

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

1. Libya Fines Update

All members shall be informed that Libyan Coast guards at the East of Libya imposes a fine against the vessel sails in what had been called as Prohibited Zone, as indicated in the below map of this zone. The vessels in area or near borderline should proceed with extreme caution and for its own safety to line.

The vessels will get into contact with nearest Coastal Station, to receive safe track be send Position, Course, Speed, ETA at destination Port, Cargo and Name of Ship's Agent. The information should be forwarded 72 hours before in bound area and must be repeated daily, at noon.

Fines were increased up to LD 225,000.00 (Approximately to USD 44,660.00) which should be paid in cash to the



coast guard in order to allow vessel sails.

We thank to our correspondent, Taher Shtewi, Shtewi Legal & Pandi Services, for providing this information.



2. Suez Canal Rising of Tolls

The rising of tolls for Suez Canal transits that came into force on May 1st, 2022. Accordingly,

- the surcharge levied on Laden "Petroleum Products Tankers" transiting the Suez Canal in both directions is amended to be 15% from Suez Canal normal transit dues.
- ballast "Petroleum Products Tankers" transiting the Suez Canal in both directions is still charged a surcharge of 5% from Suez Canal normal transit dues.

We also thank to our correspondent, Sarah Diaa, Eldib Pandi, for providing this information.



¹ Disclaimer

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3. Cargo Shortage Claims in Algeria

3.1. Draft survey reports

As part of the precautionary measures undertaken in respect of the discharge of bulk cargoes in Algerian ports, the carriers often arrange initial & final draft surveys. In this respect, it should be noted that although the draft surveys carried out on the vessel's behalf have the advantage of determining the quantity of delivered cargo, such draft surveys cannot be used as conclusive evidence of the quantity of discharged cargo. Algerian cargo receivers do not generally take part in draft surveys.

The only weight determination procedure applied in all Algerian ports and recognized by the Algerian courts and customs' authority is the weighing of cargo on the shore weighbridge or silo scale.

3.2. Court appointed draft surveys

Some carriers have often enquired about the possibility of organizing a court draft survey: in this respect, Algerian courts do not authorize the appointment of court surveyors unless there is an actual dispute between the parties justifying the recourse to a court surveyor. Thus, in the absence of a formal claim on the part of the cargo interests, the judge will automatically reject any such application.

Even if granted, the findings/conclusions reached by court surveyors are not binding on the parties. They are only taken into consideration as guidance by the judges when looking into a dispute. Since draft survey results are not recognized by the local courts as a reliable weight determination procedure, even a court appointed surveyor's draft survey report will bear little relevance in the event of a cargo shortage claim, against the weighbridge figures.

3.3. Weighbridge issues

A practice noted in many ports where a few loaded trucks are allowed to leave the port without passing on the weighbridge scale, the presence of a surveyor to monitor the discharging operations and perform a tally of the trucks departing from the discharging quay/check the discharge



figures at the weighbridge scale may prove quite dissuasive in avoiding such situations.

It is therefore advisable keeping a vigilant watch throughout the discharging operations to at least discard any possibility of undue shortage claims due to a local fraudulent practice.

3.4. Stevedore issues

Notwithstanding the problems with the weighbridge, bulk cargoes shortage claims in Algerian ports are mainly due to the extensive cargo spillage throughout the discharging operations. This is often due to:

- The use of overloaded and leaking steel grabs.
- Rough handling of the grab resulting in cargo spillage from the hoppers.
- Overloaded receivers' trucks.
- Lack of protective tarpaulins between the ship's side and the quay.
- Spilt cargo on the quay not collected by the receivers/stevedores.

Under the Algerian maritime law, the stevedores are considered as the Carrier's servants, performing their work under the Carrier's supervision and ultimate responsibility.² Any fault or negligence in the conduct of the discharging operations or weighing procedures cannot therefore be invoked by the carrier to elude his liability towards the cargo interests.

We also thank to our correspondent, Zakia RAHALI, BUDD PNI, for providing this information.

² Article 780 of the Maritime Code.

Please also check our website for circulars of each month.

For Turkish version please visit our website.

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