

The purpose of the TP&I News is to provide the latest news for the shipowners, charterers, as well as any other maritime interests around the globe. Each issue of TP&I News will include a focused review section of several articles on a topic of current interest.

1.Guidance for Ships Entering into Dakar Port

1.1.Port Entry and Safety

Dakar port is safe, and it offers all necessary services for the vessel's entry. Currently, there is no restriction or sanction against trading to Dakar.

Piracy or armed robbery at sea are currently inexistent in Senegalese waters contrary to other West African regions

1.2.Warning for Shipowners about Commodities

The members are currently taking some precautions while discharging commodities i.e., ice, sugar, and corn. If your members are intending to discharge the said commodities, it would be highly recommendable to have a full tally survey under ship's tackle to safeguard the Owners' interest. In case you need a full tally, we would be pleased to refer this matter to our correspondent to provide you the best service.

1.3.Issue of Stowaways

Please note that stowaways are often discovered on-board ships leaving Dakar. To prevent the risk of stowaways boarding while the ship is at berth, the crew must be very attentive during the whole call. After discharge operations, the crew should perform an efficient investigation / search to see if there is any stowaway hidden on-board.

Security must be also observed by the crew after the disembarkation of an outgoing pilot, until the ship is cleared from the outer roads, in order to avoid the access of stowaway on-board.

1.4.Custom Fines

Concerning Customs fines, we would like to warn against the local Customs' severity. Fines are imposed for any mistake or discrepancy results in the declarations. Local Customs Law is extremely strict and does not allow any exception even in cases of good faith. Any single error will be sanctioned.

We would therefore recommend instructing the Master to be very careful to provide an accurate Customs declaration including manifests, stores, bunkers, etc.



The Customs has recently decided to control the discharge operations and to impose a fine in case of substantial discrepancy result between the final unloading and the manifested quantity. An independent tally survey is therefore recommended in order to avoid illegitimate claims.

1.5.Hull Staining

Furthermore, please be also advised that many arriving vessels have their hull stained by the port waters which are usually mixed with oil residues. Dakar Port Authorities never accept liability and therefore almost all

2. Mandatory Reporting before Entering the Territorial Waters of China

2.1. Requirement of declaration

On 27th August 2021, China's Maritime Traffic Safety Law and Maritime Safety Administration (MSA) issued a notice requiring foreign flag vessels to report to MSA before entering or exiting the territorial waters of China (Chinese waters).

Article 54 of the Maritime Traffic Safety Law of the People's Republic of China came into force on the 1st of September, and currently, foreign vessels need to declare the name of the vessel, the cargoes loaded on board (dangerous cargo), vessel's position in order to be identifiable.

The report includes:

- (1) Submersibles;
- (2) Whether is a Nuclear-powered vessel;
- (3) Whether the vessel is carrying radioactive materials or other toxic and hazardous substances;
- (4) Other vessels that may endanger the maritime traffic safety of China as prescribed by law, administrative regulations, or the State Council.

It shall be noted that vessels carrying toxic and hazardous substances including oil cargo, chemical and LNG carrier no matter in a laden or ballast condition. If the vessels are in ballast condition, relevant content shall be labelled as not applicable (NA).

If the vessel is found that is causing a threat to China's national security, the MSA has the power to dispel or reject a vessel's entry or exit to/from Chinese waters.

The requirement of reporting is necessary mainly before the vessel enters into Chinese waters. That is to say, after entering at the Chinese waters, the vessel is considered to be in a good condition and a follow-up report would not be necessary. However, this is applicable to the vessel's which have an Automatic Identification System (AIS). If the vessel does not have an operational AIS or if AIS does not work properly, a follow-up report would be necessary every two hours after the vessel entering to the Chinese waters until her exit.



2.2. Penalties for non-compliance

The MSA can impose a fine of between CNY 50,000 – CNY 500,000 (USD 7,700 – USD 77,000) on the owner, operator or manager of the vessel and a fine of between CNY 10,000 – CNY 30,000 (USD 1550 – USD 4,600) upon the master if the vessels do not comply with the requirement of declaration.

2.3. How to Report?

The members can report their declaration using the following channels:

Website: <https://www.sh.msa.gov.cn/chnshiprep>

E-mail: chnshiprep@shmsa.gov.cn

Fax: +86-21-66072764

Tel: +86-21-65089469

From these channels, the MSA recommended reporting through the Website. Report by e-mail or fax could also be accepted but it might be time-consuming for both parties. Besides, the MSA emphasized that if in case the report shall be made via e-mail the content of which shall be as following:

a. Ship name, call sign, IMO number and MMSI, for example:

SPRING/DFPH2/9365788/218846000//

b. Date of the report, time, and the current position, for example:

202108/211450UTC/2933N/12312E//

c. Last port of call, ETD, for example:

SINGAPORE/202108/112150UTC//

d. Next port of call, ETA, for example:

SHANGHAI/202108/251830UTC//
e.Inmarsat, for example:
00870773156389//f.The UN Code of Dangerous Cargo
On-board (if not applicable, please note NA), type of
pollution (if not applicable, please note NA), the weight
of the cargo (ton), for example:
BENZENE/1114/Y/50000//

2.4. Definition of Chinese territorial waters

The wideness of Chinese territorial waters is 12nm from the baseline, part of the baselines has been promulgated in the Declaration of the Government of the People's Republic of China on the Baselines of the Territorial Sea of the People's Republic of China and Statement of the People's Republic of China on the baseline of the territorial sea of Diaoyu Island and its affiliated Islands

2.5. What do we recommend?

We highly recommend to the vessels which are entering Chinese waters to familiarize themselves with the entry requirements. We once again would like to underline that declaration is now mandatory and vessel's which do not comply with this obligation will be sentenced to a fine. Therefore, members should contact the local agents in China before entering and/or while exiting the Chinese waters to ensure that they comply with the said requirements. In case of any doubt, TP&I would be happy to assist you with our correspondents in China for further clarification.

We would like to thank our correspondent Mr.Yves Zhou, Huatai Insurance Agency & Consultant Service Ltd., for outlining the news.



3. Electronic Bills of Lading: Will it be the beginning of a new era?

3.1. Let's go paperless

Bills of lading, which is considered as a key trade document, is now shifting to be digitally exchangeable. Hapag-Lloyd recently started to offer to its customers the use of electronic Bills of Lading (e-BL) in cooperation with WAVE BL, which is a digital platform for the supply chain.

E-BL is said to be less time consuming and offering many other advantages comparing to the paper bills of lading (paper bill). Indeed, the shipment of a paper bill requires a lengthy process where the paperless version could be transmitted and signed within minutes.

3.2. The barrier behind the e-BL

The barrier behind the e-BL is the adoption of its status which is currently unclear in the eyes of the customers. Customers who are using the e-BL needs to be careful and check whether such bills legal status is recognised in the laws of the country as a valid electronic document.

3.3. Which countries enable the legal use of electronic transferable records?

The UNCITRAL Model Law on Electronic Transferable



Records is a uniform model law that has been adopted in 2017 which qualifies a document or instrument as transferable by enabling the legal use of electronic transferable records both domestically and across the globe.

Singapore and Bahrain have so far adopted the United Nations Commission on International Trade Law UNCITRAL Model Law on Electronic Transferable Records



and incorporated it into their domestic legislation.¹

3.4. Is it advantageous for the customers?

The e-BL is considered to be speedy compared to the paper bills. In shipping, the biggest problem and risk is the delay of the original document.

Let's take into consideration the following scenario: goods from Port A to Port B has been shipped and the goods arrived at Port B. If the original document did not arrive at the discharge port on time, which is often the case, this can lead pressure to the shipowners to discharge the goods by issuing a letter of indemnity without having the original bill. However, by doing so, the shipowner would be exempt from the P&I insurance coverage. Therefore, the e-BL would allow the customers to transfer the documents safely and fast.

In addition, the system would allow customers to add any relevant additional documents such as a packing list without sending the paper version. Therefore, the customers would save time and money. In fact, the Digital Container Shipping Association (DCSA) estimates that if 50% of the container industry used e-bills, this would result in annual costs savings of US\$4 billion.

3.5. What about cyber risks?

The use of e-BL's contains risk in the event the system fails regarding the data it contains. This would be considered as a non-marine risk where the shipowner would be out of P&I coverage and where the shipowner must be cautious to consider additional coverage if necessary. Indeed, the shipowners keep the right to recourse to the e-BL systems in case of system failure. However, analysis of the system provider contract and policies regarding its warranties and indemnities is important for using this right.

For instance, in this regard, the Hapag-Lloyd uses the system of WAVE BL which is a blockchain-based system that uses distributed ledger technology to ensure that all parties involved in a cargo shipment booking can issue, transfer, endorse and manage documents through a secure, decentralised network.

Sources: Hapag-Lloyd, World Cargo News, HFW, Digital Ship, Uncitral



4. Arrival of Gigantic Container Cranes at the Port of Baltimore

4.1. Environmentally Friendly Fully Electric Cranes: A Dream Came True

The Port of Baltimore's Seagirt Marine Terminal received on the 9th of September four of the largest cranes in the world from China. These four gigantic cranes are fully electric and will help to double the container terminal's capacity. As the new cranes are fully electric this will also help to reduce environmental pollution as the new cranes will emit no diesel emissions.



¹ Recently Abu Dhabi Global Market has enacted the Electronic Transactions Regulations 2021. See for detail <https://adgmen.thomsonreuters.com/rulebook/electronic-transactions-regulations-2021> (last accessed on 29.09.21).

4.2. The Growth of Port's Container Business

Baltimore is a prime gateway for goods heading to the e-commerce market. The port's container business has grown impressively in recent years and is ready to grow even more with the arrival of these new cranes. In 2020, according to the Maryland Port Administration Press Release,² the Port of Baltimore handled 628,132 TEU an increase of 144 per cent over the past decade at the Seagirt Terminal. The new cranes are expected to be fully operational in early 2022.³

4.3. How much can the cranes lift?

According to the Maryland Port Administration Press Release each crane weighs about 1,740-ton and can reach 23 containers across a container ship tied up at the Seagirt docks. Each crane can lift 187,500 pounds of cargo which means that each crane roughly can lift 85,048569375 kg.

Sources: Port of Baltimore, The Baltimore Sun, The Maritime-Executive.



²Richrad Scher, Jillian Ball, The Maryland Port Administration Press Release, 9 September 2021, p.2.

³Richrad Scher, Jillian Ball, The Maryland Port Administration Press Release, 9 September 2021, p.1.

Should you need any further information, please do not hesitate to contact us at

info@turkpandi.com

Tel: +90 850 420 8136

Please also check our website for circulars of each month.

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