

Proposal for a Directive of the European Parliament and of the Council establishing requirements and harmonised procedures for the safe loading and unloading of bulk carriers

(2000/C 311 E/17)

(Text with EEA relevance)

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(Submitted by the Commission on 22 May 2000)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) In view of the high number of shipping accidents involving bulk carriers with an associated loss of human lives, further measures should be taken to enhance safety in maritime transport within the framework of the common transport policy.
- (2) Assessments into the causes of bulk carrier casualties indicate that loading and unloading of solid bulk cargoes, if not properly conducted, can contribute to the loss of bulk carriers, either by over-stressing the ship's structure or by mechanically damaging its structural members in the cargo holds; the protection of the safety of bulk carriers can be enhanced through the adoption of measures aimed at reducing the risk of structural damage and losses due to improper loading and unloading operations.
- (3) At international level, the International Maritime Organisation (the 'IMO'), through a number of Assembly Resolutions, has adopted recommendations on the safety of bulk carriers addressing ship/port interface issues in general and loading and unloading operations in particular.
- (4) By Assembly Resolution A.862(20), the IMO adopted a Code of practice for the safe loading and unloading of bulk carriers (hereinafter 'the BLU Code'), and urged contracting governments to implement this Code at the earliest possible opportunity and to inform IMO of any non-compliance. In the Resolution, the IMO further urged contracting governments in whose territories solid bulk cargo loading and unloading terminals are situated to introduce laws to the effect that a number of key principles necessary for the implementation of this Code could be enforced.
- (5) The impact of loading and unloading operations on bulk carrier safety, in view of the global character of dry bulk carrier trade, has transboundary implications. The development of action to prevent the foundering of bulk carriers due to improper loading and unloading practices is best done at Community level, since Member States in isolation cannot take adequate and effective action.
- (6) Action at Community level is the most effective way of establishing harmonised requirements and procedures to implement the IMO recommendations laid down in the Assembly Resolution A.862(20) and the Code of practice for the safe loading and unloading of bulk carriers.
- (7) In view of the subsidiarity principle set out in Article 5 of the Treaty, a Directive is the appropriate legal instrument as it provides a framework for the Member States' uniform and compulsory application of the requirements and procedures for the safe loading and unloading of bulk carriers, while leaving each Member State the right to decide which implementation tools best fit its internal system. In accordance with the principle of proportionality, this Directive does not go beyond what is necessary for the objectives pursued.
- (8) The protection of the safety of bulk carriers and their crews can be enhanced by reducing the risks of improper loading and unloading at dry bulk cargo terminals; this can be implemented by establishing harmonised procedures for cooperation and communication between ship and terminal and by laying down suitability requirements for ships and terminals.
- (9) In the interests of enhancing bulk carrier safety and avoiding distortion of competition, the harmonised procedures and suitability criteria should apply to all bulk carriers, irrespective of the flag they fly, and to all terminals in the Community at which such carriers call for the purpose of loading or unloading solid bulk cargoes.
- (10) Bulk carriers calling at terminals for the loading or unloading of solid bulk cargoes should be suitable for that purpose. Terminals should verify that visiting bulk carriers comply with the relevant suitability criteria laid down in the BLU Code.

- (11) Terminals should also be suitable for receiving and loading or unloading visiting bulk carriers; for that purpose they should comply with the suitability criteria of the BLU Code relating to berthing facilities, cargo-handling and weighing equipment, training and working patterns of terminal personnel.
- (12) Terminals should, in the interests of enhancing the cooperation and communication with the ship's master on matters relating to the loading and unloading of solid bulk cargoes, appoint a terminal representative and make information books with the terminal's and port's requirements available to the masters in accordance with the provisions of the BLU Code.
- (13) The development, implementation and maintenance of a quality management system by the terminals would ensure that the cooperation and communication procedures and the actual loading and unloading by the terminal are planned and executed in accordance within a harmonised framework that is internationally recognised and auditable. In view of its international recognition, the quality management system should be based upon the ISO 9000 series of standards adopted by the International Standardisation Organisation.
- (14) For the purpose of ensuring that loading and unloading operations are carefully prepared, agreed and conducted with a view to avoid endangering the structural integrity of the ship, the responsibilities of the master and the terminal representative should be laid down in accordance with the relevant provisions of the SOLAS Convention, IMO Assembly Resolution A.862(20) and the BLU Code. For the same purpose, procedures for the preparation, agreement and conduct of loading or unloading operations should be laid down on the basis of the provisions of those international instruments.
- (15) In the general interests of the Community in deflecting sub-standard shipping from its ports, the responsibility of the terminal representative should include a duty to notify port State control authorities of any apparent deficiency on board a bulk carrier that could prejudice the safety of the loading or unloading operations.
- (16) It is necessary that the competent authorities of the Member States have the right to prevent or halt the loading or unloading operations whenever ship or crew safety is reported to be endangered by these operations. The authorities should also intervene in the interests of safety in the event of disagreement between the master and the terminal representative as to the application of these procedures.
- (17) It is necessary to lay down procedures whereby damage to ships incurred during loading or unloading operations is reported, and repaired if necessary. Where such damage could impair the safety or seaworthiness of the ship, the decision as to the necessity and urgency of repairs should be taken by the port State control authorities in consultation with the administration of the flag State. In view of the technical expertise necessary to take such a decision, the authorities should have the right to call upon a recognised organisation to inspect the damage and to advise them on any need for repairs.
- (18) Enforcement of this Directive should be enhanced by the establishment of a surveillance system in the Member States, including unannounced inspections during loading and unloading operations: reporting the results of this monitoring effort will provide valuable information on the effectiveness of the requirements and harmonised procedures laid down in this Directive.
- (19) The IMO in its Assembly Resolution A.797(19) on the safety of ships carrying solid bulk cargoes requested port State authorities to submit confirmation that loading and unloading terminals for solid bulk cargoes comply with the IMO Codes and recommendations on ship/shore cooperation. Notification of the adoption of this Directive to the IMO will provide an appropriate response to this request and a clear signal to the international maritime community that the Community is committed to supporting the efforts undertaken at international level to enhance the safe loading and unloading of bulk carriers.
- (20) Since the measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision.
- (21) It should be possible to amend certain provisions of this Directive in accordance with that procedure, so as to bring them into line with international and Community instruments adopted, amended or entering into force after the entry into force of this Directive and for the implementation of the procedures laid down in this Directive, without broadening its scope.
- (22) The provisions of Council Directive 89/391/CEE of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽²⁾ and its relevant individual directives are fully applicable to the work relating to the loading and unloading of bulk carriers,

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 183, 29.6.1989, p. 1.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Purpose

The purpose of this Directive is to enhance the safety of bulk carriers calling at terminals in the Community in order to load or unload solid bulk cargoes, by reducing the risks of excessive stresses and physical damage to the ship's structure during loading or unloading, through the establishment of:

1. suitability requirements for those ships and terminals, and
2. harmonised procedures for cooperation and communication between those ships and terminals.

Article 2

Scope

This Directive shall apply to:

1. all bulk carriers, irrespective of their flag, calling at a terminal for the loading or unloading of solid bulk cargoes; and
2. all terminals within the territory of the Member States.

Article 3

Definitions

For the purpose of this Directive:

4. 'bulk carrier' shall bear the meaning given to it in Regulation IX/1.6 of the 1974 SOLAS Convention and interpreted by Resolution 6 of the 1997 SOLAS Conference, namely:
 - a ship constructed with single deck, top-side tanks and hopper-side tanks in cargo spaces and intended primarily to carry dry cargo in bulk; or
 - an ore carrier, meaning a sea-going single deck ship having two longitudinal bulkheads and a double bottom throughout the cargo region and intended for the carriage of ore cargoes in the centre holds only; or
 - a combination carrier as defined in Regulation II-2/3.27 of the 1974 SOLAS Convention;
5. 'dry cargo in bulk' or 'solid bulk cargo' shall mean solid bulk cargo as defined in Regulation XII/1.4 of the 1974 SOLAS Convention, excluding grain;
6. 'grain' shall bear the meaning given to it in Regulation VI/8.2 of the 1974 SOLAS Convention;
7. 'terminal' shall mean any fixed, floating or mobile facility equipped and used for the loading or unloading of dry cargo in bulk into or from bulk carriers;
8. 'terminal operator' shall mean the owner of a terminal, or any organisation or person having taken over from the owner the responsibility for operating the terminal;
9. 'terminal representative' shall mean a person appointed by the terminal operator, who has the overall responsibility for and authority to control the loading or unloading operations conducted by the terminal for a particular bulk carrier;
10. 'master' shall mean the person who has command over a bulk carrier or a ship's officer designated by the master for the loading or unloading operations;
11. 'recognised organisation' shall mean an organisation recognised in accordance with Article 4 of Council Directive 94/57/EC ⁽¹⁾;
12. 'administration of the flag State' shall mean the competent authorities of the State whose flag the bulk carrier is entitled to fly;
13. 'port State control authority' shall mean the competent authority of a Member State empowered to exercise the control provisions of Directive 95/21/EC;
14. 'competent authority' shall mean a national, regional or local public authority in the Member State empowered by national legislation to implement and enforce the requirements of this Directive;

⁽¹⁾ OJ L 157, 7.7.1995, p. 1.

⁽²⁾ OJ L 319, 12.12.1994, p. 20.

15. 'cargo information' shall mean the cargo information required by Regulation VI/2 of the 1974 SOLAS Convention;
16. 'loading or unloading plan' shall mean a plan as referred to in Regulation VI/7.3 of the 1974 SOLAS Convention and having the format as contained in Appendix 2 of the BLU Code;
17. 'ship/shore safety checklist' shall mean the checklist as referred to in section 4 of the BLU Code and having the format as contained in Appendix 3 of the BLU Code;
18. 'solid bulk cargo density declaration' shall mean the information on the density of the cargo to be provided in compliance with Regulation XII/10 of the 1974 SOLAS Convention.

Article 4

Requirements in relation to the suitability of bulk carriers

Member States shall make the necessary arrangements to ensure that terminal operators verify the suitability of bulk carriers for loading or unloading of solid bulk cargoes, by checking compliance with the provisions of Annex I.

Article 5

Requirements in relation to the suitability of terminals

Member States shall ensure that terminals:

1. comply with the provisions of Annex II;
2. have an appointed terminal representative for each bulk carrier calling at the terminal for the loading or unloading of solid bulk cargoes;
3. have prepared information books containing the requirements of the terminal and the competent authorities and the information on the port and terminal as listed in Appendix 1 of the BLU Code, and that they make these information books available to the masters of bulk carriers calling at the terminal for loading or unloading solid bulk cargoes; and
4. have developed, implemented and maintain a quality management system, certified in accordance with the ISO 9001:2000 standards and audited in accordance with the guidelines of the ISO 10011:1991 standard.

Article 6

Responsibilities of masters and terminal representatives

Member States shall make the necessary arrangements to ensure that the following principles concerning the responsibilities of masters and terminal representatives are respected and applied:

1. Responsibilities of the master:

- (a) The master shall be responsible at all times for the safe loading and unloading of the bulk carrier under his command.
- (b) The master shall, well in advance of the ship's estimated time of arrival at the terminal, provide the terminal with the information set out in Annex III.
- (c) Before any solid bulk cargo is loaded, the master shall ensure that he has received the cargo information required by Regulation VI/7.2 of the 1974 SOLAS Convention, and where required, a solid bulk cargo density declaration. This information shall be contained in a cargo declaration form as set out in Appendix 5 of the BLU Code.
- (d) Prior to the start of and during loading or unloading the master shall discharge the responsibilities listed in Annex IV.

2. Responsibilities of the terminal representative:

- (a) Upon receipt of the ship's initial notification of its estimated time of arrival, the terminal representative shall provide the master with the information mentioned in Annex V.
- (b) The terminal representative shall be satisfied that the master has been advised as early as possible of the information contained in the cargo declaration form.
- (c) The terminal representative shall without delay notify the port State control authority of apparent deficiencies on board a bulk carrier which could endanger the safe loading or unloading of solid bulk cargoes.
- (d) Prior to the start of and during loading or unloading, the terminal representative shall discharge the responsibilities listed in Annex VI.

Article 7

Procedures between bulk carriers and terminals

Member States shall ensure that the following procedures are applied in respect of the loading or unloading of bulk carriers with solid bulk cargoes:

1. Before solid bulk cargoes are loaded or unloaded, the master shall agree with the terminal representative on the loading or unloading plan in accordance with the provisions of Regulation VI/7.3 of the 1974 SOLAS Convention. The loading or unloading plan shall be prepared in the form laid down in Appendix 2 of the BLU Code, and the master and the terminal representative shall confirm their agreement to the plan by signing it. Any change to the plan shall be prepared, accepted and agreed by both parties in the form of a revised plan. The agreed loading or unloading plan and any subsequent agreed revisions shall be kept by the ship and the terminal for a period of six months and a copy of it shall be lodged with the competent authority.
2. Before loading or unloading is commenced the ship/shore safety checklist shall be completed and signed jointly by the master and the terminal representative in accordance with the guidelines of Appendix 4 of the BLU Code.
3. An effective communication between the ship and the terminal shall be established and maintained at all times, capable of responding to requests for information on the loading or unloading process and to ensure prompt compliance should the master or the terminal representative order the loading or unloading operations to be suspended.
4. The master and the terminal representative shall conduct the loading or unloading operations in accordance with the agreed plan. The terminal representative shall be responsible for the loading or unloading of the solid bulk cargo in accordance with the hold order, quantity and rate of loading or unloading stated on that plan. He shall not deviate from the agreed loading or unloading plan, otherwise than by prior consultation and written agreement with the master.
5. On completion of the loading or unloading, the master and the terminal representative shall agree in writing that the loading or unloading has been done in accordance with the loading or unloading plan, including any agreed variations. In the case of unloading, such agreement shall include a record that the cargo holds have been emptied and cleaned to the master's requirements, as well as recording any damage suffered by the ship and any repairs carried out.

Article 8

Role of the competent authorities

1. Member States shall ensure that, without prejudice to the rights and obligations of the master provided under Regulation VI/7.7 of the 1974 SOLAS Convention, their competent authorities have the right to prevent or halt the loading or

unloading of solid bulk cargoes whenever the safety of the ship is reported to be endangered thereby.

2. In case of disagreement between the master and the terminal representative as to the application of the procedures provided for in Article 7, the competent authority shall intervene where this is required in the interests of safety and/or the marine environment.

Article 9

Repair of damage incurred during loading or unloading

1. If damage to the ship's structure or equipment occurs during loading or unloading, it shall be reported by the terminal representative to the master and, if necessary, repaired.
2. If the damage could impair the structural capability or watertight integrity of the hull, or the ship's essential engineering systems, the administration of the flag State, or an organisation recognised by it and acting on its behalf, and the port State control authority shall be informed in order that it may decide whether immediate repair is necessary or whether it can be deferred. The decision shall be taken by the port State control authority, due account being taken of the opinion of the administration of the flag State, or the organization recognised by it and acting on its behalf.
3. For the purpose of taking the decision referred to in paragraph 2, a port State control authority may rely upon a recognised organisation to undertake the inspection of the damage and to advise on the necessity of carrying-out repairs or their deferral.

Article 10

Verification and reporting

1. Member States shall regularly verify that terminals are complying with the requirements of Articles 5, point (1), 6 point (2) and 7. Verification shall include the carrying-out of unannounced inspections during loading or unloading operations.
2. Member States shall provide the Commission every two years with a report on the results of such verification. The report shall also provide an assessment of the effectiveness of the harmonised procedures for cooperation and communication between bulk carriers and terminals as provided for in this Directive. The report shall be provided at the latest by 30 April of the year following the two years upon which it reports.

*Article 11***Notification to the IMO**

The Presidency of the European Parliament, the Council and the Commission shall jointly inform the IMO of the adoption of this Directive, whereby reference shall be made to paragraph 1.7 of the Annex to IMO Resolution A.797(19) of 23 November 1995 concerning the Safety of Ships Carrying Solid Bulk Cargoes.

*Article 12***Committee procedure**

1. The Commission shall be assisted by the committee instituted by Article 12(1) of Directive 93/75/EEC ⁽¹⁾.

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7(3) and Article 8 thereof.

3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be three months.

*Article 13***Amendment procedure**

1. The definitions, the references to international conventions and codes and to IMO Resolutions and Circulars, the references to ISO standards, the references to Community instruments, and the Annexes, may be amended in accordance with the procedure referred to in Article 12, in order to bring them into line with international and Community instruments which have been adopted, amended or brought into force after the adoption of this Directive, provided that the scope of this Directive is not thereby broadened.

2. In accordance with the procedure referred to in Article 12, provisions may be adopted and incorporated in Article 7 and the Annexes for the implementation of the procedures laid down in this Directive, provided that such provisions do not broaden the scope of this Directive.

*Article 14***Penalties**

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by the date specified in the first subparagraph of Article 15(1) at the latest and shall notify it without delay of any subsequent amendment affecting them.

*Article 15***Implementation and application**

1. Member States shall adopt and publish, not later than (18 months after its entry into force), the provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions with effect from 1 January 2003.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall notify to the Commission the provisions of domestic law which they adopt in the field governed by this Directive.

*Article 16***Entry into force**

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

*Article 17***Addressees**

This Directive is addressed to the Member States.

⁽¹⁾ OJ L 247, 5.10.1993, p. 19.

ANNEX I

VERIFICATION OF THE SUITABILITY OF BULK CARRIERS FOR LOADING AND UNLOADING SOLID BULK CARGOES

(as referred to in Article 4)

Bulk carriers calling at terminals in the Member States for the loading or unloading of solid bulk cargoes shall be checked on compliance with the following suitability requirements:

1. They shall be provided with cargo holds and hatch openings of sufficient size and such a design to enable the solid bulk cargo to be loaded, stowed, trimmed and unloaded satisfactorily.
2. They shall be provided with the cargo hold hatch identification numbers as used in the loading or unloading plan. The location, size and colour of these numbers shall be clearly visible to and identifiable by the operator of the terminal loading or unloading equipment.
3. Their cargo hold hatches, hatch operating systems and safety devices shall be in good functional order and used only for their intended purpose.
4. List indicating lights, if fitted, shall be tested prior to loading or unloading and proved to be operational.
5. If required to have an approved loading instrument on board, this instrument shall be certified and operational to carry out stress calculations during loading and unloading.
6. If fitted with own cargo-handling equipment on board, such equipment shall be certified and maintained, and used only under the general supervision of suitably qualified ship's crew.
7. All propulsion and auxiliary machinery shall be in good functional order.
8. Deck equipment related to mooring and berthing operations shall be operable and in good order and condition.

ANNEX II

REQUIREMENTS IN RELATION TO THE SUITABILITY OF TERMINALS FOR LOADING AND UNLOADING SOLID BULK CARGOES

(as referred to in Article 5(l))

1. Terminal operators shall ensure that they only accept bulk carriers for loading or unloading of solid bulk cargoes at their terminal that can safely berth alongside the loading or unloading installation, taking into consideration waterdepth at the berth, maximum size of the ship, mooring arrangements, fendering, safe access and possible obstructions to loading or unloading operations.
2. Terminal loading and unloading equipment shall be properly certified and maintained in good order, in compliance, with the relevant regulations and standards, and only operated by duly qualified and, if appropriate, certified personnel.
3. Terminals shall use cargo weighing equipment that is well maintained and regularly tested and calibrated to provide an accuracy to within 1 % of the rated quantity required over the normal range of loading rates at regular intervals.
4. Terminal personnel shall be trained in all aspects of safe loading and unloading of bulk carriers, commensurate with their responsibilities. The training shall be designed to provide familiarity with the general hazards of loading and unloading of solid bulk cargoes and the adverse effect improper loading and unloading operations may have on the safety of the ship.
5. Terminal operators shall ensure that personnel involved in the loading and unloading operations are provided with and using personnel protective equipment and are duly rested to avoid accidents due to fatigue.

ANNEX III

INFORMATION TO BE PROVIDED BY THE MASTER TO THE TERMINAL

(as referred to in Article 6(l)(b))

1. The ship's estimated time of arrival off the port as early as possible. This advice shall be updated as appropriate.
 2. At the time of the initial time of arrival advice:
 - (a) Name, call sign, IMO number, flag, port of registry;
 - (b) Loading or unloading plan, stating the quantity of cargo, stowage by hatches, loading or unloading order and the quantity to be loaded in each pour or unloaded in each stage of the discharge;
 - (c) Arrival and proposed departure draughts;
 - (d) Time required for ballasting or de-ballasting;
 - (e) Ship's length overall, beam, and length of the cargo area from the forward coaming of the forward-most hatch to the after coaming of the aft-most hatch into which cargo is to be loaded or from which cargo is to be unloaded;
 - (f) Distance from the waterline to the first hatch to be loaded or unloaded and the distance from the ship's side to the hatch opening;
 - (g) Location of the ship's accommodation ladder;
 - (h) Air draught;
 - (i) Details and capacities of ship's cargo-handling gear, if any
 - (j) Number and type of mooring lines;
 - (k) Specific requests, such as for trimming or continuous measurement of the water content of the cargo;
 - (l) Details of any necessary repairs which may delay berthing, the commencement of loading or unloading, or may delay the ship sailing on completion of loading or unloading;
 - (m) Any other information related to the ship requested by the terminal.
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ANNEX IV

DUTIES OF THE MASTER PRIOR TO AND DURING LOADING OR UNLOADING OPERATIONS

(as referred to in Article 6(1)(d))

Prior to and during loading or unloading operations the master shall ensure that:

1. the loading or unloading of cargo and the discharge or intake of ballast water is under the control of the ship's officer in charge;
 2. the disposition of cargo and ballast water is monitored throughout the loading or unloading process to ensure that the ship's structure is not overstressed;
 3. the ship shall be kept upright or, if a list is required for operational reasons, it shall be kept as small as possible;
 4. the ship remains securely moored, taking due account of local weather conditions and forecasts;
 5. sufficient officers and crew are retained on board to attend to the adjustment of the mooring lines or for any normal or emergency situation, having regard to the need of the crew to have sufficient rest periods to avoid fatigue;
 6. the terminal representative is made aware of the cargo trimming requirements, which shall be in accordance with the procedures of the IMO Code of Safe Practice for Solid Bulk Cargoes;
 7. the terminal representative is made aware of the requirements for harmonisation between de-ballasting or ballasting and cargo loading or unloading rates for his ship and of any deviation from the de-ballasting or ballasting plan or any other matter which may affect cargo loading or unloading;
 8. the ballast water is discharged at rates, which conform to the agreed loading plan, and does not result in flooding of the quay or of adjacent craft. Where it is not practical for the ship to completely discharge its ballast water prior to the trimming stage in the loading process, he agrees with the terminal representative on the times at which loading may need be suspended and the duration of such suspensions;
 9. there is agreement with the terminal representative as to the actions to be taken in the event of rain, or other change in the weather, when the nature of the cargo would pose a hazard in the event of such a change;
 10. no hot work is carried out on board or in the vicinity of the ship while the ship is alongside the berth, except with the permission of the terminal representative and in accordance with any requirements of the competent authority;
 11. close supervision of the loading or unloading operation and of the ship during final stages of the loading or unloading;
 12. the terminal representative is warned immediately if the loading or unloading process has caused damage, has created a hazardous situation, or is likely to do so;
 13. the terminal representative is advised when final trimming of the ship has to commence in order to allow for the conveyor system to run-off;
 14. the unloading of the port side closely matches that of the starboard side in the same hold to avoid twisting the ship's structure;
 15. when ballasting one or more holds, account is taken of the possibility of the discharge of flammable vapours from the holds and precautions are taken before any hot work is permitted adjacent to or above these holds.
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ANNEX V

INFORMATION TO BE PROVIDED BY THE TERMINAL TO THE MASTER

(as referred to in Article 6(2)(a))

1. The name of the berth at which loading or unloading will take place and the estimated times for berthing and completion of loading or unloading ⁽¹⁾;
 2. Characteristics of loading or unloading equipment, including the terminal's nominal loading or unloading rate and the number of loading or unloading heads to be used, as well as the estimated time required to complete each pour or — in the case of unloading — the estimated time required for each stage of the discharge;
 3. Features on the berth or jetty the master may need to be aware of, including the position of fixed and mobile obstructions, fenders, bollards and mooring arrangements;
 4. Minimum depth of water alongside the berth and in approach and departure channels ⁽¹⁾;
 5. Water density at the berth;
 6. Maximum distance between the water line and the top of the cargo hatch covers or coamings, whichever is relevant to the loading or unloading operation, and the maximum air draught;
 7. Arrangements for gangways and access;
 8. Which side of the ship is to be alongside the berth;
 9. Maximum allowable speed of approach to the jetty and availability of tugs, their type and bollard pull;
 10. The loading sequence for different parcels of cargo, and any other restrictions if it is not possible to take the cargo in any order or any hold to suit the ship;
 11. Any properties of the cargo to be loaded which may present a hazard when placed in contact with cargo or residues on board;
 12. Advance information on the proposed loading or unloading operations or changes to existing plans for loading or unloading;
 13. If the terminal's loading or unloading equipment is fixed, or has any limits to its movement;
 14. Mooring lines required;
 15. Warning of unusual mooring arrangements;
 16. Any restrictions on ballasting or de-ballasting;
 17. Maximum sailing draught permitted by the competent authority; and
- Any other item related to the terminal requested by the master.

⁽¹⁾ Information on estimated times for berthing and departure and on minimum waterdepth at the berth shall be progressively updated and passed to the master on receipt of successive ETA advices. Information on minimum waterdepth in approach and departure channels shall be provided by the terminal or the port authority, as appropriate.

ANNEX VI

DUTIES OF THE TERMINAL REPRESENTATIVE PRIOR TO AND DURING LOADING OR UNLOADING OPERATIONS

(as referred to in Article 6(2)(d))

Prior to the start of and during loading or unloading operations the terminal representative shall:

1. provide the master with the names and procedures for contacting the terminal personnel or shipper's agent who will have the responsibility for the loading or unloading operation and with whom the master will have contact;
 2. take all precautionary measures to avoid damage to the ship by the loading or unloading equipment and inform the master if damage occurs;
 3. in the case of high density cargoes, or when the individual grab loads are large, alert the master that there may be high, localised impact loads on the ship's structure until the tank top is completely covered by cargo, especially when high free-fall drops are permitted and special care is taken at the start of the loading operation in each cargo holds;
 4. ensure that there is agreement between the master and the terminal representative at all stages and in relation to all aspects of the loading or unloading operations and that the master is advised on any change to the agreed loading rate, and at the completion of each pour of the weight loaded;
 5. maintain a record of the weight and disposition of the cargo loaded or unloaded and ensure that the weights in the holds do not deviate from the agreed loading or unloading plan;
 6. ensure that the quantities of cargo required to achieve the departure draft and trim shall allow for all cargo on the terminal's conveyor systems to be run off and empty on completion of a loading. For that purpose the terminal representative shall advise the master of the nominal tonnage contained on the terminal's conveyor system and any requirements for clearing the conveyor system on completion of the loading;
 7. in the case of unloading, give the master the maximum warning when it is intended to increase, or to reduce, the number of unloading heads used and advise the master when unloading is considered to be completed from each hold;
 8. ensure that no hot work is carried out on board or in the vicinity of the ship while the ship is alongside the berth, except with the permission of the master and in accordance with any requirements of the competent authority.
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