

RESTRICTIONS DUE TO COVID-19 IN TUNISIA

Ingosstrakh's P&I Correspondent for Tunisia region Messrs. EMCO reports on current situation and on prevention and control measures implemented by local administrations in response to the latest outbreak of coronavirus (COVID-19) in country.

1. Local Port Authorities have informed that in application of the restriction of entry to the country in order to minimize the spread of COVID – 19, crew changes are prohibited and that any disembarkation of crew member will be restricted. Disembarkation may be carried out (if permitted) following the approval of the Health Authorities.
2. Free practice are carried out at roads prior to vessel's entrance and all persons involved in the commercial operations, such as stevedores, agents, suppliers should take all the necessary precautions (the use of antiseptic gel, gloves, masks) while providing assistance to commercial vessels.
3. Since Tuesday March 17th, the preventive measure of curfew has been applied in the country. The curfew is from 18:00 hours (local time) until 06:00 hours (local time), and therefore, the port shifts have been modified. Working hours at ports has been distributed as follows: 1st shift from 07:00 hours (local time) until 13:00 hours (local time) and 2nd shift from 14:00 hours (local time) until 17:00 hours (local time). Therefore, stevedores' working time has been reduced. In this respect, we highlight to your attention that we have been involved in vessels calling Tunisia where dispute between owners and charterers has risen as a result of the new working hours implemented in Tunisia. The main dispute has been whether "lost hours/time" to be considered as force majeure and time should nor count or laytime to continue running. Therefore, we strongly recommend onto Owners to carefully consider the wording of the charterers fixture they intend to enter into.
4. Rades Merchant Navy has issued some preventive measures to reduce the risk of COVID-19 such as:
 - a. All vessels bound for Rades port will be subject to check on roads before berthing;
 - b. Crew members are forbidden to leave the vessel unless in an emergency and after approval of the local authorities;
 - c. Shipowners must arrange and specify a disinfected area on the vessel where crew, the authorities, the local agents, and the stevedores may exchange documents.
 - d. No one should go on board if there is no necessity.

- e. All parties to use preventive equipment that are necessary to guarantee the safety of the working environment.
5. Due to Ramadan (presently taking place), the curfew hours has been amended to begin from 20:00 hours (local time) until 06:00 hours (local time) the following day.
6. Tunisian stevedoring companies have introduced a new requirement for vessels berthing at Tunisian ports. Prior any commercial operation, professional disinfection is required for all vessel surfaces where stevedores are likely to touch, e.g. hatch covers, gangways, ramps, external container walls, doors etc. The stevedores will refuse to attend vessels that do not comply with this requirement.
7. Finally and as regards cargo claims, if the cargo is imported by L'Office Des Cereales , those receivers (as you are aware), are very famous for their claims approach and their request for a security prior completion of the discharging operation for anticipated shortage. In order to prevent shortages, and resisting any possible shortage claims, we recommend on Owners to carry out preventative measures at both loading port and discharging port. It is recommended that the charterparty should also contain protective clauses against shortage.

CHINA. LATEST UPDATE ON DISEMBARKATION OF INJURED/ILL CREW

Ingosstrakh's P&I Correspondent for China Messrs. Huatai Insurance Agency & Consultant Service Ltd. provides important information on issue of disembarkation of injured/sick crew:

In view of the rapid spread of COVID-19 across the world, the Chinese government has implemented a strict entry policy. With effective from March 28th, 2020, foreign nationals holding valid visas or residence permits were temporarily suspended the entry into China. When it comes to marine industry, according to the "Guidance on the prevention and control of COVID-19 on board (V2.0)", sending crew ashore is strictly restricted. It is doubtless that these policies are helpful to contain COVID-19 case importation. On the other side, the policies bring obstacles in situations involving the disembarkation of injured/ill crew from ships.

A multi-sectoral joint guideline has been published on April 12th, 2020 by the Ministry of transport, Ministry of foreign affairs, State Health Commission, General Administration of Customs and State Administration of Immigration to solve the difficulty in injured/ill crew disembarkation. The Guideline gives guidance on emergency rescue and treatment of injured/ill crew during the epidemic prevention & control period. In terms of treatment of injured/ill crew in Chinese ports, the Guideline requires that:

Treatment of injured/ill crew in Chinese ports

- 1) When a ship requests for rescue in a Chinese port, rescue measures shall be implemented for injured/ill crew regardless of whether they belong to the "four categories of personnel" or not. If necessary, the crew shall be transferred to the relevant medical institutions where the port is located for medical treatment to ensure that the crew is rescued in time. After receiving the ship's rescue request, the Maritime Search and Rescue Center under its jurisdiction shall timely collect the information of the

crew to be rescued and the health status of all the crew on board. Relevant Maritime Administration shall report to the Customs, Border Inspection and local people's government (including health department) according to the procedures and cooperate with relevant departments to confirm the epidemic situation on board. When COVID-19 infection case is confirmed on board, proper treatment methods for "four categories of personnel" shall be implemented.

Four categories of personnel refer to:

AA. the COVID-19 confirmed patients

BB. suspected COVID-19 infected patients

CC. patients who can not be excluded from COVID-19 infection

DD. close contacts of COVID-19 confirmed patients

2) The Maritime Search and Rescue Center shall coordinate the rescue operations in accordance with the relevant emergency response procedures, cooperate with the relevant departments in accordance with the relevant provisions of the local people's Government and rescue the injured crew in a timely and safe manner.

3) When necessary, the Maritime Administration shall focus on maintaining the traffic order at sea in the process of crew transfer and rescue and cooperate with the relevant departments to carry out rescue work.

4) The relevant local departments shall inform foreign crew's embassy and consulate in China according to the rescue conditions.

In response to the Guideline, the local authorities of Chinese ports are optimizing the crew rescue procedures.

In addition, the joint guideline raises requirements in situations involving Chinese injured/ill crew on Chinese flag ships abroad and Chinese injured/ill crew on foreign flag ships abroad. Please find it's summary here below:

Treatment of Chinese injured/ill crew on Chinese flag ships abroad

1) The Chinese flag ship shall report to the shipping company in the first time, and the shipping company shall report to the Chinese Maritime Administration timely after receiving the report. At the same time, the ship may apply for remote medical assistance in accordance with the procedures and relevant international guidelines.

2) If the crew requires emergency rescue ashore, the ship can seek assistance from local Chinese embassy/consulate to coordinate with local government and medical department to fulfill the international obligations stipulated in the Maritime Labor Convention 2006, International Health Regulations, etc. to rescue the injured/ill crew according to the ship's requirements, the crew's situation and local medical conditions. As the obligator, the shipping company shall provide necessary resource support.

3) Chinese Maritime Administration shall urge the shipping company to provide necessary support for injured crew's emergency rescue in accordance with the emergency response procedures.

4) If a confirmed or suspected COVID-19 infection case is found on the ship, and the coastal state or port state refuses to provide emergency assistance, the Ministry of Transport shall inform the Ministry of Foreign Affairs in a timely manner and urge the foreign side to render emergency assistance through diplomatic channels. The crew can also seek assistance from local port authorities in accordance with the relevant provisions of the Maritime Labor Convention 2006.

Treatment of Chinese injured/ill crew on foreign flag ships abroad

1) After receiving the report, according to the principle of "dispatching party shall be responsible", the crew's manning agent shall firstly report to the relevant embassy and consulate for assistance. A timely report of the relevant situation to the Chinese Maritime Administration is also necessary.

2) Chinese Maritime Administration shall urge the crew's manning agent to provide all necessary resource support to the injured/ill crew in accordance with the emergency response procedures, and report the relevant situation to the Ministry of Transport in a timely manner.

3) If necessary, the Ministry of Transport may contact the competent authority of the flag state for coordination.

We remind our Insureds that Ingosstrakh shall be immediately informed in cases of personal sickness or injury among vessel's crew so to arrange smooth disembarkation and medical assistance for crew ashore.

PRACTICAL ADVICE: CONTAINER DAMAGES CAUSED BY STEEL COILS WHEN SHIPPED SEPARATELY

Ingosstrakh's Spanish P&I Correspondent and Law firm Indeco reported a recent increase of cases involving steel coil cargoes damaging containers floors due to bad stowage and / or lashing. Here is below please find their comprehensive input and guidance for Insureds attention to minimize subject risk accordingly:

The failure of the floor of TEU's containers can be explained by the combined effect of these four factors:

- The size of the steel coils when shipped separately (4 to 26 tons).
- The stowage and lashing conditions
- The maximum load of a container vs the specific maximum load permitted on the container floor
- The temporary increase in weight caused by the acceleration forces acting on navigation conditions

The first factor is that single coils are frequently centered on the containers' bottom, which combined with excess to the specific load that can be beared by the container floor, prevents the right distribution of the cargo weight all over the container loading floor.

The second factor is placing the steel coil in the “eye to side” or “eye to rear” position. When the coil is placed this way over the container flooring, if a stowage structure is not used, or if it isn't strong enough according to its structural type or if the coils aren't duly lashed, there is a shifting that collapses the structure. When this happens, the securing system is unable to perform its task and the coil rests directly over the container floor.

The third factor is that even though the maximum load of a container is not surpassed by the coil, the specific maximum load permitted on the container floor is being far exceeded due to the stress exerted by the coil when placed in the middle of the container.

Apparently, the above mentioned containers are not designed to withstand that specific weight and even when the maximum load is not exceeded, the proper distribution of the weight of the cargo is disregarded. Finally, the temporary increase in weight caused by the acceleration forces acting during navigation conditions requires a sufficiently strong container able to manage the downward vertical acceleration undergone by the coil to prevent the stowage structure from collapsing.

According to the technical criteria of surveyors, these measures should be followed to avoid these kind of damages:

- “Build stowage structures in such a way that they are enhanced by longitudinal bottom side rails as the I-beams of the container flooring are close enough so as no cross members' reinforcement is needed, regardless of the direction in which the coils are loaded on.
- The proper ways to stow on the container this type of cargo are specified in the ‘IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units’ (CTU Code), 2014. More precisely, in chapter 9, section 9.3, where it is stated: ‘Packers should ensure that: The load is properly distributed in the CTU’.
- The same Code, in annex 7, section 3.1, specifies the following: ‘When the payload is not homogeneously distributed over the loading floor, the limitations for concentrated loads should be considered. It may be necessary to transfer the weight to the corner posts by supporting the cargo on strong timber or steel beams as appropriate.
- It should be taken into account the temporary increase in weight caused by the acceleration forces acting on navigation conditions.
- Securing of heavy cargo transport is simply essential for the proper arrival at destination of any kind of loaded goods and so avoiding damages to the coil itself, to the container or to other nearby goods.”