**ORDER № 91**

5 September 2006

on requirements and procedures for the safe loading and unloading of bulk carriers

*Issued by the Maritime Administration Executive Agency, published in SG No 78 of 26.09.2006, in force since 26.09.2006.*

On the basis of Article 362(1)(1), (2) and (3) of the Merchant Shipping Code, Article 78(2) of the Code of Administrative Procedure, and in order to improve the safety of bulk carriers calling at terminals in the ports of the Republic of Bulgaria for the purpose of loading or unloading solid bulk cargo, by reducing the risks of overvoltage and mechanical damage to the ship’s structure during loading and unloading operations, I order:

**Section I**

**The General Provisions**

**Art. 1.** This Order regulates:

1. fitness requirements for bulk carriers, and
2. procedures for interaction and communication between these ships and port terminals.

**Art. 2.** The Order applies to all bulk carriers, regardless of the flag they fly, calling a terminal for loading or unloading solid bulk cargo in the marine ports of the Republic of Bulgaria.

**Art. 3.** This Order shall not apply in cases where only the bulk ship’s equipment is used to carry out loading operations. In such cases, the provisions of Regulation VI/7 of the SOLAS Convention 1974 shall apply.

**Section II**

**Requirements for the operational fitness of bulk carriers**

**Art. 4.** Terminal operators shall only commence loading and unloading operations once they have ascertained that the bulk carrier complies with the following operational fitness requirements:

1. their cargo barns and hatch openings shall be of sufficient size and designed to allow for loading, positioning, trimming and unloading of a solid bulk cargo in a satisfactory manner;
2. their cargo barns must have identification numbers corresponding to those used in the loading or unloading plan; the position, size and colour of these numbers must be clearly visible and identifiable by the terminal equipment operator;
3. the hatches of their cargo barns, hatch opening and closing equipment and protective devices must be in good condition and used only for their intended purpose;
4. the heel lights, if fitted, shall be tested before loading and unloading operations have been started and have demonstrated their working order;
5. if an approved cargo tool is required on board the ship, this instrument must be certified and capable of computation of hull stresses during loading and unloading operations;
6. main and auxiliary machinery and machinery must be in good condition;
7. deck equipment related to mooring operations shall be in good condition.

**Section III**

**Obligations of the ship master and the representative of the terminal**

**Art. 5.** (1) During the carrying out of loading and unloading operations, the principles as defined in this section shall be observed and applied with respect to the duties of the master of the ship and the representative of the terminal.

(2) The duties of the master of the ship during loading and unloading operations are as follows:

1. the master shall be responsible at all times for the safe loading and unloading of the bulk carrier under his authority;
2. the master shall provide the terminal with the following information sufficiently in advance of the estimated time of arrival of the ship at the terminal:
3. information on the estimated time of arrival of the ship in port sent as early as possible; this information must be updated in a timely manner;
4. at the time of initial notification of the estimated time of arrival:
5. name, call sign, IMO number of the ship, flag State and port of registry;
6. a loading or unloading plan containing information on the quantity of cargo, the distribution of cargo by barn, the loading or unloading order and the quantity of cargo per step of the loading/unloaded plan;
7. draught upon arrival and proposed draught upon departure;
8. time necessary for the reception or disposal of the ballast;
9. the greatest length and width of the vessel and the length of the cargo area in which it is to be loaded or from which it is to be unloaded, measured from the front coaming of the barn closest to the bow barn to the rear of the barn nearest to the stern;
10. distance from the waterline to the first barn where it is to be loaded or from which it is to be unloaded and a distance from the ship to the opening of the hatch of that barn;
11. position of the ship’s parade pit;
12. air draught;
13. characteristics and lifting capacity of the ship’s cargo device, if any;
14. number and type of mooring ropes;
15. specific requirements, such as trimming requirements or continuous measurement of the water content of the load;
16. (mm) information on necessary repairs which could delay the ship’s standing at the quarry, the commencement of loading and unloading operations or the departure of the ship upon completion of loading and unloading operations;
17. other information on the ship requested by the terminal;
18. before loading any hard bulk cargo, the master must satisfy himself that he has received the cargo information required by Regulation VI/2.2 of the SOLAS 1974 Convention and a hard bulk cargo density declaration, where required; this information must be provided in the form of a cargo declaration as set out in Annex 5 of the BLU Code;
19. prior to the commencement and during loading and unloading operations, the master shall ensure that:
20. the loading or unloading of the cargo and the discharge or acceptance of a water ballast shall be carried out under the control of the responsible ship’s officer;
21. the position of the cargo and the water ballast shall be monitored during the loading and unloading operations to ensure that the structure of the ship is not subjected to overvoltage;
22. the ship shall be kept upright or, if heeling is necessary for operational reasons, this heel will be as small as possible;
23. the vessel is at all times reliably moored, monitoring the local weather situation and local weather forecasts;
24. there are sufficient officers and crew on board the ship who take care to adjust the mooring ropes and are able to act adequately in an ordinary or emergency situation, paying attention to the need of the crew for adequate rest to avoid fatigue;
25. the terminal representative is aware of the cargo trimming requirements, which must comply with the procedures laid down in the IMO BC Code;
26. the terminal representative is aware of the requirements for synchronization between the rates of discharge or acceptance of ballast and the rates of loading or unloading for its ship, as well as any deviation from the plan for discharge or acceptance of ballast or other matters which could affect loading and unloading operations;
27. the water ballast shall be discharged at a speed which is consistent with the agreed cargo plan and does not lead to flooding of the quay or adjacent vessel; where it is not possible for the ship to completely discard its water ballast before the trimming stage in the loading process, the master must agree with the terminal representative regarding the points at which loading may need to be suspended and the duration of such suspension;
28. there is agreement with the representative of the terminal regarding the action to be taken in the event of rain or any other change in time, where the nature of the load is a prerequisite for the occurrence of a danger in the event of such a change;
29. no fire work shall be carried out on or near the ship while the ship is standing at the berth, except with the permission of the terminal representative and in accordance with safety requirements;
30. loading and unloading operations and the ship are closely monitored during the final loading/unloading stages;
31. the representative of the terminal will be immediately warned if, during the loading and unloading operations, the ship suffers damage, a dangerous situation or is likely to occur;
32. the terminal representative is informed when the ship’s final trimming must begin in order to allow the conveyor system to be discharged from its cargo;
33. the landing on the port side is very close to that from the starboard side of the same barn in order to avoid twisting the hull of the vessel;
34. when taking ballast in one or more barns, account shall be taken of the possibility to separate highly flammable vapours from the barns and that precautions have been taken prior to authorization to carry out fire work near or above those barns.

(3) The obligations of the representative of the terminal during loading and unloading operations are as follows:

1. Upon receipt of the ship’s initial notification of its expected time of arrival, he must provide the master with the following information:

1. name of the berth at which loading or unloading is to take place and the expected time of standing at the quarry and completion of loading and unloading operations; the information on the expected time of standing and removal from the quay and on the minimum water depth at the berth must be updated in due time and submitted to the master of the vessel upon receipt of each subsequent ETA notification;
2. characteristics of the loading and unloading equipment, including the nominal rate of loading/unloading of the terminal, and the number of cargo or unloading facilities to be used, as well as the estimated time needed to complete each step/stage of the loading/unloading plan;
3. characteristics of the pier or dock that the master needs to know, including the location of stationary and mobile obstacles, cranes, rifles and mooring equipment;
4. minimum water depth at berth and in entry or exit fairways; information on the minimum depth of water in entry and exit fairways must be provided by the terminal;
5. water density at the berth;
6. the greatest distance between the waterline and the upper edge of the hatch covers or coamings, whichever is relevant for loading and unloading operations, and the largest air draught;
7. facilities for placing similar and boarding of the ship;
8. which side will the ship stand on the pier?
9. maximum permissible speed for approaching the dock and presence of tractors, their type and traction force of the rifle;
10. order of loading for different consignments of cargo and other limiting circumstances specific to the vessel in case it is not possible to accept the cargo in any order or any barn;
11. certain properties of the cargo which could constitute a hazard when the cargo comes into contact with the cargo on board, or residues thereof;
12. advance information on planned loading and unloading operations or changes to existing loading or unloading plans;
13. whether the terminal’s loading and unloading equipment is stationary and whether there are any restrictions affecting its movement;
14. necessary mooring ropes;
15. warning for atypical mooring equipment;
16. restrictions on the reception or disposal of ballast;
17. maximum sailing draught authorised by the competent authorities;
18. other information on the terminal requested by the master of the vessel;
19. ensure that the master has been informed as early as possible of the information contained in the cargo declaration;
20. must immediately inform the master of the vessel and the Executive Agency Maritime Administration of obvious discrepancies which he has noticed on board a bulk carrier and which could jeopardize the safe loading or unloading of solid bulk cargoes;
21. before the start and during the loading and unloading operations, he must fulfil the following obligations:
22. communicate to the master of the ship the names of the persons of the terminal personnel or of the shipper’s agency who will be responsible for the cargo/unloading operations and with whom the master will be contacted, as well as the procedure for contacting them;
23. take all precautions to avoid damage to the ship by the loading and unloading equipment and inform the master if such damage occurs;
24. ensure that the ship is kept upright or, if operational considerations require heeling, that heel is as small as possible;
25. ensure that the quantity landed from the port side is very close to that from the right side of the same barn in order to avoid twisting the hull of the vessel;
26. in the case of high-density cargo or when the tread grips a large quantity of cargo at once, warn the master that large localised impact loads on the ship’s structure are possible until the bottom of the barn is fully covered by cargo, especially where a free fall from a high load is allowed, and that particular care must be taken when starting cargo operations in each barn;
27. ensure that there is agreement between the master and the terminal representative at all stages of and in respect of all aspects of the loading/unloading operations and that the master is informed of any change in the agreed rate of loading and of the loaded quantity of cargo upon completion of each step of the loading plan;
28. keep records of the mass and position of the loaded or unloaded cargo and ensure that the quantities of cargo in the barns comply with the agreed loading or unloading plan;
29. take action to trim the cargo, when loading or unloading, as required by the master;
30. ensure that the quantity of cargo required to achieve the draught and differential at departure allows the terminal conveyor system to be emptied of its cargo at the completion of the cargo operations; to this end, inform the master of the nominal mass of the cargo contained in the terminal conveyor system and any requirements for cleaning the conveyor system at the completion of the cargo operations;
31. in the case of landings, warn the master of the vessel as early as possible when an increase or decrease in the number of landing devices is envisaged and inform the master when the landing operations are expected to be completed from each barn;
32. ensure that no firing work is carried out on board or in the vicinity of the ship while the ship is at the berth, except with the master’s permission and in accordance with safety requirements.

**Section IV**

**Procedures for bulk carriers and terminals**

**Art. 6.** When loading or unloading bulk carriers with solid bulk cargoes, the master of the vessel and the terminal operator shall comply with the following rules:

1. before starting loading or unloading of solid bulk cargoes, the master of the ship shall agree with the terminal representative in respect of the cargo 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 drawn up in the format set out in Annex 2 of the BLU Code and shall contain the IMO number of the bulk carrier in question, and the master and the terminal representative confirm their agreement to the plan by signing it;
2. any change to the plan which, according to either Party, could endanger the safety of the ship or crew shall be drawn up, adopted and agreed by both Parties in the form of a revised plan;
3. the agreed cargo or unloading plan and any subsequent agreed processing shall be kept on the ship and at the terminal for a period of six months for the purpose of inspection by the inspectors of the Executive Agency Maritime Administration;
4. before commencing loading and unloading operations, the ship/coastal safety checklist shall be completed and signed jointly by the master of the ship and the terminal representative in accordance with the instructions set out in Annex 4 of the BLU Code;
5. effective communication shall be maintained at all times between the ship and the terminal enabling requests for information regarding the loading and unloading process to be answered and capable of providing timely response in the event that the master of the ship or the terminal representative orders the suspension of loading and unloading operations;
6. the master of the vessel and the representative of the terminal shall carry out the loading and unloading operations in accordance with the agreed plan; the terminal representative is responsible for loading or unloading the hard bulk cargo as regards the order of the barns, the quantities and the rates of loading or unloading specified in that plan; it may not deviate from the agreed loading or unloading plan except after prior consultation and written consent of the master of the vessel;
7. upon completion of the loading and unloading operations, the master of the vessel and the representative of the terminal shall declare in writing that the loading or unloading has been carried out in accordance with the loading or unloading plan, including agreed changes; in the case of unloading, such consent shall include a record that the cargo barns have been emptied and cleaned in accordance with the master’s requirements, as well as a record of damage to the ship and repairs carried out in that regard.

**Section V**

**Suspension of loading and unloading operations**

**Art. 7.** Inspectors of the Executive Agency Maritime Administration shall have the right to prohibit or suspend hard bulk cargo operations where there are clear indications that these operations endanger the safety of the ship or crew. The prohibition shall be imposed in compliance with the rights and obligations of the master of the ship provided for in Regulation VI/7.7 of the 1974 SOLAS Convention.

**Art. 8.** In cases where there is disagreement between the master of the ship and the representative of the terminal regarding the application of the procedures provided for in Section IV, the inspectors of the Executive Agency Maritime Administration shall take the necessary action in the interests of safety and protection of the marine environment against pollution.

**Section VI**

**Repair of damage caused to the ship during loading and unloading operations**

**Art. 9.** (1) If damage to the ship’s structure or equipment is caused during loading and unloading operations, such damage shall be reported by the representative of the terminal to the master of the ship and, if necessary, shall be removed.

1. Where the damage may impair the design or watertight properties of the ship’s hull or affect important technical systems of the ship, the terminal representative and the master of the ship shall notify the Administration of the flag State or an organization recognized by it and acting on its behalf, as well as the relevant Maritime Administration Directorate. The decision on whether immediate repair is necessary or whether repairs may be postponed shall be taken by the master of the port, taking into account the opinion, if any, of the Administration of the flag State or the organization recognized by it and acting on its behalf, and the opinion of the master of the ship. Where an immediate repair is deemed necessary, the master of the port shall allow the ship to depart if he is satisfied with the repair.
2. When taking a decision under the preceding subparagraph, the master of the port may use the services of a recognized organization to carry out damage inspection and consultation on the need to carry out repairs or postpone it.

**Section VII**

**Administrative Penal Provisions**

**Art. 10.** In the event of infringements of this order, inspectors from the relevant Maritime Administration Directorate shall draw up Administrative Violations and port masters shall issue penalty orders pursuant to Article 381(2) of the Merchant Shipping Code.

**ADDITIONAL PROVISIONS**

1. For the purposes of this order:
2. *“SOLAS 1974 Convention”* means the International Convention for the Protection of Life at Sea, 1974 (SG No 12 of 2005), together with the protocols and amendments thereto.
3. *‘Blu Code’* means the Code on Rules for the Safe Loading and Unloading of Bulk Carriers as set out in the Annex to Resolution of the Assembly of the International Maritime Organization A.862(20) of 27 November 1997.
4. *‘Bulk carrier’* means:
5. a single deck ship equipped with sub-deck tanks in the cargo area and intended primarily for the carriage of dry cargo in bulk, or
6. ore ship, which means a seagoing single-deck ship having two longitudinal bulkheads and a double bottom passing along the cargo space and intended for the transport of ore only in central barns, or
7. combined cargo ship as defined in SOLAS Regulation II-2/3.27 1974
8. *‘Dry bulk load’* or *‘hard bulk cargo’* means a solid bulk cargo, excluding grain, as defined in SOLAS 1974 Regulation XII/1.4.
9. *‘Grain’* as defined in Regulation VI/8.2 of the 1974 SOLAS Convention.
10. *‘Terminal’* means any fixed, floating or mobile equipment equipped and used for loading or unloading dry cargo in bulk to or from bulk carriers.
11. *‘Terminal operator’* means the owner of the terminal or organization or person to whom the owner has transferred responsibility for loading and unloading operations carried out in the terminal for a particular bulk carrier.
12. *‘Terminal representative’* means a person designated by the terminal operator who has overall responsibility for and has the power to control the preparation, conduct and completion of loading and unloading operations carried out at the terminal for a particular bulk carrier.
13. *“Captain”* means the person entrusted with the management of a bulk carrier or a ship’s officer appointed by the master of the vessel to control loading operations.
14. *“Recognized organization”* means an organization recognized in accordance with Regulation No 4 of 2004 on the recognition of ship survey organizations and shipowners (published in SG No 7 of 2004; amended, No 24/2006).
15. *‘Administration of the flag State’* means the competent authorities of the State whose flag the bulk carrier is entitled to fly.
16. *“Load information”* means the cargo information required by Regulation VI/2 of the SOLAS 1974 Convention.
17. *“Loading or unloading plan”* means the plan referred to in Regulation VI/7.3 of the 1974 SOLAS Convention, taking the form set out in Annex 2 to the BLU Code.
18. *‘Safety checklist of ship’* means the checklist referred to in Section 4 of the Code on the Safe Loading and Unloading of Bulk Carriers (BLU Code), taking the form set out in Annex 3 of that Code.
19. *‘Bulk cargo density declaration’* means the load density information to be provided in accordance with SOLAS 1974 Regulation XII/10.

**FINAL PROVISIONS**

1. This order shall enter into force on the day of its promulgation in the State Gazette.
2. The order revokes Order No 91 of the Executive Director of the Maritime Administration Executive Agency of 9.XI.2004 (not published).
3. I entrust the Secretary-General of the Executive Agency Maritime Administration with the monitoring of the application of the order.

**THE EXECUTIVE DIRECTOR:**