt, notwithstanding commercial pressure.

- Highly recommended to appoint a P&I / cargo surveyor to attend loading, both to protect the Member's position and to interface with the MMD survey requirements.
- Given the divided declaration duty (paragraph 2(f)), obtain from the shipper a copy of their declared cargo path for the ship's records, and ensure the Master independently documents the ship-side portion — timely hatch closures during rain, testing at the quay and in the holds — with photographs and named responsible persons at each stage.
- Maintain a full evidential record (declarations, test results, rain logs, notes of protest, correspondence with PO/agent) in case of subsequent disputes.

4. Our assistance

James Mackintosh & Co. is available to assist entered vessels at Paradip and other Kolkata-jurisdiction ports — including liaison with the PO/MMD, arranging surveyor attendance, and guidance on the permission and declaration process. Please contact us for specific support.

We will circulate a further update once the detailed procedures are issued.

M.S. NOTICE NO. 31 OF 2009

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No.11-NT (43)/2009

Dated : 23.09.2009

Subject : Safe loading of solid bulk cargo with special reference to Iron ore fines from Indian ports

1. Background

1.1. The recent shipping casualties pertaining to the carriage of solid bulk cargo on General Cargo/ Bulk carrier ships from Indian ports has revealed negligence of Shippers, Ship Masters and Port Authorities in complying with the applicable International and National regulations for safe carriage of solid bulk cargo. The contravention of these regulations may have resulted in shifting of cargo at sea and even capsizing and sinking of ships in Indian waters. To prevent these incidents, the applicable IMO instruments such as Safety Conventions, Codes etc. impose obligations and prescribe guidance to Shippers, Port Terminals, Ship Masters and Owners for safe carriage of solid bulk cargo on ship.

2. The applicable International/National regulations in this respect are as follows:

2.1 SOLAS 1974 as amended

2.1.1 Regulation 2 of Chapter VI, i.e. Declaration by shipper on information relating to stowage factor, trimming procedures, likelihood of shifting, including angle of repose and any other relevant special properties of the cargo.

2.1.2 Regulation 6 of Chapter VI, i.e. Acceptability for shipment for bulk cargoes

2.1.3 Regulation 7 of Chapter VI, i.e. Loading, Unloading and Stowage of bulk cargoes in accordance with Code of Practice of Safe Loading, Unloading of Bulk Carriers (BLU) Code.

2.1.4 Regulation 10 of Chapter XII, i.e. Solid bulk cargo density declaration in case of heavy density cargo by the Shipper.

2.2 Code of safe practice for solid bulk cargoes - B.C. Code

2.2.1 Section 2 - General precautions recommended when detailed information is not available for high density bulk materials.

2.2.2- Section 3 - Safety of personal and ship.

2.2.3- Section 4 - Assessment of acceptability for safe shipment

2.2.4- Section 5 - Trimming procedures

2.3 Code of practice for the safe loading and un-loading of bulk carriers- BLU Code

2.3.1- Section 2 - Suitability of ships and terminals

2.3.2- Section 3 - Procedures between ship and shore prior to ship's arrival.

2.3.3- Section 4- Procedures between ship and terminal prior to cargo handling

2.3.4- Section 5- Cargo loading and handling of ballast

2.4 Cargo Rules framed under M.S. Act. 1958- M.S. (Carriage of Cargo) Rules, 1995 2.4.1- Rule 4- Cargo information

2.4.2- Rule 14- Carriage of solid bulk cargo other than grains

3. Lessons Learnt from the recent cargo related shipping casualties

3.1- Since India is one of the major exporting nations of iron ore and other solid bulk cargoes listed in the B.C. Code, the Directorate has examined the issue relating to the carriage of such cargoes by ships in depth and taking into account some of the following lessons learnt from recent casualties occurred in Indian waters

3.1.1 Shipper declaration as required by Regulation 6/10 of SOLAS 74 chapter VI/XII respectively & Rule 2 of M.S. (Carriage of Cargo) Rules was not made by the Shipper to the Master in advance.

3.1.2 Ship Master/Port Terminal do not generally discharge their obligation as prescribed in BLU Code section 2, 3 & 4 with respect to loading of cargo from wet pile lying in the port during the rainy/south west monsoon period.

3.1.3 Ship Master/Port Terminal do not notify the port state authorities in such event.

3.1.4 Ship Master/Port Terminal do not ensure that vessel sail out in seaworthy condition as required by section 336/342(unsafe ship) of Indian Merchant. Shipping Act. 1958.

3.1.5 Ship Master/Port Terminal do not verify the Moisture content prior to vessel's departure from the Indian port

3.1.6 Ship owner/Ship Master/Port Terminal do not recognize the serious consequences of not following the guidelines for loading of bulk cargoes which has direct impact in terms of pollution, danger to navigation, loss of life and property.

4. Instructions to Ship Owner, Ship Master, Shipper and Port Terminal

4.1 In view of the circumstances, the following instructions conforming to National/International regulations including prevailing International Practices are prescribed for safe carriage of solid bulk cargo from Indian ports/Indian waters.

4.2 Ship

4.2.1 Ship-owner Shall comply with additional safety measures for bulk carriers as specified in Chapter XII of SOLAS 1974

4.2.2 Ship Master shall ensure to obtain Cargo Information and Solid bulk cargo density declaration from the Shipper in the prescribed format of IMO as per the National/International Regulations. Where additional details, such as trimming or continuous measurement of water in the cargo etc. are required, the Master should inform the terminal accordingly.

4.2.3 The Ship Master should ensure that bilge lines, sounding pipes and other servicelines within the cargo space are in good order in view of high velocity at which such heavy density bulk materials are loaded. For this reason, it is also prudent on part of the Ship's crew to sound bilges after the completion of loading.

4.2.4 The Ship owner/Ship Master should ensure that the cargo loaded on board is trimmed reasonably to the boundaries of the cargo space to minimize the risk of bulk material shifting.

4.2.5 The Ship owner/Ship Master should ensure to fill up the cargo spaces as full as practicable without resulting in an excessive mass of the material on the bottom structure or tween- deck.

4.2.6 The Ship owner/Ship Master should verify the angle of repose/moisture content. If in any doubt on the cargo information/density declaration provided by the Shipper the Ship Master shall verify the same by adopting the procedures as specified in section 4/6 of B.C. Code.

4.2.7 The Ship owner/Ship Master shall has the right to stop the loading or unloading in case of non compliance with the agreed loading or unloading plans or any other situation which endanger the safety of ship.

4.2.8 The Ship Master is responsible at all times for the safe loading or unloading of the ship. In doing so, the Master shall ensure that terminal representative is made aware of the cargo trimming requirements.

4.2.9 The Ship Master should also ensure that there is agreement between the ship and the shore as to the action to be taken in the event of rain or other change in the weather, which may cause the nature of cargo to change posing hazards to the ship.

4.2.10 The Ship owner should closely monitor the loading/unloading operations and provide adequate resources and shore based support to Master and it should be so prescribed in the Company's Safety Management System developed, implemented and maintained under the ISM Code.

4.2.11 The Ship Master, in the event of any interference by the external sources should not hesitate to use his overriding authority provided under the Safety Management System and discretion as specified in Regulation 34-1 of SOLAS Chapter V.

4.2.12 The Ship owner/Ship Master shall ensure that the ship is suitable for loading solid bulk cargo and weather tight, efficient in all respect for the normal perils of the sea and the intended voyage

4.2.13 The Ship owner/Ship Master shall ensure that the ship is provided with approved stability of loading booklet written in a language understood by ship's officers concerned and using standard expressions and abbreviations.

4.2.14 The Ship owner/Ship Master shall ensure that a copy of the agreed loading or unloading plan and any subsequent amendments to it is lodged with the appropriate authority of the port state as notified by the D.G. Shipping.

4.2.15 The Ship owner/Ship Master should not hesitate in notifying the nearest Port State Control Authority for timely intervention, in case of any breach of the provisions of BLU Code or SOLAS is apprehended.

4.2.16 The Ship Owner/Ship Master are encouraged to participate in the prevailing ship reporting

system such as INDSAR and others prior to the departure of their vessel/s from Indian ports and during the intended voyage.

4.3 Shipper

4.3.1 The Shipper shall provide the Master or his representative with appropriate information on the cargo sufficiently in advance of loading to enable the precautions which may be necessary for proper stowage and safe carriage of the cargo to be put into effect.

4.3.2 The Shipper shall confirm such information in writing (this does not preclude the use of Electronic Data Processing - EDP and Electronic Data Inter change- EDI) to the Master in appropriate shipping document prior to loading cargo on the ship.

4.3.3 The Shipper shall provide cargo information on the stowage factor of the cargo, the trimming procedure, likelihood of shifting including angle of repose and any other relevant special properties.

4.3.4 The Shipper shall provide an additional information in the case of concentrate or other cargo which may liquefy in the form of a certificate on the moisture content of the cargo and its transportable moisture limit.

4.3.5 The Shipper shall verify the moisture content, transportable moisture limit and the density of solid bulk cargoes and declare such information in the IMO standard format for cargo information as prescribed in MSC/Circ.663.

4.3.6 The Shipper shall ensure that the cargo information with regard to moisture content/transportable moisture limit and cargo density is verified by an accredited testing organization i.e. in accordance with MSC/Circ.908.or laboratories enlisted with National Accreditation Board for Testing and Calibration Laboratories (NABL) or prevailing customary practices in the solid bulk cargo trade.

4.4 Port Terminal

4.4.1 The Port Authorities shall ensure that shipper gives the latest and accurate cargo information along with moisture content , transportable moisture limit, cargo density declaration and other details as specified in Para 2 of this Notice.

4.2.2 If such shipments (solid bulk cargo) are transported in ships other than bulk carriers, then Port terminal should ensure that the ship has proper documentation (approved stability booklet and a copy of applicable codes/conventions for reference) issued by the flag state and complies with the applicable provisions of the BC Code prior to the commencement of loading of cargo and, during loading of cargo and care required of the cargo during transit.

4.4.3 The Port terminal shall ensure that the applicable provisions of the (safe Loading and Unloading of bulk carrier) under BLU Code with regard to ships and terminals are strictly complied with.

4.4.4 The Port terminal should ensure that the stockpile of such cargoes in port areas is covered

to the extent possible in the wet weather to avoid excessive moisture content in the cargo which may exceed the transportable moisture limit at the time of loading.

4.4.5 The Port authorities shall have the right to stop the loading or unloading of solid bulk cargoes when the safety of the ship carrying such cargoes is endangered.

4.4.6 The Terminal operators shall be required to comply with the relevant IMO Codes and recommendations on ship/ port co-operation.

4.4.7 The Port terminal personnel should be trained in all aspects of safe loading and unloading of bulk carriers, commensurate with their responsibilities.

4.4.8 The Port terminal representative should monitor the weather conditions and provide the Master with the forecast of any local adverse weather condition.

4.4.9 The Port authority should not hesitate in notifying the nearest port state control authority for timely intervention, in case of any breach of provisions of BLU Code or SOLAS 1974 is apprehended.

4.4.10 The Port should advise the Master of such vessels (vessels loading solid bulk cargoes) to participate in the prevailing Ship Reporting System such as INDSAR and others during their intended voyage.

All concerned in the safe carriage of solid bulk cargoes from Indian ports or places are urged to comply with these directives and failing which an appropriate legal action as prescribed in Indian M.S. Act, 1958 and Rule 23 (a)/(b) of M.S. (Carriage of Cargo) Rules, 1995 shall be taken.

Sd/-

(Capt. Deepak Kapoor)

Nautical Surveyor-cum-DDG (Tech)

Sub: Additional Safeguards for safe carriage of solid bulk cargo especially Iron ore fines from Indian Ports.

Further to [M.S. Notice No. 31 of 2009](#) dated 24.09.2009 issued by the Directorate following couple of casualties/ near misses of ships in Indian ports, the Directorate has received more reports from various sources that the shippers and port authorities are not extending the support to the Masters of the ships calling Indian ports for loading Iron ore fines, to comply with their obligations under the provisions of SOLAS 74 as amended, BC Code & BLU Code.

Recognizing these facts, the Director General of Shipping issues following additional directions to the concerned authorities and organizations.

1. The agent of the ships calling Indian Ports for shipment of captioned cargo should advise and encourage the Masters to use their discretion and overriding Authority under National & International Laws (Please refer to Part V of M.S. Notice No 18 of 2009 Monsoon Advisory)
2. The Masters should also be encouraged to verify the moisture contents of Iron ore fines, if in any doubts, as per the provision of BC Code, prior to the acceptance of shipment and during the entire loading operations.
3. The concerned ports shall do everything possible to ensure safe carriage & transportation of solid bulk cargo including Iron ore fines as per the provisions of M.S. Notice 31 of 2009
4. The Port Should not refuses the entry of vessels in need of assistance as places of refuge when the Masters are suspicious about their cargoes not complying with the BC Code requirements, especially related to moisture contents. In doing so the ports shall take all measures for the safety of ports and environment on the coast. Further the port authorities may be guided by IMO Resolution A 949 (23) places of refuge and A 950 (23) - Maritime Assistance Service (MAS).

Sd/-

(Capt. Deepak Kapoor)

Deputy. Chief Ship Surveyor-cum-Sr. DDG (Tech.)

Merchant Shipping Notice No. 9 of 2010

No.: 69-NT (1)/2008

Date: 27th August, 2010

Subject: Safe loading, stowage, carriage and discharging of iron ore fines on ships from Indian Ports in fair and foul season - reg.

For the attention of – Ship owner, Ship master, Shipper, Port Terminal and other concerned Stakeholders.

1. The Mercantile Marine Departments shall carry out 100% Port State Control / Flag State Implementation Inspections of all vessels loading cargo of Iron ore fines / Concentrates and similar type of cargoes from Indian Ports during fair / foul weather season.
2. These vessels shall only sail out from Indian ports after obtaining clearance from the concerned Mercantile Marine Departments.
3. In addition, the provisions of this notice shall also be strictly complied with.
4. Laboratory Test Houses conducting test on cargo samples of iron ore fines has the approval of the Competent Authority if accepted by the ship, shipper or their representatives.
5. Non-compliance of the provisions of International Regulations, National Rules and this notice shall be viewed seriously.
6. Legal action for such contraventions shall be taken against the Ship owner, Ship master, Shipper, Port terminal and other concerned Stakeholders under the provisions of Merchant Shipping Act, 1958 and other applicable laws.

PART I

Introduction

Spate of shipping casualties involving ships engaged in carriage of Iron ore fines:

1. Introduction

Certain problems involved in the carriage of Iron ore fines came to notice of Directorate after the incident of M.V. “Asian Forest” in July 2009 followed by many near miss cases involving ships carrying iron ore fines from Indian Ports in August 2009 including another serious shipping casualty of “M.V.Black Rose” in the month of September 2009. M.V. Asian Forest and M.V.Black Rose became wreck in Indian waters leaving behind over 1400 tons of bunker oil entrapped in the bunker tanks. These ships encountered heavy listing due to shift of cargo on account of liquefaction. Investigation into these incidents highlighted improper cargo information, excessive moisture content in the cargo, liquification and refusal of entry of the affected vessels by Port Authorities. Timely intervention by the Maritime Assistance Service (MAS), i.e. Directorate General of Shipping, Mumbai prevented occurrence of shipping casualty in many cases of reported near misses.

2. Constitution of Committees

To address the concerns related to carriage of iron ore fines from Indian shores, a technical committee was constituted by the Ministry of Shipping and Director General of shipping each. One of the committees was headed by the Chairman National Shipping Board (NSB) and other by the Nautical Advisor to the Government of India. Upon completion of their task, the respective committee concluded that shippers, port terminals, charterers and the ship owners do not provide adequate and timely support to the ship masters in safe carriage of iron ore fines from Indian ports. It was also observed that the Master of the ships were not exercising due diligence while loading this cargo from Indian ports and not using their overriding authority provided under the safety management system (ISM Code requirement).

3. Applicability of International Regulations and National Rules

Carriage of solid bulk cargoes by sea is regulated to prevent injury to persons or damage to ship and their cargoes. The Government of India is party to the SOLAS Convention 1974 as amended and the provisions relating to the carriage of solid bulk cargoes under SOLAS 1974 as amended have been enacted into the rules made under Merchant Shipping Act called MS (Carriage of Cargo) Rules, 1991 incorporating the elements of code of safe practice for solid bulk cargoes (BC Code) which is recommendatory in nature till date. The International Maritime Solid Bulk Cargoes Code (IMSBC Code) is expected to come into force on 01.01.2011, and superceding existing Solid Bulk Cargo Code (BC Code). This IMSBC Code

highlights the prime hazards associated with the shipment of solid bulk cargoes, such as loss or reduction of stability during a voyage due to liquification, structural damage due to improper cargo distribution and chemical reactions of cargoes. Although the provisions of the existing BC Code are recommendatory in nature, the same has been included in the Merchant Shipping (Carriage of Cargo) Rules, 1991. The new IMSBC Code modifying the existing BC Code has undergone many changes in layout and content. The Directorate, in view of the shipping casualties and near misses stated above had issued Merchant Shipping (MS) Notice 31 and 34 in the September 2009, which are still in force and required to be adhered strictly. These notices broadly provide guidelines to the shipping industry to comply with the relevant rules and regulations for safe carriage of iron ore fines.

PART II

4. Directives to all concerned in safe carriage of Iron ore fines

The Directorate reiterates that the ship owners, ship masters, shippers and port terminals shall conform to National and International Regulations including prevailing International Practices as stipulated in MS Notice No. 31 of 2009 and additional safeguards specified under MS Notice No. 34 of 2009 for safe carriage of iron ore fines. In view of the onset of South West Monsoon in Indian waters, it is directed that:

- i) The ship owner shall comply with the provisions of SOLAS Chapter VI, IMSBC Code and additional safety measures for bulk carriers under Chapter XII of SOLAS 1974, if applicable;
- ii) The shipper shall provide the master or his representative with appropriate information on cargo sufficiently in advance, prior to of the loading of iron ore fines to take precautionary measures, which may be necessary for proper stowage and safe carriage of this cargo.
- iii) The Port Authorities shall ensure that shipper gives current cargo information such as Moisture Content,(including Flow Moisture Point (FMP) and Transportable Moisture Limit (TML), and Cargo Density declaration. They shall also fulfill their relevant obligations specified in the IMSBC Code which includes the provisions specified in the Code of practice for the safe loading and unloading of bulk carriers (BLU Code);
- iv) The agent of the ships calling Indian Ports for shipment of captioned cargo shall advise and encourage the Masters to use their discretion and overriding authority under SOLAS 1974 as amended;
- v) The masters are directed to verify the moisture content of the iron ore fines, if in any doubt, in accordance with the provisions of IMSBC code prior to the acceptance of the shipment during the entire loading operations;
- vi) The Ports are requested to facilitate entry of vessels in need of assistance as places of refuge when the masters are apprehensive about

the safety of their vessels due to excessive moisture contents, taking into account the provisions of IMO Resolution A.949 (23) that deals with Places of Refuge. In doing so, the Port shall take all measures for the safety of their own Port. If in any doubt, the Port Authority shall consult the D.G. Shipping, notified as Maritime Assistance Service (MAS) in accordance with IMO Resolution A.950 (23).

5. Special requirements for safe loading and unloading of iron ore fines

The ship, shipper, port terminal and other concerned in safe loading and unloading of iron ore fines shall in addition comply with the following instructions:

(i) Ships:

(a) Ships nominated for iron ore fines loading from Indian ports are suitable and in addition the ship master to ensure following that the ship is:

1) Weather tight and efficient in all respects to face the normal perils of the sea for the intended voyage;

2) Provided with an approved stability and loading booklet approved by the Flag Administration in a language understood by the ship's officers concerned and using standard expression and abbreviations. If the language is neither English, nor French, nor Spanish, a translation into one of these languages should be included;

3) Provided with hatch openings of sufficient size to enable the cargo to be loaded, stowed and unloaded satisfactorily; and

4) Provided with the hatch identification numbers used in the loading manual and loading or unloading plan. The location, size and colour of these numbers shall be chosen so that they are clearly visible to the operator of the loading or unloading equipment.

(b) Ships which are required to carry out stress calculations shall have on board an approved loading instrument by the flag administration for the rapid calculation of such stresses;

(c) All propulsion and auxiliary machinery shall be in good functional order. Deck equipment relating to mooring and berthing operations, including anchors, cables, mooring lines, hawsers and winches, shall be operational and in good order and condition;

(d) All hatches hatch operating systems and safety devices shall be in good functional order, and used only for their intended purpose.

- (e) List indication lights, if fitted, shall be tested prior to loading or unloading and proved operational;
 - (f) Ship's own cargo handling equipment shall be properly certificated and maintained, and used only under the general supervision of suitably qualified ship's personnel;
 - (g) Ship Master shall ensure to receive from the shipper of intended cargo, details of the nature of the cargo required under Chapter VI of SOLAS 1974, as amended. Where additional details, such as trimming or continuous measurement of the water in the cargo, etc, are required, the master shall inform the terminal accordingly;
 - (h) Ship master shall ensure that the prior to the shipment of cargoes stated above the vessel is made cargo worthy;
 - (i) ship master shall conduct can test or other test prescribed in the IMSBC Code to the extent reasonable and practicable prior to the acceptance of shipment of cargo along with the terminal representative in case of any doubt about the information submitted by the shipper or quality of cargo;
 - (j) in the event of any undue commercial influence, the master shall not hesitate to use his authority prescribed under SOLAS Chapter V regulation 34 - 1 and over riding authority under the safety management system as applicable;
 - (k) In case of non co-operation by the port terminal or shipper or other entities in safe loading of cargo posing threat to safety of the ship, the master shall not hesitate to report the matter to the Competent Authority.
- (ii) Ship owner, manager or operator when offering a ship for cargo of iron ore fines, shall ensure that the ship:
- (a) is maintained in a sound, seaworthy condition;
 - (b) has on board a Competent and Qualified Crew;
 - (c) has on board at least one Officer proficient in the languages used at both the loading and unloading ports, or has an officer available who is proficient in the English language; and
 - d) is free of defects that may prejudice the ship's safe navigation, loading or unloading.
- (iii) Shipper has the following responsibility:
- (a) the Shipper shall provide the master or his representative with appropriate information of the iron ore fines cargo sufficiently in

advance, prior to loading and if in any doubt shall approach the Competent Authority without any delay;

(b) the Shipper shall provide Cargo Information and Cargo Density Declaration for iron ore fines in the prescribed form as specified in the IMSBC Code;

(c) the shipper shall have the samples of iron ore fine cargoes tested for ascertaining the moisture content or transportable moisture limit as per the requirements specified in IMBSC Code.

(iv) Port terminal has the following responsibility:

(a) Port terminal operators shall ensure that they only accept ships that can safely berth alongside their installation, taking into consideration issues such as:

(i) water depth at the berth;

(ii) maximum size of the ship;

(iii) mooring arrangements;

(iv) fendering;

(v) safe access; and

(vi) obstructions to loading / unloading operations.

(b) Terminal equipment shall be properly certificated and maintained in accordance with the Port Laws, Bye Laws, Dock Safety Laws and other applicable laws or standards accepted by the Port State Authorities. Such equipments shall only be operated by duly qualified and, if appropriate, certificated personnel required under the applicable laws. However, where automatic weighing equipment is provided, this shall be calibrated at regular intervals as per the requirements of the port laws/bye laws or the manufacturers as the case may be;

(c) Terminal personnel shall be trained in all aspects of safe loading and unloading of bulk carriers or other suitable types of ships, commensurate with their responsibilities at the earliest taking into account that:-

(i) the training shall be designed to provide familiarity with the general hazards of loading, unloading and carriage of iron ore fines and the adverse effect of improper cargo handling operations that may have on the safety of the ship; and

(ii) training to such personnel shall be provided by qualified trainer of the port terminals conforming to the standards specified in the port and other laws specified above.

(d) terminal operators shall ensure that personnel involved in the loading and unloading operations are duly rested to avoid fatigue;

(e) the port terminal shall cover the stockpiles of iron ore fines cargo likely to be adversely affected by precipitation or high humidity or rain or weather conditions during the South West seasonal monsoon in Indian waters to the extent reasonable and practicable;

(f) the port terminal shall provide proper drainage system for water from the stock piles of iron ore fines cargo lying in the open areas of its premises to the extent practicable and reasonable;

(g) the port terminal shall to the extent reasonable and practicable ensures adequate number of approved laboratory test houses availability within the port premises for carrying out efficient and effective testing of samples submitted by the shipper or the ship owner to verify the compliance of moisture content or transportable moisture limit of such cargoes;

(h) the port terminals engaged in the shipment of the cargo of iron ore fines may be audited by the Competent Authority if necessary for the purpose of verification of compliance with the relevant provisions of IMSBC Code at periodical intervals;

(i) the port terminals, if approached by the master of the ship in need of any assistance to prevent shipping casualty after the shipment of such cargoes shall provide safe and sheltered place to such ships to take corrective measures.

(v) Lab tests houses and cargo surveyors of shippers / exporters:

(a) all laboratory test houses conducting the tests on cargo samples of iron ore fines under Section 8 (test procedures for cargo that may liquefy) and appendix 2 (laboratory test procedures, associated apparatus and standards) under IMSBC Code shall be duly accepted by the shipper, ship or their representative. In the interim such acceptance shall be construed as having the approval of the Competent Authority;

(b) all personnel conducting such tests shall be suitably qualified and experienced;

(c) the cargo surveyors appointed by shippers / exporters shall be suitably qualified and experienced for the purpose of informing the terminal representative in respect of cargo quantity, quality and suitability of such cargoes for shipments from Indian ports;

(d) to avoid any dispute between the concerned parties with respect to sampling of iron ore fines, to the extent possible, the samples may be drawn jointly in presence of shipper and ship's representative. The sampling may be carried out in accordance with procedures prescribed in Section 4 of IMSBC Code.

(vi) For the purpose of implementation and enforcement of the provisions of the relevant part of SOLAS 1974 , Act, Rules, IMSBC Code and the M.S. Notices, the **Competent Authority is the Directorate General of Shipping**. This notice shall be read with Merchant Shipping Notices (MS) No. 31 and 34 of 2009.

All concerned in the safe carriage of iron ore fines specified in IMSBC Code from Indian ports or places are directed to comply with these provisions of Merchant Shipping Act, M.S. (Carriage of Cargo) Rules, 1991, this notice and the relevant provisions of IMSBC code. In the event of any contravention of these provisions, an appropriate legal action as prescribed in Indian Merchant Shipping Act, 1958 shall be taken.

This issues with the approval of Director General of Shipping, Additional Secretary to the Government of India.

(Capt. Deepak Kapoor)

Nautical Surveyor-cum-DDG(Tech)

Survy R/NO 745
SV/

02 JUN 2017

Directorate General of Shipping, Ministry of Shipping, Govt. of India, Mumbai

Authorized by
the Directorate
General of
Shipping, GOI

Subject: Dispensing with the requirement of requirement of 100% Port State Control / Flag State Implementation inspection of all vessels loading cargo of iron ore fines / Concentrates and similar cargo (i.e. when loading of Category 'A' cargoes as per the IMSBC code) - reg.

NT/ENG Circular No.
2 of 2017

File No:-ENG/PSC-66(1)/2007

Dated:- 01.06.2017

A. Background

1. Recognizing that carrying solid bulk cargoes involves serious risks, which must be managed carefully to safeguard the crew and the ship. These risks include reduced ship stability, and/or capsizing due to cargo liquefaction; fire or explosion and damage to ship structures due to poor loading procedures.
2. Also, recognizing that as a responsible Flag, Coastal and Port State, India need to ensure that all vessels leave its ports/anchorage in a seaworthy condition.
3. Further IMO Resolution 1052(27): Procedures for Port State Control, 2011 requires that all possible efforts should be made to avoid a ship being unduly detained or delayed.
4. Noting that there had been many near miss cases / incidents involving ships carrying iron ore fines from Indian Ports. These ships encountered heavy listing due to shift of cargo on account of liquefaction. Investigation into these incidents highlighted improper shippers declaration, excessive moisture content in the cargo, liquefaction and refusal of entry of the affected vessels by Port Authorities.
5. Taking into cognizance the main legislations governing safe carriage of solid bulk cargoes, that is, Chapter 6 of SOLAS 74 as amended and International Maritime Solid Bulk Cargoes (IMSBC) Code, which became mandatory on January 1, 2011, under the SOLAS Convention and the Merchant Shipping (Carriage of Cargo) Rules, 1995 under the Merchant Shipping Act, 1958, as amended.
6. Noting further that Regulation 2, Part A, Chapter 6 of SOLAS 74 details the mandatory Cargo information to be provided to the Master or his representative by the shipper.

7. Further the ISM Code requires potentially hazardous situations to be risk-assessed, and have procedures in place to mitigate the accessed risks. It is strongly recommended that Owners whose vessels are likely to carry cargoes which may liquefy [Group 'A' of IMSBC Code] put in place procedures to deal with any issues which may arise.

B. Applicability

1. In the IMSBC Code, the cargoes have been divided into three groups i.e. namely Group A, B & C. Group 'A' consist of cargoes that may liquefy. This Merchant Shipping Notice is applicable to all ships, whether Indian or Foreign Flag in an Indian Port/anchorage within the territorial waters of India, loading/carry 'Category A' cargoes as defined in IMSBC Code.
2. This Merchant Shipping Notice is applicable from the date of issue and should be read in conjunction with the following MS Notices/DGS Circulars:
 - MS Notice No. 9 of 2010 (except clause 1 & 2), dated 27th August, 2010; Safe loading, stowage, carriage and discharging of iron ore fines on ships from Indian Ports in fair and foul season.
 - MS Notice 34 of 2009 dated 25 September 2009; Additional safeguards for carriage solid bulk cargoes especially iron ore fines from Indian Ports.
 - MS Notice 31 of 2009 dated 23 September 2009; Safe loading of solid bulk cargo with special reference to iron ore fines from Indian ports.

C. Detailed Requirements

1. The conduct of a Port State/Flag State Inspections is no longer a mandatory requirement for carriage of Category 'A' cargoes as per the IMSBC code. The Port State/Flag State inspections are required to be carried out only in accordance with IOMOU Procedures/MS Act 1958, as amended and as per the various MS Notices and circulars issued by the Directorate from time to time.
2. All vessels loading 'Category A' Cargoes need to submit the following to the nearest Mercantile Marine Department (MMD) at the earliest and in any event prior to the commencement of loading:
 - a) A declaration from the Master of the loading vessel containing the following aspects:
 - (i). That the Vessel has been inspected as per the provisions of "Guidance to ships crew and terminal personnel for bulk carrier inspections", IMO Resolution A.866 (20);
 - (ii). That a risk assessment has been carried out prior loading 'Category A' Cargoes in line with Company policy/Safety Management Systems and/or as per guidelines of the various P&I insurance clubs/class societies;
 - (iii). That all necessary precautions for loading 'Category A' cargoes required under various applicable International Conventions and Codes have been adhered to;
 - (iv). The declaration should further confirm that loading will not be undertaken during heavy rains and that the cargo hatches will be kept closed at all times, except for loading. This declaration may be submitted by the ship agent to the MMD Surveyor on behalf of the Master of the vessel.
 - (v). Loading/ unloading plan to be agreed between Master & Shipper & a signed copy to be submitted.

- b) The agent should also submit a declaration containing the following information from the shipper duly addressed to the concerned MMD/PO/SIC, prior to the commencement of loading.
- (i). Name of the cargo using the Bulk Cargo Shipping Name(BCSN) as detailed in the IMSBC Code;
 - (ii). The declaration should indicate whether the cargo is associated with liquefaction hazard;
 - (iii). The declaration has to be individual provided for each cargo hold (except where the moisture content of cargo is clearly uniform);
 - (iv). The actual moisture content and transportable moisture limit as defined by Section 8 of IMSBC Code as amended and determined by a laboratory approved by Director General of Shipping in accordance with MS Notice 14 of 2016 dated 28th November 2016.
- c) The said declaration in paragraph 2b) above from shipper should state the following in an un-equivocal term:
- (i). That the samples used to determine the average moisture content are representative of the whole shipment;
 - (ii). The interval between the testing for moisture content and loading of cargo is no more than 7 days and there is no rain between the time of testing and loading or the cargo is kept protectively covered from rains as the case may be;
 - (iii). The test to determine TML of the cargo has to have been conducted within six months to the date of loading of the cargo;
3. The requirement of obtaining clearance/ approval from concerned Mercantile Marine Department prior loading / sailing out after loading category 'A' cargos as per MS Notice 9 of 2010 is now dispensed with.
4. The requirement of 100% Port State Control / Flag State Implementation inspection of all vessels loading cargo of iron ore fines / concentrates and similar cargo, as per MS Notice No. 9 of 2010 dated 27th August, 2010 is dispensed with. However, PSC/FSI may be conducted as part of regular PSC/FSI regime implemented by D.G. Shipping vide various issued M S notices , Standard Operating Procedures and IOMOU Procedures as amended.
5. Mercantile Marine Department(MMD) Surveyor from the concerned may board the vessel in case of non-compliance with the requirements of this Circular and/or other applicable regulations / statutes of law or in case of any information received from any port about the high moisture content of the Category 'A'(e.g. Iron Ore etc.) being loaded. The boarding of vessel will be only carried out after prior intimation to the jurisdictional Principal Officer and thereby followed up with a report on the findings of such inspection to the jurisdictional Principal Officer.

- D. Non-compliance with this circular by Owner, Master, Agent and/or the Shipper thereof will lead to appropriate action in accordance with the provisions of MS Act 1958, as amended and/or the applicable International Conventions.

This Circular is issued with the approval of the Director General of Shipping.



(Vikrant Rai)

Engineer & Ship Surveyor – cum- D-DG (Tech)

To,

1. The Principal Officer, Mercantile Marine department, Mumbai/ Kolkata/ Chennai/ Cochin.
2. The Surveyor-in-charge, Mercantile Marine Department, Goa/ Jamnagar/ Port Blair/ Visakhapatnam / Tuticorin/ Delhi/ Haldia/ Paradip/ Mangalore.
3. All Classification Societies.
4. Indian National Shipowners' Association (INSA), Mumbai
5. All Shipping Companies
6. Adll. D-G/CS/NA/CSS
7. Sr.PS to DGS
8. Hindi Cell
9. Guard file.
10. Computer Cell.