

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.<sup>1</sup>

## 1. Morocco: Attention to the Shipowners

### 1.1. Shortage Claims

Shortage claims are frequent on grain cargoes mainly due to careless handling / heavy spillage caused by the stevedore. Since Moroccan courts take into account shore scale figures and not draft survey figures we do recommend Members conduct discharge supervision surveys and the Master issue LOPs supported by photos if the heavy spillage is ascertained during discharging operations. Even if this does not entirely prevent shortage claims at a later stage at least it enables in most cases to better control the situation.

### 1.2. Stowaways

We would recommend vessels calling Moroccan ports to exercise strict watch / ship access control especially at Casablanca where there are cases recently where stowaways attempted to access the ship from the seaside at night. Vigilance should also be exerted at Jorf Lasfar, Safi and Agadir ports.

### 1.3. Ship arrest: Issue of LOU

Morocco is a friendly ship arrest jurisdiction and cargo interests do not hesitate to arrest a ship when cargo damage or heavy shortage is ascertained or even simply anticipated. Port authority or terminal operator do not hesitate either to



request security as damage is caused to the quay / fender.

In such a case a temporary LOU may be accepted by claimants to release the ship but only if it is replaced within usually 15 days by a Bank Guarantee (BG). Indeed, as per Moroccan law, only BG or cash deposit at court are considered as proper security.

Thus, LOU is only accepted on a temporary basis.

**We would like to thank to our Correspondent Maclaims Maritime Morocco for providing us this information.**



## 2. Drug Smuggling in Colombia

In Colombian Ports, there is generally drug trafficking risk. For this reason, we would like to bring members attention to some recent reports where drugs have been found on board of the vessel, inside the vessel's holds and hidden inside the cargo containers.

Drug smuggling onboard ships and in containers allows for high quantities to be moved at any time, for these reasons the mentioned modalities of drug trafficking lately

shown an important increase.

With these new smuggling methods, placing suspicious packages inside the containers –including reefer units- and burring these packages within the cargo in bulk carriers, to protect Member interests, we are recommending taking an additional prevention step.

Even though the possibility of an illegal substance being concealed on board may be relatively low in Colombian ports, it is wise for members to consider additional precautionary recommendations.

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## 2.2. What are the specific risks at Colombian Ports?

Colombian ports presents some risks in terms of drug trafficking, although local authorities have police officers in the port, in order to mitigate risks some shipowners prefer to take extra preventive measures like the ones described below. Drug inspections are not mandatory (except for Puerto Bolivar and Puerto Drummond where these are mandatory), but advisable due to drug smuggling risks. Normally, said inspections can be undertaken by the navy or by private diving companies.

## 2.3. What to do before entering Colombian Ports?

a) Crew going ashore should be informed that it is common practice in Colombia that drug traffickers may seek to befriend them in order to achieve their co-operation to smuggle drugs and that local authorities are likely to act forcefully against any crewmember who is considered to be associated with drug traffickers.

b) Prior to the vessel's arrival, the Port Agent must provide the Master with the relevant updated data related to the Colombian Port. In the event that the Port Agent fails to provide this data on time, the Master should demand prompt delivery from the Port Agent.

c) The ship should keep accurate records of all activities observed and the actions taken by local authorities, stevedores and other shore-based personnel and crew before entry into port, during the stay and immediately after departure.

## 2.4. What to do when the vessel is at Port or when is anchored?

a) Prior to Sailing, an underwater inspection could be undertaken by a reliable private Diving Company in presence of the P&I Correspondent, to ascertain that no illegal substances are attached to the vessel below her waterline.

b) Although most of the terminals accomplish with ISPS standards, it is advisable to provide extra private security onboard monitored by the P&I Correspondent. In this regard permanent watchmen should be present in areas where stevedores or repair technicians are working on board the ship. During hours of darkness all areas should be well lit in order to facilitate visual monitoring of activities. Any suspicious activities conducted by third parties on board should be reported to the Master. Attention should be paid to small boats approaching the ship and any suspicious activity in the vicinity of the ship which may warrant further investigation. The use of a searchlight



during the hours of darkness should be considered.

c) The crew should perform regular shipboard inspections throughout the duration of the port call. As explained above, it would be very advisable to employ additional security guards from an approved supplier. When broken/missing seals for compartments, lockers, containers etc, are discovered an investigation should be conducted and if nothing is found the seals should be replaced by the crew. A record should be made in the logbook together with a note of the outcome of the investigation/search and the relevant seal numbers.

## 2.5. What to do if a drug is found onboard?

a) Give immediate notice to the P&I insurer, the local P&I correspondent and the shipowner/manager.

b) Give immediate advice to the Police at the port. This can be done directly by the Master, or through the Vessel's agents at the port. This will mitigate the risk of the Master and the crew becoming part of the criminal investigation undertaken by the Colombian Prosecutor's office when drugs are found.

c) The drugs must not be touched.

d) Photograph or video the area of the ship where the drugs were found but leave it untouched and seal it off to prevent any unauthorized access.

e) If drugs are found on board by the authorities, the crew members and the Master will be temporary placed under authorities' custody and they will be part on the preliminary investigation. The vessel will be also detained at port for further investigation. Sometimes, when drugs are found within containers, these latter become apprehended as they are considered evidence under the criminal process.

## 2.6. If a drug is found on board what is the punishment under Colombian Law?

### a) Administrative investigation by HM

If the HM decides to open an investigation for breaches to maritime regulations, the proceeding may last around 3 years and the worst-case scenario would be that the HM issues a fine against the ship at the end of the investigation. This fine should not be higher than USD 10,000 (although in theory these fines could go up to USD50,000 in practice they are almost never higher than USD 10,000).

### b) Criminal investigation by Public Prosecutor

In case the vessel/crew is involved at the criminal investigation, the vessel may be detained, and the crew imprisoned (if there's a different crew then only the ship detention would apply). Additionally, the Colombian Criminal

Code states that any person involved in the traffic, production or carriage of illegal drugs will be subject to the penalty of imprisonment from eight (8) to twenty (20) years and a fine of between 1,000 and 50,000 Colombian monthly minimum wages. The same code states that any person that may use or allow the use of movable goods for the production, storage or carriage of illegal drugs will be subject to the penalty of imprisonment from six (6) to twelve (12) years and a fine of between 1,000 to 50,000 Colombian monthly minimum wages. If criminal liability is declared by a judge at a final instance where it is proven that the shipowner was involved with the drug trade, the vessel could be permanently seized by Colombian authorities.

**We would like to thank our correspondent A&A Multiprime for assisting us with this alert.**



## 3. Omicron Variant in Singapore

The Maritime and Port Authority (MPA) of Singapore in order to limit the spreading of the Omicron-variant in Singapore, now requires additional measures for shore-based personnel after attending on board.

Owners, masters and agents of vessels arriving in the Port of Singapore are reminded to ensure that all operations are carried out contactless or contactless with segregation protocol as promulgated in the Port Marine Circular 40 of 2021 - Requirements for Vessels arriving in Port of Singapore during COVID-19.

Part of the requirements is a minimum of three PCR tests after attending on board. It applies to the (i) vessels or (ii) crew (sign-on) that have been to 10 African nations within the last 14 days.

- a) 8 countries in the south - South Africa, Lesotho, Eswatini, Mozambique, Malawi, Zimbabwe, Botswana, Namibia, and,
- b) 2 nations in West Africa - Nigeria and Ghana.

Practically, the issue will relate with vessels having bunkered in South Africa primarily, but it may also be vessels having loaded cargoes in Ghana and Nigeria, or perhaps Namibia, South Africa or Mozambique.

Please note that if anyone on board has been to any of these countries within the last 14 days (before joining the vessel,



perhaps), the surveyor needs to go through the extra testing afterwards.

Although the circular does not mention it specifically, we would expect the surveyor to be required to test, if the vessels have on board a stowaway that may be from any of these countries.

Please note that non-fully vaccinated individuals will not be allowed to board any vessels in the port.

Members are advised to contact Andrew Leong (Tel: 6325 2478; email: andrew\_leong@mpa.gov.sg) for any clarification needed on the circular.

**We would like to thank our correspondent SPICA SERVICES (S) PTE LTD for this alert.**

<sup>3</sup>Port Marine Circular, No. 45 of 2021.

Please also check our website for circulars of each month.

For Turkish version please visit our website.

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