

LOADING AT KAVKAZ - DEMURRAGE CLAIMS

The number of claims for demurrage arising out of the loading of bulk cargoes at STS transshipment anchorage of port Kavkaz, Russia and OPL Kavkaz (neutral waters of the Black Sea) increases proportionally to the growing cargo turnover.

The most common disputes about interruptions to laytime and demurrage are based on the Charter Party provision to calculate demurrage according to Statement of Facts. When it refers to bad weather, the Owners may claim that the Statement of Facts is wrong and that the real reason for delay in loading was not bad weather but shortage of barges. The Charterers reject the claim, contending that the bad weather was the operative cause of the delay.

In this article, we highlight specific issues of cargo operations in the area, clarify weather evidence available from the local meteorological services nowadays, and give some practical advices to Master with the aim of minimizing potential laytime disputes. The article also focuses on the likely cause of interruptions of loading in good and bad weather, and emphasizes the importance of evidences gathered during vessel's call in addition to the Statement of Facts.

STS transshipment area of port Kavkaz is hereinafter referred to as 'Kavkaz' and OPL Kavkaz / OPL Black Sea as 'OPL'.

No loading in good weather

The weather has been perfectly acceptable for cargo operations but the stevedores suspended loading. There are two main reasons – non-readiness of cargo and lack of cranes.

Cargo is not ready

The river-going vessels ('barges') have not arrived yet or there is no cargo on a 'storage' vessel.

Cargo is ready, but crane is not

The number of floating cranes available is usually limited. Where simultaneous loading of several vessels takes place, the stevedores may rotate cranes subject to their own priority and according to arrival schedule of barges. As another reason, certain cranes may be out order.

Note:

- The stevedores can be requested in advance to provide the schedule and names of barges delivering cargo to a particular vessel. After commencement of loading the Master is recommended to monitor and record movements of the floating cranes and arrivals of barges, to have this information at hand when a Statement of Facts is received from Agents. This will help to compare the actual log with the one prepared by Agents and ensure that the absence of crane or barge is not reported as a 'bad weather' period.
- It is advisable to issue a Protest with regard to interruptions of loading without logical reason or explanation, in case the weather was good enough for cargo operations. If the surrounding vessels continue loading, it would be appropriate to include this information in the Protest.

Adverse weather

This area is known for its unpredictable and changeable weather. Owing to its geographical location and features, the climate here is characterized by frequent and strong winds mainly of the North-East and South-West direction.

The loading may be suspended because of various factors, including wind, swell and rain.

The transshipment of cargo has been stopped due to worsening weather, but the other vessels nearby are still under loading. What is the reason?

Each floating crane has limitations on working conditions, for example wind 10 m/sec and wave 0.5 m. In fact, many crane operators at Kavkaz will exceed the prescribed limit and continue loading in bad weather condition, basing on their own assessment of the actual sea conditions, personal experience, quantity of cargo remaining on barge, dimensions of the vessel, position of crane (upwind or downwind) and other factors.

There are several stevedoring companies at Kavkaz and OPL, working with various types of cranes and having different safety regulations.

Moreover, some crane operators seem to have no idea what the safe working conditions for their equipment are. One explained that at Kavkaz he would normally stop loading after gale warning announcement, and at OPL the decision depends on his personal assessment of the circumstances.



Floating crane at Kavkaz working in stormy weather, wind 14 m/sec, wave 1.5 m

As such, there is no direct link between the two vessels at Kavkaz, in case one of them has stopped cargo operations in worsening weather or after announcement of gale warning, and the other vessel is still under loading.

Note:

- Transshipment areas at Kavkaz and OPL are subject to sudden and unpredictable changes in weather and wave activity, contrary to the forecast promising good weather. The breaks in the weather are quite common in this location, with short periods of wet or stormy weather during a long period of good weather.
- STS transshipment operations in stormy weather are dangerous, the swinging crane may damage the vessel. Any party in the chain 'vessel – crane – barge' or 'vessel – storage vessel' can order to stop loading at any moment if the same is becoming unsafe. The Master is recommended to monitor weather conditions, conduct risk assessment and keep the situation under control at all times, to avoid vessel being exposed to risk of damage.

Gale warnings

The gale warnings are announced for ports of Taman and Kavkaz. No gale warnings are available for OPL transshipment area.

Statement of gale warnings issued for Taman and Kavkaz can be used as evidence of the adverse weather conditions for OPL. The wind force and direction as well as condition of sea in these locations are very similar (traditionally stronger at OPL Kavkaz).

However, a significant difference is that the gale warning at Kavkaz is a reasonable and undisputable ground to stop loading while at OPL the stevedores will rely on the forecast and actual weather conditions.

It well may be the case that the gale warning is in force but the vessel's traffic and loading operations have not been suspended.

Gale warnings are based on the announcements made by the local meteorological services, but weather forecasting is complex and not always accurate.

As the weather calms down, the vessel may receive permission to continue cargo operations subject to the actual conditions. It may also be the case that the gale warning has been announced but the observed wind is still light to moderate, and stevedores keep working as long as weather permits.

The same conditions are applicable to vessels traffic.

Movements of the other vessels in the area are therefore too thin a proof to overcome the other available evidences, which usually include Statement of Facts, Ship's Log Book entries, Protests by Master, Statement of weather conditions from the local sources, Gale warnings and others.

Wind

The prevailing winds over this area are the North-East and South-West winds, and the wind direction is crucial.

The offshore wind of North-East direction is unlikely to create difficulties for transshipment operations until it reaches 10-12 m/sec and more. The majority of cranes will ignore comparatively small and short waves produced by moderate winds.

With the South/South-West wind the situation is totally different. As it sometimes comes with a long period swell and the wind-generated waves are higher, the loading may become problematic even at wind speed 8-9 m/sec.

Swell and waves

The wind-generated waves will be quickly reduced in height when the wind ceases, and to be considered in conjunction with the wind.

The maximum swell 4-5 m high is rare and usually caused by strong South, West or South-West wind blowing within 2-3 days. Swell of 1.5-2 m and more tends to remain up to 1-2 days after weather improvement. The transshipment operations are unlikely to be resumed when the swell is 1.5 m and higher.

Note:

- Separate gale warnings are announced for swell.

Atmospheric precipitations

The weather conditions in the area of Kerch strait (port of Taman and Kavkaz) and OPL, especially in summer may have significant difference in the amount and duration of atmospheric precipitations.

Most of the winter precipitation there is cyclonic or frontal in origin. In summer time, convectional rainfalls and storms affecting comparatively small areas are very common. Atmospheric precipitations are neither regular nor uniformly distributed over the area.

Transshipment area of Kavkaz is located between the two coasts (Taman and Crymea) and much closer to the shore side than OPL.

Weather observations made at Kavkaz area have no connection with the ones recorded at OPL during the same period.

The rain falling at Kavkaz may pass unnoticed for vessels anchored at OPL.



Kavkaz anchorage point 451 - typical localized rainfall affecting part of the area

Furthermore, even two vessels in the same location may face different weather conditions at a time. One particular vessel may be affected by rain, but another vessel will continue operations.

Note:

- It is important that the crew accurately record the period of rains and make the relevant entries in the ship's deck log book.

Collecting weather evidence

To support their defense submissions, the parties often provide a statement of weather conditions issued by the local meteorological services. This statement may include wind force, direction, swell height but no precipitations.

Till present time the local meteo services have not been recording precipitations at Taman port or transshipment area at Kavkaz roads (anchorage area 451, RPR Tamanskiy and others).

There is a meteo station recording precipitation in Taman settlement, and the distance is 10 km (6 miles) from port of Taman and 15-25 (9-16 miles) from Kavkaz transshipment area.

Another station is in Anapa, 40-50 km (25-31 miles) east of OPL Kavkaz.

Both stations collect and can provide records of atmospheric precipitations.

Installation of a new meteo station at port of Taman is in progress. It will be recording wind and amount of atmospheric precipitations. The first information is expected to become available in May-July 2017, after the trial testing period.

The scheme below shows location of the existing and future Meteo Stations (marked orange), weather sensors installed at port of Taman and a wave buoy (marked red).



Weather sensors at Taman port and Meteo Stations in Anapa and Taman Village

There are several wind and wave height sensors installed on the piers of oil and grain terminals at Taman port. The distance is about 2 km from shore. There is also a wave buoy positioned 5 km from Taman port for accurate recordings of wave height.

Weather reports on wind and swell for port of Taman and Kavkaz can also be used as evidence of weather conditions at OPL Kavkaz (admitting that the swell and waves at OPL are normally higher).

- No records of atmospheric precipitations are available for Kavkaz and OPL.

Summary:

- SOF of the other vessels is not always sufficient and appropriate proof, and more applicable to a case of good weather period in dispute.
- The Master to issue a Protest if the loading is stopped but weather is not bad enough to suspend operations, and that there is an alleged nonreadiness of cargo (barge has not arrived, crane was shifted to another vessel). It is advisable to mention the other vessels in the vicinity which have not interrupted loading. This is to support the evidential basis and argue against the periods of stoppage attributed to bad weather in the SOF.
- The officer on watch to keep notes of the wind, sea condition in the general vicinity of the vessel, and timing of precipitation recorded during the whole period of vessel's call. Ship's deck log book to be updated daily.
- Weather reports from the local Meteo Bureau are limited by wind and swell records and archive of gale warnings, may also be referred to for vessels at OPL Kavkaz due to similarity of wind and swell conditions. No observations of atmospheric precipitations are available at the moment. Meteo Station at Taman port is being installed to provide records of precipitations for Taman port and Kavkaz transshipment area.