



## **Bulletin 34 - 1/98 - Clausing of Bills of Lading (Steel) - ex Romania**

Clausing of bills of lading still causes problems, particularly with steel, and especially, it would seem, in Romania. We understand correspondents and surveyors acting on behalf of members have for some time in Romania been trying to take a firm stand. Unfortunately, it has got to a stage now where certain charterers are actually insisting on a clause in the charterparty specifying that the Club's correspondent should not be instructed to conduct pre-loading surveys. Such clauses clearly give rise for concern and should **not** be accepted.

Problems with the export of rusty steel from Romania and some Republics of the former Soviet Union still remain common, with in some cases shippers even physically threatening the Club's surveyors. We are aware of one case where the surveyor's car was actually pushed over the quay wall.

In Romania though, the Club correspondent, Interservices S.A., has achieved some success which is worth noting.

We are advised that charterers Metal Exportimport S.A. Bucharest, shipping a cargo of steel from Galatz to Italy were unhappy with the pre-loading surveyors recommendations to clause the bills "*partly rusty*". Owners were pressed to accept the endorsement "*atmospheric rust*" in exchange for a letter of indemnity. On the recommendations of the correspondent this request was refused. The matter could not be resolved. The cargo was subsequently discharged and the dispute taken to arbitration in London, under the terms of the charterparty. The result of the arbitration was that owners were deemed to have acted in a correct and proper manner, the correspondents/surveyors recommendations being upheld !

**Damage to steel costs the Club over US\$ 357,000 a month** (Source: *Large Claim Analysis 1987-1996*). Pre-loading steel surveys (paid for by the Club) are therefore very important. It is also important that owners only appoint surveyors for pre-loading steel surveys who are recommended by the correspondent or Club and that their recommendations are followed and mates receipts and bills of lading clausued.

Source of information: Phillip Clacy through Susanne Hall (C3)