



LOSS PREVENTION LETTER

"Tyagun"- Batumi Sea Port, Georgia

01 October 2010
Georgia

By this letter we would like to take opportunity and to remind the club members about the "Tyagun" phenomena at Batumi Sea Port. At time of such bad weather conditions the vessel stay alongside berth becomes unsafe and finally vessel will be obliged to sail for drifting or anchorage outside of port. In practice the Harbour Master informs the master that vessel may stay in port until the master considers that stay in port safe however as soon Master will consider to shift the vessel to anchorage he has to request the Harbour Master immediately. The vessel shifting to anchorage includes pilotage dues, unmooring and tugs, which will be in such case for owners account and will be included by agents in final disbursement account.

As per standard charter terms of fixture, vessel fixed on basis to be loaded/discharged at safe port, at safe berth. One of the classical definitions of safe port:

"A port will not be safe unless, in the relevant period of time, a particular ship can reach it, use it and return from it without, in the absence of some abnormal occurrence, being exposed to danger which cannot be avoided by good navigation and seamanship"

At such circumstances the owners may claim the Charterers for the unsafe berth/port and ask to compensate the additional charges for the vessel sail to anchorage and back to port. However some Charterers refer to the official publication "**Guide to Port Entry**", which states following wording for Batumi port:

"The port harbour is protected by a mole from the seaward and provides a safe anchorage except at times when S.W., West and N.W. winds blow and the "Tyagun", strong variable current with surge is formed. At time of "Tyagun" vessels are recommended to stop cargo handling operations and go out to sea."

In light of above fact that "Tyagun" phenomenon is predictable and its mentioned in Guides for Port Entry, the Charterers may have a chance to defend their interest and not to pay to owners extra charges for forced sailing of vessel to anchorage and back.

In practice often happens that at time of "TYAGUN" owners knowing the fact that extra charges should be paid due to sailing out and back to port trying to keep the vessel alongside berth as much as possible till the critical moments. As a result of such actions vessel may damage the port fenders and in some worst cases may damage the vessel as well.

Prevention:

In order to be more protected from such financial risks it is recommended to owners before acceptance of fixture to agree some additional terms in case of "Tyagun" and related extra charges which should be for the Charterers account, especially in winter period times.