



CIRCULAR No 7

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Clarifications regarding performance of the requirements for terminals for bulk carriers

We herewith present clarifications and recommendations to terminals for bulk carriers which have to comply with the requirements established in Regulation of the Minister of Economic Affairs and Communications No 88 of 10 August 2005 “Additional safety requirements for bulk carriers, requirements for safe loading and unloading of bulk carriers, safety requirements for terminals of bulk carriers, and procedure for notifying the master and the terminal representative¹” (hereinafter *Regulation*).

1. According to § 3 (1) of the Regulation, the terminal operator shall be satisfied with the operational suitability of bulk carriers for loading or unloading of solid bulk cargoes, by checking compliance with the requirements laid down in § 3 (2) of the Regulation. If the terminal operator deems that the ship is unsuitable, the Maritime Administration shall be notified. The same requirement arises from the provisions in Annex I of Directive 2001/96/EC of the European Parliament and of the Council establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers (hereinafter *Directive 2001/96/EC*).

When checking the operational suitability of the ship, the terminal operator shall be satisfied that propulsion and auxiliary machinery is in good functional order (Regulation § 3 (2) 6)). In order to comply with this condition, the ship shall have, *inter alia*, the corresponding cargo ship safety certificate. The ship’s agent can upload the certificate in the EMDE system prior to the ship’s arrival at the terminal. In order to fulfil this requirement the terminals for bulk carriers shall **vet** the certificates submitted via EMDE and **confirm** their compliance in the box “required documents”. **When vetting certificates, the expiry dates of the certificates shall be checked.**

Requirement of the Regulation	Requirement of Directive 2001/96/EC	The document required for compliance
§ 3 (2) 6) The ship’s propulsion and auxiliary machinery shall be in good functional order.	Annex I 6. Propulsion and auxiliary machinery shall be in good functional order.	Cargo Ship Safety Construction Certificate OR Cargo Ship Safety Certificate

¹ Based on Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers (Text with EEA relevance) (OJ L 13, 16.01.2002, pp. 9–20).

2. According to § 10 (4) of the Regulation, before loading or unloading is commenced, the master and the terminal representative shall complete and sign jointly the ship/shore safety checklist, the form of which is given in Annex 2 to the Regulation, in keeping with the guidelines of Appendix 4 of the BLU Code. The same requirement arises from Article 3(17) of Directive 2001/96/EC.

In view of the above, the composition of data on the ship/shore safety checklist shall comply with the **minimum requirements** provided in Annex 2 to the Regulation. This means that the ship/shore safety checklist shall include **all items specified in Annex 2 of the Regulation** and all items shall be **completed**. The checklist shall be signed by both **the master and the terminal representative** to be deemed properly completed.

3. According to Article 11(1) of Directive 2001/96/EC, Member States shall regularly verify that terminals comply with the requirements of Article 5(1), Article 7(2) and Article 8 of the Directive. The procedure of verification shall include the carrying-out of unannounced inspections during loading or unloading operations.

Arising from this provision, the Maritime Administration conducts **unannounced inspections** of terminals for bulk carriers during loading or unloading operations.

(signed digitally)

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