Maritime safefy: safe loading and unloading of bulk carriers

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PURPOSE : to enhance the safety of bulk carriers calling at terminals in the Community for loading or unloading of solid bulk cargoes. CONTENT : the increasing number of bulk carrier casualties in the past decades and the associated loss of human lives remain an issue of major concern for the European Commission. In response to this sharp and unacceptable increase in losses of ships, cargoes and human lives, the Commission suggested in its 1993 Communication possible courses of action. These suggestions included, amongst others, the mandatory application of classification Societies' recommendations as an accompanying measure to the convergent application of IMO Conventions and measures at the level of port State control to ensure compliance with those Conventions and recommendations. The Council welcomed this Communciation and fully supported its objectives. However, the continuance of the alarming trend in bulk carrier casualties after the publication of the 1993 Communciation prompted the European Commission to propose a number of port State control measures. As the years went by, the need to improve the loading and unloading procedures became even more pressing in order to enhance the safety and survivablity of dry bulk carriers. This need was recognised within the IMO and other international organisations. In view of these developments at international level, the Commission services contracted, in 1998, a study to assess the terminal procedures in the Community against the relevant international recommendations on ship/port interface. The results of this study indicated clearly the need to improve the procedures of communication and cooperation between bulk carriers and the dry bulk cargo-handling terminals in European ports at which they call, accompanied by the suggestion that this improvement could be best ensured by setting up a quality assurance policy for the terminals. The international survey concludes that many of the problems can be avoided if loading and unloading terminals are made aware that they are also responsible for the safety of bulk carriers. The European Commission is of the opinion that complementary measures are necessary to slow down the alarming rate of bulk carrier losses. Consideration should be given to the added value that specific complementary legislative action at EU level could provide to give impetus to the safety measures decided at international level. This current proposal seeks to establish a legal framework in the Community for applying, in a harmonised way, the relevant provisions of the Code of Practice for the Safe Loading and Unloading of Bulk carriers (BLU Code), which was adopted by the IMO in 1997 through IMO Assembly Resolution A. 862(20). It seeks further to ensure that the five main principles referred to the operative part of this IMO Assembly Resolution are implemented as essential requirements. This operative part urges contracting Governments in whose territories solid bulk cargo loading and unloading terminals are situated to introduce port by-laws to the effect that: - terminal operators are required to comply with the relevant IMO Codes and recommendations on ship/port cooperation; - terminal operators are required to appoint a "terminalrepresentative" as stipulated in section 1.6 of the Annex to Resolution A.797(19); - the master is responsible at all times for the safe loading and unloading of the ship, the details of which should be confirmed with the terminal operator in the form of an agreed loading or unloading plan; - in the event of non-compliance with the agreed loading plans or any other situation which endangers the safety of the ship, the master has the right to stop the loading or unloading; and - Port authorities have the right to stop the loading or unloading of solid bulk cargoes when the safety of the ship carrying cargoes is endangered. Lastly, the proposal lays down the procedures for monitoring of and reporting on the established procedures. In order to effectively monitor the implementation of the envisaged harmonised procedures and to assess their safety enhancing impact, the proposal foresees in a system of surveillance by the Member States, including random inspections of loading or unloading operations at the terminals. The proposal further provides that Member States have to report on a bi-annual basis the results of their monitoring efforts to the Commission. The Directives scope of application concerns all bulk carriers, irrespective of their flag, that fall within the SOLAS definition of bulk carriers and the terminals in the Community they are calling at for the loading and unloading of solid bulk cargoes, with the exclusion of

grain. In conclusion, the aim of the proposal is to provide better protection of the safety of bulk carriers calling at terminals in the Community for the loading and unloading of solid bulk cargoes. It seeks to reduce the risks of excessive stresses and physical damage to the ship's structure during cargo-handling operations, by laying down suitability requirements for those ships and terminals by establishing harmonised procedures for cooperation and communication between those ships and the terminals.