

Authorized by
the Directorate
General of
Shipping, GOI

Subject: Dispensing with the requirement of requirement of 100% Port State Control / Flag State Implementation inspection of all vessels loading cargo of iron ore fines / Concentrates and similar cargo (i.e. when loading of Category 'A' cargoes as per the IMSBC code) - reg.

NT/ENG Circular No.
2 of 2017

File No:-ENG/PSC-66(1)/2007

Dated:- 01.06.2017

A. Background

1. Recognizing that carrying solid bulk cargoes involves serious risks, which must be managed carefully to safeguard the crew and the ship. These risks include reduced ship stability, and/or capsizing due to cargo liquefaction; fire or explosion and damage to ship structures due to poor loading procedures.
2. Also, recognizing that as a responsible Flag, Coastal and Port State, India need to ensure that all vessels leave its ports/anchorage in a seaworthy condition.
3. Further IMO Resolution 1052(27): Procedures for Port State Control, 2011 requires that all possible efforts should be made to avoid a ship being unduly detained or delayed.
4. Noting that there had been many near miss cases / incidents involving ships carrying iron ore fines from Indian Ports. These ships encountered heavy listing due to shift of cargo on account of liquefaction. Investigation into these incidents highlighted improper shippers declaration, excessive moisture content in the cargo, liquefaction and refusal of entry of the affected vessels by Port Authorities.
5. Taking into cognizance the main legislations governing safe carriage of solid bulk cargoes, that is, Chapter 6 of SOLAS 74 as amended and International Maritime Solid Bulk Cargoes (IMSBC) Code, which became mandatory on January 1, 2011, under the SOLAS Convention and the Merchant Shipping (Carriage of Cargo) Rules, 1995 under the Merchant Shipping Act, 1958, as amended.
6. Noting further that Regulation 2, Part A, Chapter 6 of SOLAS 74 details the mandatory Cargo information to be provided to the Master or his representative by the shipper.

7. Further the ISM Code requires potentially hazardous situations to be risk-assessed, and have procedures in place to mitigate the assessed risks. It is strongly recommended that Owners whose vessels are likely to carry cargoes which may liquefy [Group 'A' of IMSBC Code] put in place procedures to deal with any issues which may arise.

B. Applicability

1. In the IMSBC Code, the cargoes have been divided into three groups i.e. namely Group A, B & C. Group 'A' consist of cargoes that may liquefy. This Merchant Shipping Notice is applicable to all ships, whether Indian or Foreign Flag in an Indian Port/anchorage within the territorial waters of India, loading/carry 'Category A' cargoes as defined in IMSBC Code.
2. This Merchant Shipping Notice is applicable from the date of issue and should be read in conjunction with the following MS Notices/DGS Circulars:
 - MS Notice No. 9 of 2010 (except clause 1 & 2), dated 27th August, 2010; Safe loading, stowage, carriage and discharging of iron ore fines on ships from Indian Ports in fair and foul season.
 - MS Notice 34 of 2009 dated 25 September 2009: Additional safeguards for carriage solid bulk cargoes especially iron ore fines from Indian Ports.
 - MS Notice 31 of 2009 dated 23 September 2009; Safe loading of solid bulk cargo with special reference to iron ore fines from Indian ports.

C. Detailed Requirements

1. The conduct of a Port State/Flag State Inspections is no longer a mandatory requirement for carriage of Category 'A' cargoes as per the IMSBC code. The Port State/Flag State inspections are required to be carried out only in accordance with IOMOU Procedures/MS Act 1958, as amended and as per the various MS Notices and circulars issued by the Directorate from time to time.
2. All vessels loading 'Category A' Cargoes need to submit the following to the nearest Mercantile Marine Department (MMD) at the earliest and in any event prior to the commencement of loading:
 - a) A declaration from the Master of the loading vessel containing the following aspects:
 - (i). That the Vessel has been inspected as per the provisions of "Guidance to ships crew and terminal personnel for bulk carrier inspections", IMO Resolution A.866 (20);
 - (ii). That a risk assessment has been carried out prior loading 'Category A' Cargoes in line with Company policy/Safety Management Systems and/or as per guidelines of the various P&I insurance clubs/class societies;
 - (iii). That all necessary precautions for loading 'Category A' cargoes required under various applicable International Conventions and Codes have been adhered to;
 - (iv). The declaration should further confirm that loading will not be undertaken during heavy rains and that the cargo hatches will be kept closed at all times, except for loading. This declaration may be submitted by the ship agent to the MMD Surveyor on behalf of the Master of the vessel.
 - (v). Loading/ unloading plan to be agreed between Master & Shipper & a signed copy to be submitted.

- b) The agent should also submit a declaration containing the following information from the shipper duly addressed to the concerned MMD/PO/SIC, prior to the commencement of loading.
- (i). Name of the cargo using the Bulk Cargo Shipping Name(BCSN) as detailed in the IMSBC Code;
 - (ii). The declaration should indicate whether the cargo is associated with liquefaction hazard;
 - (iii). The declaration has to be individual provided for each cargo hold (except where the moisture content of cargo is clearly uniform);
 - (iv). The actual moisture content and transportable moisture limit as defined by Section 8 of IMSBC Code as amended and determined by a laboratory approved by Director General of Shipping in accordance with MS Notice 14 of 2016 dated 28th November 2016.
- c) The said declaration in paragraph 2b) above from shipper should state the following in an un-equivocal term:
- (i). That the samples used to determine the average moisture content are representative of the whole shipment;
 - (ii). The interval between the testing for moisture content and loading of cargo is no more than 7 days and there is no rain between the time of testing and loading or the cargo is kept protectively covered from rains as the case may be;
 - (iii). The test to determine TML of the cargo has to have been conducted within six months to the date of loading of the cargo;
3. The requirement of obtaining clearance/ approval from concerned Mercantile Marine Department prior loading / sailing out after loading category 'A' cargos as per MS Notice 9 of 2010 is now dispensed with.
4. The requirement of 100% Port State Control / Flag State Implementation inspection of all vessels loading cargo of iron ore fines / concentrates and similar cargo, as per MS Notice No. 9 of 2010 dated 27th August, 2010 is dispensed with. However, PSC/FSI may be conducted as part of regular PSC/FSI regime implemented by D.G. Shipping vide various issued M S notices , Standard Operating Procedures and IOMOU Procedures as amended.
5. Mercantile Marine Department(MMD) Surveyor from the concerned may board the vessel in case of non-compliance with the requirements of this Circular and/or other applicable regulations / statutes of law or in case of any information received from any port about the high moisture content of the Category 'A'(e.g. Iron Ore etc.) being loaded. The boarding of vessel will be only carried out after prior intimation to the jurisdictional Principal Officer and thereby followed up with a report on the findings of such inspection to the jurisdictional Principal Officer.

D. Non-compliance with this circular by Owner, Master, Agent and/or the Shipper thereof will lead to appropriate action in accordance with the provisions of MS Act 1958, as amended and/or the applicable International Conventions.

This Circular is issued with the approval of the Director General of Shipping.

V Rai

(Vikrant Rai)

Engineer & Ship Surveyor – cum- D-DG (Tech)

To,

1. The Principal Officer, Mercantile Marine department, Mumbai/ Kolkata/ Chennai/ Cochin.
2. The Surveyor-in-charge, Mercantile Marine Department, Goa/ Jamnagar/ Port Blair/ Visakhapatnam / Tuticorin/ Delhi/ Haldia/ Paradip/ Mangalore.
3. All Classification Societies.
4. Indian National Shipowners' Association (INSA), Mumbai
5. All Shipping Companies
6. Adll. D-G/CS/NA/CSS
7. Sr.PS to DGS
8. Hindi Cell
9. Guard file.
10. Computer Cell.