

16 August 2017

Circular No. 1/2017

For the kind attention of the Association and Members

Dear Sirs,

Ref.: Steel shipments loaded in Romanian Ports, Shippers' / Stevedores' direct interference in Master's / Carriers' rights to clause the bill of lading.

This is to bring to the Association and Members' kind attention an ever increasing recent occurrence in Romanian Ports regarding shippers' / stevedores' direct interference in master's / carriers' rights to clause the bill of lading under art. 3 (c) of Hague / Hague Visby Rules or art. 16 (1) of Hamburg Rules in so far the latter would be applicable.

In practice, stevedores' appointed surveyors are nominated and designated through the cargo lists and their assignment is actually to challenge the vessel's master's / carriers' findings and remarks they want to endorse in respect of the cargo condition in the shipping documents and press ahead the remarks, if any, on cargo condition agreed through sale contracts / letters of credit.

Please find attached a cargo list containing the steel loading terms of one of the stevedoring companies at Constantza and marked up paragraphs.

The above is not an isolated case, many of the stevedoring companies use surveying organizations created and / or supported by them to challenge and restrain the vessel's masters' and carriers' rights to clausing of the shipping documents.

Albeit on all occasions, Members with the assistance of the Association and local Correspondents have been successful in not allowing any undue interference in clausing the shipping documents, we would suggest that Members exercise due caution when for commercial reasons do not appoint surveyors instructed through the Association / Association's Correspondents or meet surveying offers from surveying organizations keeping vessels calling Romanian ports on track.

Operator de date cu caracter personal nr. 26888

Datele personale sunt prelucrate de catre Interservices S.A. in conformitate cu dispozitiile Legii nr. 677/2001 si normelor legale conexe, in cadrul activitatii societatii autorizata prin lege. Dreptul de acces, de interventie si de opozitie in conditiile prevazute de Legea nr. 677/2001 se exercita printr-o cerere scrisa, datata si semnata, transmisa pe adresa societatii.

Personal data operator no. 26888

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Should the Association and / or Members require further clarifications on the topic we would be most pleased to assist as necessary.

Yours faithfully,

Vlad Mancas
Attorney-at-Law



INTERSERVICES S.A.
P & I Correspondents

Dear Sir,

We hereby let you know that, according to the instructions received from the SHIPPERS, the following goods are to be loaded on your vessel:

SO 01 - PROFILES - 785 bundles - 57,500 MTS

Origin: ROMANIA

Shipper: [REDACTED]

Discharging port: [REDACTED]

SO 02 - PROFILES - 11 bundles - 55,450 MTS

Origin: ROMANIA

Shipper: [REDACTED]

Discharging port: [REDACTED]

SO 03 - PROFILES - 90 bundles - 40,700 MTS

Origin: ROMANIA

Shipper: [REDACTED]

Discharging port: [REDACTED]

SO 04 - PROFILES - 5 bundles - 20,700 MTS

Origin: ROMANIA

Shipper: [REDACTED]

Discharging port: [REDACTED]

Cargo description: STEEL PROFILES

Packing: PIECES IN BUNDLES, strapped by minimum 4 steel strapping bands

Partial shipment NOT allowed.

Please issue and hand the preliminary cargo stowage plan in due time in order to commence loading without any delays.

Note please that, if yours intentions is to insert remarks in final documents regarding the apparent condition of the cargo will be necessary to inform all party concerned in time.

Please also note further the above, is necessary to assist loading by ship's crew or shore paid tallyman / surveyor in order to avoid any disputes regarding the quantity received on board. Otherwise the cargo already loaded on vessel's board will be considered as shipped cargo and any further complain will not be taken into consideration.

Our appointed survey company, [REDACTED] will attend on board of the vessel during entire loading operation, and apparent condition of cargo as presented for loading will be amended on final documents.