

Ukraine - Fines for Dirty Ballast Water – Updated

30th September 2016

Further to our previous new article concerning [the access rights of ecological inspectors](#) to vessels fitted with segregated ballast tanks, we have been advised by Club correspondents Dias Marine Consulting PC, Odessa that the practice of ecological inspectors attempting to get on board vessels is still ongoing at ports in the Ukraine.

Ecological inspectors in Ukraine are no longer included in the list of official personnel required to board vessels in order to issue inward clearance. Additionally, under the new legislation which came into force on the 3 April 2015, they are no longer authorised to board vessels with segregated ballast tanks and demand to take samples of the ballast water.

Masters are advised to reject any attempts to board their vessel and invite the inspectors to return once a Club correspondent or local lawyer is in attendance.

Incidents continue to be reported where ecological inspectors have been permitted by vessel's Masters to take samples from the segregated ballast water tanks, leading to spurious fines being imposed on the grounds that the ballast water was allegedly contaminated. In one case the penalty levied was USD 18,500.

Recently a new tactic has been employed by inspectors in their efforts to circumvent the new legislation, when access to the ballast water tanks for sampling has been rightly denied by a vessel. The inspectors are reportedly sending letters to the Harbour Master making accusations of "unsatisfactory" test results following analysis of samples taken from the waters adjacent to the vessel. Based on this information the Harbour Authorities have ordered vessels to be shifted to another berth while the allegations are investigated. The costs associated with such actions are high, with the Harbour Authorities charging between USD 10, 000 and USD 20, 000 for performing the shifting operation, and stevedoring companies levying penalties of USD 1, 000 per hour for idle berth occupation.

If ecological inspectors claim that waters in the vicinity of a vessel with segregated ballast tanks are contaminated, or otherwise attempt to come onboard, the Master should always refuse access and contact the Club or the local correspondent for immediate assistance. Similarly, if the vessel is contacted by the Harbour Authorities about alleged "unsatisfactory" test results following analysis of samples taken from the waters adjacent to the vessel, then assistance should be sought at the earliest opportunity from the Club or local correspondent.

Members requiring further advice should contact the [Loss Prevention department](#).

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