

Agricultural and Vegetable Oils Bulletin

Certificates that make reference to Seaworthiness

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TIC Council Members are sometimes asked to issue “Seaworthiness Certificates” or certificates referring to the seaworthiness for vessels carrying agricultural commodities consignments.

Unlike other vessel related inspection services provided by agricultural commodities inspectors, such as visual holds inspection or supervision of hose test prior to loading operations, seaworthiness is a complex matter involving many aspects related to the management, the classification, and the certification from the point of view of the safety of the vessel which cannot be checked by a cargo inspector.

As regards classification and seaworthiness, under maritime law, it is clear that classification and statutory certificates do not prove the seaworthiness of the vessel. A ship owner has a fundamental obligation to keep his ship seaworthy, which cannot be delegated to a classification society, a cargo inspection company or any other party. This means that not only that the condition of the ship must be such that it can face normally foreseeable risks, but that it must also be in a condition to ensure the transportation of cargo in complete safety.

Under international law, all ships are required to carry certificates that may be relevant to their seaworthiness, certifying the type of ship, compliance with various Maritime Conventions, competency of seafarers and so on. These certificates are provided by or on behalf of the flag state of the ship. Therefore issuance of such certificates by TIC Council Members engaged for cargo inspection purposes should be avoided and Principals should be re-routed to the Owners or Charterers for this purpose.

If, however, the Principal still requires an TIC Council Member to issue a certificate mentioning or implying any aspect of seaworthiness (for example because of the requirements of a Letter of Credit, etc.), such a certificate should specify in a clear and unambiguous way exactly what was checked by the inspection company and/or what is the basis and limits of the statement(s) given in such a certificate. Or, alternatively, base the certification on a declaration obtained from the Master or shipowner stating that the ship is seaworthy, properly equipped and supplied and holds/tanks are fit and safe for the reception, carriage and preservation of the goods intended to be loaded.

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