

## Draft surveys in Egyptian ports

### Background

Lately there has been an increase in the number of solid bulk shortage claims in Egypt although draft surveys have been carried out and signed by the master. Gard has been informed that one reason for an increase in such claims may be final draft survey reports distorting the facts, combined with dishonest practices in obtaining and using the master's signature and stamp. The purpose of this Circular is to increase awareness and recommend steps that the master can take to minimise the risk of claims in such circumstances.

### Examples of recent cases in Egypt

In a typical draft survey report form used by local surveyors representing receivers, all calculation figures, both for the initial and the final draft surveys, are recorded on the same page in the survey report.



In some cases recently reported from Egypt, an initial draft survey was carried out and, at the request of the surveyor, the master added his signature and stamp to the survey report recording the initial calculation figures. Upon completion of cargo operations, a final draft survey was carried out and materially different figures were recorded on the survey form on which the master's signature and stamp already appeared; thus representing to a third party that the master had approved the final survey figures. The difference between initial figures (as verified by the master) and the final figures (apparently, but not truly, verified by the master) were used by the receivers as evidence of cargo shortage for which a claim for compensation was brought against the carrier. A practice whereby a signature provided by the master to verify certain facts is later used to document a completely different set of facts, and without the master's knowledge, is dishonest. However, this practice may be used to fabricate non-existing cargo losses and thereby claims.

### Recommendations

If a master has reasonable grounds to question the accuracy of any draft survey report he is asked to sign, he should either refuse to do so or sign with an appropriate remark. If the master has no grounds to question the accuracy, he can simply sign "signed without prejudice, without any admission and for receipt only".

If a master is asked to sign initial or intermediate draft survey reports prior to completion of cargo operations, the master should add a remark against his signature to indicate that he is only signing for the draft surveys recorded as complete in the report, e.g. "signed only for the initial draft survey, without prejudice, without any admission and for receipt only". If the draft survey report form also includes space for inserting final draft survey figures, the master can ask to draw a line through the relevant section to make it clear he is not signing for a survey not yet conducted. Alternatively, if the surveyor wants to re-use the same form for final draft surveys he should be requested to re-present the report for further signature on completion of cargo operations.

Sometimes surveyors use laptop computers to calculate and edit their draft surveys, but that does not alter the advice given above should the master be requested to confirm any figures using the laptop.

Over the years, Gard has often addressed issues related to cargo shortage claims and further guidance on precautionary measures to be taken to protect against such claims can be found via the [Gard News Archive & Index](#)<sup>1</sup>. Gard's [Guidance to Masters](#) Ch.2.12.2.8 and its references could also be useful reading in this respect.

<sup>1</sup> Examples are: Gard News 195 "Shore scale measurements in Argentina", Gard News 184 "Shortage of sugar cargoes in Ukraine and Russia" and Gard News 153 "The importance of draft surveys in the defence of claims for shortage of bulk cargoes"

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