



Ship Type: Tankers

Trade Area: Tunisia

## **Bulletin 252 - 06/02 - Alleged Vegetable Oil Cargo Shortages - Tunisia**

A series of alleged cargo shortages have come to our attention in Tunisia. The cargo – vegetable oil – is nearly always for the same receiver, using the same surveyor for the outturn figures.

The bills of lading all refer to the governing charter party, however as Tunisia has ratified the Hamburg Rules, the cargo receivers (who are a state-owned organisation) cannot be bound by its conditions and exceptions (Art 2.3), which remain valid only between the ship owners and the charterers.

The surveyors use exactly the same format for each survey report – only the ship's name, cargo quantities, trip dates and ports vary. French text is used, the master being effectively asked to sign a blank report, the relevant sections being filled in at a later date by the surveyor with a paragraph indicating that due to the ullage figures being uncertain, and the cargo having been bought by weight not volume, the real quantity is to be ascertained later through shore weighing operations, conducted under Customs supervision. The final survey report being drafted several weeks later.

The result of this is an ullage survey report, signed and stamped by the master, which implies acceptance of the surveyor's remarks (in French) and which indicates that the binding figures are the shore figures that were determined after the report was signed.

Unfortunately, this surveyor uses an unorthodox method for determining the weight of the cargo. He uses the gross weight of the lorries that transport the cargo through the port from the shore tanks and allows 33.333% of this gross weight as the weight of the lorry. The balance is therefore considered to be the net delivered cargo weight. This method is not in the least bit accurate, as the individual weights of the lorries are not considered – different types of lorry are used, with differing designs (weight), fuel loads, etc.

It can be seen therefore, that such reports are not reliable, as they do not give an accurate outturn figure. Unfortunately, the courts consider that the ship has issued clean bills of lading without specific remarks as to cargo quality or quantity. Therefore, any shortages are to be reimbursed by the ship owners.

We strongly recommend that masters seek the assistance of reliable local surveyors to assist with both loading/discharging operations when carrying such cargoes to Tunisia. Members should also not hesitate to contact the Club's correspondent for up to date information on current practices in the area.

For more information, contact the UK P&I Club Loss Prevention Department.

Source of Information: David Clark, Thomas Miller, Claims Area L6