

Welcome to the latest edition of TT Talk, number 45 in the series

## Contents

1. Cargo carriage - or a fairground ride?
2. Rail transport shocks
3. Implementation of ISPS code
4. Stop thieves!
5. Siemens v Schenker : an update

### **1. Cargo carriage ... or a fairground ride?**

When you have finished reading this stand up at your desk. Now imagine that within ten seconds you are moved to a position two storeys above you and 11 metres along the floor. And then, with equal suddenness, you are back at your desk, only to be immediately transported back again up two floors and 11 metres along ... and so on and on, three times a minute, one hundred and eighty times an hour, for days at a time... Within a few minutes of this treatment you would be begging for this torture to stop. Yet this is not some white-knuckle fairground ride, but what cargo experiences day in, day out in containers on board ship.

If they think about it at all, it is a common misconception among shippers that when "their" container gets on board ship, it will end up warm and snug, deep down in the bowels of the vessel, protected from all that nasty ocean weather outside. Anyway, that container that has arrived at the factory or warehouse for loading is a good solid thing, made out of steel. Loaded on a nice, reassuring-looking lorry. Surely nothing can go wrong? Dream on...!

Roughly half the containers on any modern container ship will be carried "on deck", up to six tiers high. As any sailor knows, the higher you go above the waterline, the greater the amount of roll. On a Panamax ship, rolling uniformly 15 degrees to port and starboard, with containers stowed thirteen across, the boxes in the uppermost tiers of the outer stacks will travel through a distance of about 11 metres vertically and horizontally. The distance travelled is actually a little longer: a complete roll cycle involves a total distance of about 28 metres. With two changes of direction this movement takes place in about 15 to 20 seconds. At the same time, of course, the container itself turns through 30 degrees and is also subject to the effects of pitch (longitudinal movement) and heave (up-and-down). With this in mind, it is indeed a miracle that most cargo reaches its destination intact. But, as the Club's claims records testify, there are still people who believe that their cargo will be safe with only a minimum of packing and no blocking, bracing or other securing within the container. Manufacturers are not the only ones at fault: many incidents involve containers inexpertly stuffed by "professional" warehouses and transit shed operators.

The forces raised in the continuous process of rolling in the ocean environment have to be resisted by the packing of the goods, together with the tightness and securing of the stow inside the container. Experience dictates that if you leave room for movement inside a container, then movement will occur. Slowly and steadily packings will crush and degrade. Do not underestimate the power of the sea!

### **2. Rail transport shocks**

Even on land, cargo can experience very substantial decelerations, particularly where containers are carried by rail. Although containers are now more often carried on dedicated point-to-point container

trains, on long-distance movements marshalling cannot be eliminated altogether. Indeed practice in this respect differs from country to country and from operator to operator. Experts assess that deceleration forces of up to 4G can occur during traditional "hump-shunting" (where wagons are pushed to the top of a small hill and are then allowed to roll down the slope on to one of a number of different tracks to form new trains). Your editor recalls watching a demonstration of this technique a number of years ago, where huge baulks of timber proved totally inadequate to secure a load of steel tube in a shunt at about 20 kph (12 mph). In a container, unless cargo is tightly secured, it will shift under such shocks, creating bigger gaps and leading to more and more damage being done as the journey progresses. When carried by rail, containers may well travel "backwards" (ie with the doors at the front) so it is equally important to dunnage or secure cargo against shocks in either direction

Few shippers realise that their containers may be carried by rail. Because the container arrives at their premises on a road vehicle, they may well believe that they only need to pack it as they usually load a lorry itself for some domestic haulage. The essence of containerisation is, of course, that the unit can be carried multi-modally: the carrier may well decide that rail is the best way of moving the container for part of the overland journey. You and your clients should always pack containers for the worst eventuality.

### **3. ISPS Code: only 13 weeks to go**

The Club has issued circular No. 2004/2 drawing members' attention to the imminent implementation of the ISPS code. As regular readers of TT Talk will know, the code is a comprehensive maritime security regime for ships and port facilities; compliance will be mandatory from 1st July 2004. Under the code, ships and ports are obliged to have carried out a security risk assessment, created a security plan and have it approved by the relevant government authority, to appoint security officers and to test the plan in operation. It is however clear that a number of ships and ports will not have achieved compliance by the end of June, and indeed some governments have not even provided guidance to their ports and shipping lines.

With the increased awareness of the potential for terrorists to misuse innocent transport operations - as regrettably shown only too clearly by the recent outrages in Madrid - it is expected that enforcement of the code will be rigorous in many countries. The US authorities have made no secret of their intention to make examples of ports and shipping lines by applying a "zero tolerance" attitude. Apart from any fines imposed, the knock-on effects in delays to cargo discharge etc are likely to be considerable, and will give rise to claims between the various contractors in a typical supply chain. Clearly non-compliance will have an impact on operators' reputations and market share.

All operators should realise that ISPS imposes the same requirements on every link in the transport chain. More importantly, if one section does not comply with the code's requirements, all subsequent links will also be non-compliant, even if the individual operators of those sections have approved plans in place. The fact that these operators may have increased their security levels may be a mitigating factor but it does not nullify the earlier non-compliance.

The Club has reminded all members that under the terms of its insurance, they are obliged to use best endeavours to comply with such regulations. Its view is that members will only be able to demonstrate "best endeavours" is by drawing up an appropriate government-approved security plan, based on a risk assessment.

If a member fails to use best endeavours to comply with the requirements of the ISPS code he may be prejudicing his insurance cover with the Club, and claims arising as a result may be refused.

Although the main impact of the ISPS code will be borne by ports, terminals and shipping lines, transport operator members of the Club (freight forwarders, NVOs and logistics operators) may also find themselves caught up in its implementation. Such members will have a duty of care to their clients to avoid the foreseeable consequences of using a non-compliant ocean carrier and the Club therefore

recommends that members should seek written confirmation from the carriers they are using to the effect that the ship and its subcontractors have achieved ISPS compliance.

A copy of the circular is available on the Club's website at <http://www.ttclub.com>. Readers will also find there the Club's security assessment programme SecurityStart .

#### **4. Stop thieves!**

It is not only ships and ports that are worrying the security services. There is a recognition that truck theft is increasingly an organised crime whose proceeds can be used to fund terrorism as well as to disguise money laundering.

In the UK, the police force in Essex (east of London) started a small-scale lorry crime unit several years ago, collating information about thefts of, and from, heavy goods vehicles. Eventually this developed into a national stolen lorry load desk and responsibility for it was transferred to the Metropolitan police force in London. In April 2003 the desk was replaced by TruckPol, an intelligence unit dedicated to collating and analysing road freight crime across the UK, operated jointly by the Metropolitan police and the UK Road Haulage Association. TruckPol acts as a single point of contact, collating crime reports and intelligence from a variety of sources. In this way it is able to deliver a national perspective. Eurowatch, which provides a truck monitoring and surveillance system throughout Europe, also supplies assistance at an international level.

In its latest bulletin, TruckPol reports on thefts of trucks and their cargoes. Although it relates to crimes in the UK, they are not uniquely British. Transport operators everywhere are likely to fall victim to similar incidents, and the lessons learned apply equally in other countries.

The bulletin highlights the way that some drivers make life easy for thieves. For example, a depressingly large number of vehicles are stolen because the drivers have left the keys in the ignition. Often the vehicles are left for only a few minutes. This sort of theft usually happens at places such as filling stations where the driver, having filled the tank, goes off to pay. He may be able to keep watch on the vehicle from the shop area, but that is of little help when the thieves are already in the cab and the lorry is moving. The police note that opportunist criminals are targeting commercial vehicles and recommend that lorry operators review security procedures: as a start they should insist that drivers routinely remove keys whenever they leave the cab, no matter how short the intended absence.

The report also notes that "round-the-corner" (also known as "jump-up" ) thefts continue to feature. These are the thefts that occur when a driver arrives at or near a delivery point, only to be approached by an apparent employee who tells him that the warehouse is full, or out of action for some reason (a water pipe has burst, the doors have jammed, another vehicle is blocking the yard ...). The company does, however, very fortunately have a second warehouse which is "just round the corner". The helpful employee offers to "jump up" into the cab to direct the driver to the other address. The goods are unloaded, receipts are signed, and the driver goes on his way. It is only later, when the consignee calls up to find out what has happened to his promised delivery, that the theft is discovered.

The police advise all operators to alert their drivers to the ever-present possibility of such thefts and to insist that any such approaches - however official they may appear - should be immediately reported to the driver's control office who should check with a reliable person in the consignee's company. If possible the local police should also be informed that a suspected attempt to steal a lorry and its load has been made. Under no circumstances should revised delivery instructions (or assistance in finding the delivery address) be accepted from people in the street, however official-looking they may be. Identification should always be demanded before anyone is allowed into the cab.

On a brighter note, TruckPol reports that one theft was thwarted when a lorry was pulled over by a white Volvo estate car with an illuminated "Police" sign. The lorry driver did not open the cab door but showed

the two "policemen" a "vulnerable load" card stating that he could not leave his vehicle but would accompany them to the nearest police station. It is hardly surprising that the occupants of the white car apparently did not think that was a very good idea. They made a show of escorting the lorry but, after a short distance, sped off.

Further details are available from  
<http://www.eurowatchcentral.com>

Information about suspected lorry crime can be reported to TruckPol on [http:// www.truckpol.com](http://www.truckpol.com)

### **5. Siemens v Schenker : an update**

Readers who saw the recent newsflash about the Siemens v Schenker case in Australia can find further details from David Martin-Clark's website DMC's CaseNotes on  
[http://www.onlinedmc.co.uk/siemens\\_v\\_schenker\\_\(high\\_court\).htm](http://www.onlinedmc.co.uk/siemens_v_schenker_(high_court).htm)

We hope that you will have found the above items interesting. If you would like to have further information on them, or have any comments you would like to make, then e-mail the Editor at [tt.talk@ttclub.com](mailto:tt.talk@ttclub.com). We look forward to hearing from you.

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TT Talk is a free electronic newsletter published as occasion demands, by the TT Club, International House, 26 Creechurch Lane, London EC3A 5BA, United Kingdom.