

**DALC.DPWC.098.2018**

Callao, 27 de abril de 2018

Señor

**ZHANG HUJIE**

Apoderado

**COSCO SHIPPING LINES (PERU) S.A.**

Av. República de Panamá N° 3418, Int. 401, Urb. Limatambo, San Isidro  
Presente.-

Referencia: Expediente N° 030-2018-RCL/DPWC

De nuestra consideración:

Por la presente damos respuesta al reclamo de fecha 6 de abril de 2018 mediante el cual nos solicitan el pago de una indemnización por los daños causados a la nave HANSA LUDWIGSBIRG 026S detallados en el *Damage Report* 001/2018, según indican, debido a que fueron causados durante las operaciones a cargo de **DP WORLD CALLAO S.R.L. (en adelante "DPWC")**.

Señalan que el día 9 de enero de 2018 recaló en nuestra terminal la nave HANSA LUDWIGSBIRG 026S y durante las operaciones de descarga de contenedores ésta resultó dañada debido a la mala maniobra del personal de **DPWC**.

Luego del análisis efectuado, hemos determinado que su reclamo es **INFUNDADO** por las siguientes razones:

1. Hemos verificado que la nave HANSA LUDWIGSBIRG 026S recaló en nuestra terminal el día 9 de enero de 2018 y antes del inicio de las operaciones de carga y descarga de contenedores procedimos a entregar al comando de la nave el documento denominado *Vessel Arriving Letter*, cuya copia adjuntamos en calidad de Anexo 1, el cual establece el procedimiento a seguir para reportar los daños que sucedan durante las operaciones de carga y descarga de contenedores.
2. Al respecto, dicho documento establece que en caso de producirse daños durante nuestras operaciones, el comandante de la nave debe notificar del evento a nuestro *Vessel Supervisor* o en su defecto a los contactos detallados en el mismo documento, para ello precisa sus teléfonos y correos electrónicos; asimismo, establece que esta notificación debe ser realizada inmediatamente en un plazo no mayor de treinta (30) minutos contados desde el momento en que ocurre el suceso, ello con la finalidad de poder establecer con claridad los hechos e inspeccionar los daños ocurridos. Por tanto, si esta notificación no se realiza oportunamente entonces nuestra empresa no podrá

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Avenida Manco Cápac 113  
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**COSCO SHIPPING LINES  
(PERU) S.A.**

Fecha: 30 / 04 / 18

**RECIBIDO**  
MAS NO DE CONFORMIDAD

determinar la existencia de los daños y, consecuentemente, tampoco se podrá determinar la responsabilidad sobre los mismos.

3. En ese sentido, hemos verificado que las operaciones de carga y descarga de la nave HANSA LUDWIGSBIRG 026S se realizaron de manera idónea y sin registro de daños, conforme consta del documento denominado *Letter of Acceptance* cuya copia adjuntamos en calidad de Anexo 2, el cual fue elaborado el mismo día al término de las operaciones de la nave y fue firmado por su comandante quien con su firma brindó conformidad de la idoneidad del servicio prestado por **DPWC** y dio fe que no se registraron daños.
4. Asimismo, hemos revisado el documento denominado *Damage Report N° 001/2018* cuya copia han presentado en el reclamo y se aprecia que los daños no fueron aceptados por nuestro *Vessel Supervisor* debido a que el comandante de la nave no cumplió con el protocolo descrito en el *Vessel Arriving Letter*.

THE MASTER OF THE VESSEL HEREBY TENDS THE ABOVE RECORDED DAMAGE REPORT RESPONSIBLE FOR ALL CONSEQUENCES ARISING OUT OF THE STATED DAMAGE.

MASTER / CHIEF OFFICER *Refused by not following our communication protocol procedure*

STEFANO'S REPRESENTATIVE JORDI CALBENT confirms receipt of your notice however declines any responsibility or liability to the reported damage.

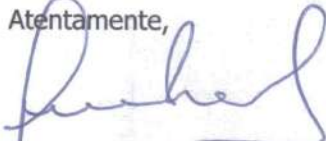
*Jordi Calbent*

Fuente: Extracto del *Damage Report N° 001/2018*

5. En ese orden de ideas, se constata objetivamente que el comando de la nave HANSA LUDWIGSBIRG 026S tuvo pleno conocimiento y advertencia del procedimiento a seguir para el reporte de daños, no obstante, no comunicó a nuestro personal autorizado la ocurrencia de daños durante nuestras operaciones, en su lugar firmó la *Letter of Acceptance* mediante el cual brindó conformidad a los servicios prestados por **DPWC** y dio fe que no se produjeron daños.
6. Por tanto, carece de valor probatorio el *Damage Report N° 001/2018* elaborado y notificado sin cumplir con el protocolo detallado en el *Vessel Arriving Letter* y por ende rechazamos la responsabilidad que se nos pretende imputar por el daño a la nave HANSA LUDWIGSBIRG 026S.

Cabe señalar que en aplicación del artículo 26° del Reglamento de Atención y Solución de Reclamos de Usuarios de **DP WORLD CALLAO S.R.L.**, el usuario podrá presentar un recurso impugnatorio ante nuestra empresa en el plazo de quince (15) días de notificada la presente.

Atentamente,



**Francisco Roman Ortiz**  
Apoderado

Anexo 1



OPMAR - 2012  
Versión 02

Date: 09-01-18

LETTER OF ACCEPTANCE

To: Ship's Command

This is to inform you that all cargo discharged / loaded on the motor vessel:

HANSA LUDWIGSBURG

At DP WORLD CALLAO is in safe condition and no damages were found on it. You fully agree that operations finalized in good acceptance of your command and no damages were found or reported on vessel.

DP WORLD CALLAO S.R.L.  
Vessel Supervisor

Jose Casco

MSV HANSA LUDWIGSBURG

Ship's Command



Anexo 2



DPS - F - 010  
12.08.12.15

Date: 9/01/18

Dear Captain,

We wish to welcome your good vessel to DP World Callao. In order to enable us to serve your vessel safely and efficiently, it is imperative that you are made aware of our requirements as appended for total compliance in letter and spirit.

Vessel Name / Chief Mate: HANG LUDWIGSBURG CBS

**Safety Requirements.**

DP World Callao considers the safety of all people to very important and meet the following basic requirements by all:

- DP World Callao is a non-permitting area, which means no person is permitted to walk around the terminal.
- Personal Protection Equipment (High Visibility Vest, Hard Hat, and Steel Cap Footwear) must be worn by all people in the Terminal especially in the operational area and outside any zone.
- Visitors designated a zone transport pick up for your service, reception of crew members must stay on board in order to wait for the vehicle. Crews in a vehicle can proceed outside the gateway in order to access the arrival, please call DPW Security Control Center through VHF Channel 16 for its proper request.
- All vehicles serving the vessel (ship chandler, waste disposal, etc.) will park on the safety areas designated by the operations supervisor and the PEO after the operations end.
- Vessel presentation and access must comply with DP World Callao minimum safety and protection standards. A vessel crew member must do the vessel inspection with the Terminal Vessel Supervisor, and take corrective actions as needed to start operations.
- DP World Callao personnel is instructed not to work under risky situations, unless these risks are understood and under control, is considered as a policy of zero tolerance for unsafe work.
- Ship garages must be kept clear of Quay Crane cables and not impede the long handling of Quay Cranes. DP World Callao will not accept any liability for garages brought by Quay Cranes.
- Moving lines should always ensure the vessel is secure against the wharf and the lines should not impede the long handling of Quay Cranes.
- DP World Callao operator superintendent must be notified before any movement of Ship's cranes or booms. Ship's cranes or booms must be secured at all times when leaving over the wharf.
- It is forbidden to lift cargo (containers, general cargo, heavy cargo, etc.) with vessel cranes. It is only authorized to use service cranes in previous consultation with Vessel Supervisor.
- Emergency stop and alarms should be maintained and only clear but burnt when the vessel is in port in order to reduce the risk of future exposure to DP World Callao Quay Cranes drivers.
- It is forbidden for crew members to go to the terminal and give without authorization of the corresponding authorities (Immigration, Port Authority, Security Department and Security Force).
- It is forbidden to carried out hot works while vessel is moored at DPWC. Also, any engine or other maintenance that will compromise the emergency response of the vessel from DPWC berth must be authorized by DPWC at the previous notice.
- Tools used must be fully functional and in good operative conditions to avoid injuries and/or accidents during the operations.
- Twist locks and lashing material must have a specific classification inside the Vessel where they will be stored during operations.
- Spilled water or pollution when ported, must be performed see zero at all times.
- DP World Callao has a ZERO TOLERANCE POLICY ON DRUGS AND ALCOHOL USE. Please be advised and remind your crew members of this policy under your supervision that this policy is being strictly enforced and your specific status of intoxication will not be allowed to access into the terminal. DP World Callao will not accept any responsibility for vessel delays, repatriation costs, handling of legal or police incidents, or any other cost arising as a consequence of it.
- If any damage occurs during vessel operation in Callao, it should be reported immediately (in no more than 30 minutes) to the Vessel Supervisor, who will be on board with a white flag and SUPERVISOR ID CALL WHARF ON TIE-ROCKET. If you don't find him please call the following contact list immediately.

**Contact Details of DP World Callao Terminal**

Name	Cell Telephone	Name	Postal	E-mail
SW Manager	01 90548-7146 Carlos Ortiz	201 200-0502	011 28020202	callao.operations@dpworld.com
	01 90548-7147 Carlos Canales			
	01 90719-2207 Luis Palacios			
	01 90719-4045 Fernando Velázquez			
Quay Crane Manager	01 90548-3918 Marco Hernandez	011 200-0500		marco.hernandez@dpworld.com
Finance Director		011 200-0502		callao.finance@dpworld.com

- The Vessel Damage Report should be signed and stamped only by DP World Callao Vessel Supervisor, Superintendent or Manager with DP World Callao Stamp. Other DP World personnel are not allowed to sign damage reports. Check name and Signature are mandatory. Damages not reported or not received by the authorized DP World Callao Vessel Supervisor, Superintendent or Manager will not be accepted.
- All DPWC cranes permitted to operate before the vessel is ready to start operations, in order to avoid injuries and/or accidents during operations, DPW will not accept any liability for outside risk damage to the hardware when vessel is in operation.

*[Signature]*  
M/V HANG LUDWIGSBURG

