



Friday 5th July 2013

Bulletin 898 - 07/13 - Determination of bulk cargo weight or volume to be decided by Customs Authorities - Argentina

The Argentine Customs Authorities have issued a new resolution affecting the way in which the weight or volume of imported and exported bulk cargo is calculated.

The Argentine Customs Authorities have issued a new resolution known as "Resolution General 3506" which is already in force.

Prior to this new resolution, according to Customs regulations (Regulation No. 2914/94), the importers/exporters had the benefit of deciding which method was to be employed as to establish the weight or volume of dry cargoes in bulk.

This method gave rise to a number of disputes where discrepancies between ship and shore figures were ascertained upon completion of loading of bulk cargoes, either dry or liquid.

The Shipper's argument was that shore scales are more accurate than the draft survey method and that the weighing method was supervised by Customs Officers.

Further problems arose during the off-loading of fertilizers in bulk where the weight was determined by shore scales, which are not always close to the vessel and beyond control of the sea carrier.

With the new resolution, the method to determine the weight or volume of bulk cargoes will be decided by the Customs Authorities.

Although we believe that this new resolution has been adopted in order to control grain exporters more than anything else, we are of the view that it could also reduce the present difficulties which ship-owners are facing when Customs carry out their controls onboard the ship.

In relation to this our recommendations would be as follows:

For loading dry or liquid cargoes in bulk:

If the Customs decide to check weights through the draft survey method or measurement of ship's tanks (for dry cargo and liquid cargoes respectively), the Master should ensure that a proper document stating the quantities as per the survey carried out by Customs onboard is jointly signed between the Customs and the ship and a proper copy kept onboard.

In principle we feel that this should help in case of disputes between shore and ship's figures.

For off-loading of fertilizers:

It has previously been suggested that draft surveys, if possible, should be carried out jointly with the Customs at load ports and properly reflected in the ship's documents including the sealing of hatches.

With this new resolution, it is suggested that before arrival, both Customs and Shippers should be invited to attend the breaking of seals upon arrival, where applicable, and for a joint draft survey for the weights to be established as per ship's figures instead of shore ones.

This practice will assist to reduce cases of shortages and Customs fines in relation to shortages of cargo, as well as the number of Letters of Undertaking.

It is important to also note that in accordance with Customs Regulations (point 9.4 of Customs Resolution Nº 2220/90, modified by Resolution 2914/94), the vessel can appoint a surveyor registered with the Coast Guard Authorities to be present during the draft survey or measurements of tanks.

This surveyor would then be obliged to sign the Customs forms and with right to insert remarks. If no surveyor is present, remarks added at a later stage may not be taken into account in legal proceedings and figures provided by Customs would be used.

Therefore our suggestion is to ensure that Members consider appointing a surveyor on the ship's behalf when the quantities are going to be established by the Customs through draft survey or measurement of ship's tanks.

Source of Information:

Mr Alberto Trigub – Pandi Liquidadores S.R.L
UK P&I Club Correspondent
Buenos Aires - Argentina