Recommendations on preventing cargo shortages

Please be advised that shortage claims and customs fine imposed in relation to these cases have been a complicated issue for many years especially as the customs fines and shortage claims by receivers for any discrepancies have increased substantially. We received several calls from ship owners as to what could be done to avoid these fines.

Unfortunately, there is no straight forward or easy way to do this.

We conducted ullage surveys for tankers and draft surveys/tally surveys at Turkish ports in order to monitor the amount of cargo discharged and issued relevant certificates confirming ship figures.

However, the customs take only into consideration the shore figures and compare it with the figure stated in the Bill of Lading. The customs officials are not open to any discussion in the event that the ship figure (draft, ullage, tally etc.) indicates no/less shortage but is different from the shore figure.

If the owners object to the customs fine imposed and appeal to the Courts, our survey report will not be considered as an "independent evidence" by the Court and the judges will generally consider custom's figure.

Our only recommendation to avoid any issues of discrepancies between the ship and shore figures could be for a court-appointed surveyor to determine the amount of cargo discharged as such figure determined is held admissible and binding by the Courts. However this is not a practical solution and will only cause additional costs and delay to the vessel.

In summary:

1. Performing hatch sealing or results of draft survey will not be taken into the consideration by the Customs when evaluating shortage or over-landing cases.

2. In order to avoid a proceeding by the Customs, the Owners should double check the quantity of the cargo at the loading port prior to signing the cargo documents.

3. Arranging a tally/weighbridge monitoring in Turkey will also assist the Owners in avoiding a possible miscount of the cargoes.

Metropole Maritime & Trading Ltd. Co.