MANDATORY VERIFICATION OF THE GROSS MASS OF A PACKED CONTAINER

AMENDMENTS TO SOLAS REGULATION VI/2

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Presentation topics

- Process of developing measures at IMO
  - Development of measures to prevent loss of containers
- Current requirements in SOLAS regulation VI/2
  - Cargo information
- Verification of the gross mass of a packed container
  Amendments to SOLAS regulation VI/2
  - Development and adoption
  - Review of the requirements
  - Entry into force
- Guidelines regarding the gross mass of a container carrying cargo (MSC.1/Circ.1475)
- Challenges
PROCESS AT IMO
IMO MISSION

Safe, secure and efficient shipping on clean oceans
Proposals for new, or amendments to existing, mandatory instruments - a compelling need for such amendments should be demonstrated by the proponent(s) and an analysis of the implications of such amendments, particularly those with far-reaching implications and consequential proposals for other amendments, having regard to the costs to the maritime industry, the legislative and administrative burdens involved and benefits which would accrue therefrom, should be provided......
ACTUAL CONTAINER MASSES OFTEN DIFFER FROM DECLARED MASSES
Misdeclared gross mass

- Problems relating to misdeclared container mass:
  - incorrect vessel stowage decisions;
  - re-stowage of containers (and resulting delays and costs), if the overweight condition is ascertained;
  - collapsed container stacks;
  - containers lost overboard (both those overweight and containers that were not overweight);
  - cargo liability claims;
  - chassis damage;
  - damage to ships;
  - stability and stress risks for ships;
  - risk of personal injury or death to seafarers and shoreside workers.
Misdeclaration

Problems relating to misdeclared container mass:

- impairment of service schedule integrity;
- supply chain service delays for shippers of properly declared containers;
- last minute shut-outs of confirmed, booked and available loads when the actual mass on board exceeds what is declared and the total cargo mass exceeds the vessel limit or port draft limit;
- impairment of vessels’ optimal trim and draft, thus causing impaired vessel efficiency, suboptimal fuel usage, and greater vessel air emissions;
- liability for accidents and fines for overweight containers on roads, and resulting time and administrative efforts and costs to seek reimbursement from responsible parties; and
- lost revenue and earnings:
  - customs authorities
  - exporters/importers
  - ship owners
Some of the problems illustrated

Casualties and incidents related to misdeclared container mass

*MV Deneb - Algeciras - June 2011*
Some of the problems illustrated

Casualties and incidents related to misdeclared container mass

MSC Napoli - January 2007
Some of the problems illustrated

Casualties and incidents related to misdeclared container mass

*Tipped-over forklift (May 2011)*
Some of the problems illustrated

Casualties and incidents related to misdeclared container mass

*MV Limari - Damietta - February 2007* (Image of shipping containers on a dock)
Some of the problems illustrated

Casualties and incidents related to misdeclared container mass

P&O Nedlloyd Genoa - January 2006
Some of the problems illustrated

Casualties and incidents related to misdeclared container mass

*Broken shore crane - Beira - January 2011*
The international response

- For some years there was extensive consideration and debate on the matter of container collapses/losses as, generally, an incident is not as a result of single event

- In 2011, work started at IMO on the Development of Measures to Prevent Loss of Containers following a proposal by Australia, Denmark and the Netherlands (document MSC 89/22/11) and comments by WSC and ICS (document MSC 89/22/17).
  - Verification of container mass was one element of the above work
Options for the verification of the gross mass of a packed container

- Some countries and the shipping industry advocated a single option - weighing.

- However, a consensus was reached on a compromise proposal with two routes for obtaining a verified gross mass of the packed container prior to loading

  - Method 1 – weigh container
  - Method 2 – use method approved by the competent authority based on the mass of component elements
CURRENT REQUIREMENTS OF SOLAS REGULATION VI/2
“1 The shipper shall provide the master or his representative with appropriate information on the cargo sufficiently in advance of loading to enable the precautions which may be necessary for proper stowage and safe carriage of the cargo to be put into effect. Such information shall be confirmed in writing and by appropriate shipping documents prior to loading the cargo on the ship.
Text of SOLAS regulation VI/2

- 2 The cargo information shall include:

  .1 in the case of general cargo, and of cargo carried in cargo units, a general description of the cargo, the gross mass of the cargo or of the cargo units, and any relevant special properties of the cargo. For the purpose of this regulation the cargo information required in sub-chapter 1.9 of the Code of Safe Practice for Cargo Stowage and Securing, adopted by the Organization by resolution A.714(17), as may be amended, shall be provided. Any such amendment to sub-chapter 1.9 shall be adopted, brought into force and take effect in accordance with the provisions of article VIII of the present Convention concerning the amendment procedures applicable to the annex other than chapter I;

  .2 in the case of solid bulk cargo, information as required by section 4 of the IMSBC Code.
3 Prior to loading cargo units on board ships, the shipper shall ensure that the gross mass of such units is in accordance with the gross mass declared on the shipping documents.”
VERIFICATION OF THE GROSS MASS OF A CONTAINER
Adoption of SOLAS amendments (resolution MSC.380(94))

Text of amendments to SOLAS regulation VI/2 making the verification of the gross mass of a container mandatory

“In the case of cargo carried in a container, except for containers carried on a chassis or a trailer when such containers are driven on or off a ro-ro ship engaged in short international voyages as defined in regulation III/3, the gross mass according to paragraph 2.1 of this regulation shall be verified by the shipper, either by:

2 METHODS

.1 weighing the packed container using calibrated and certified equipment; or

.2 weighing all packages and cargo items, including the mass of pallets, dunnage and other securing material to be packed in the container and adding the tare mass of the container to the sum of the single masses, using a certified method approved by the competent authority of the State in which packing of the container was completed."
Adoption of SOLAS amendments (resolution MSC.380(94))

Text of amendments to SOLAS regulation VI/2 making the verification of the gross mass of a container mandatory

5 The shipper of a container shall ensure the verified gross mass is stated in the shipping document. The shipping document shall be:

.1 signed by a person duly authorized by the shipper; and

.2 submitted to the master or his representative and to the terminal representative sufficiently in advance, as required by the master or his representative, to be used in the preparation of the ship stowage plan.

6 If the shipping document, with regard to a packed container, does not provide the verified gross mass and the master or his representative and the terminal representative have not obtained the verified gross mass of the packed container, it shall not be loaded on to the ship.”
Adoption of SOLAS amendments (resolution MSC.380(94))

- Changes become effective on July 1, 2016.
- Two main new requirements:
  - Verified weight is a condition for loading a packed container onto a ship.
  - Shipper is responsible for providing the verified weight.
GUIDELINES
A verified weight is a condition for loading a packed container onto a ship.
New operational reality

The shipper is responsible for providing the verified weight.

“Shipper” = Party identified on carrier’s BoL.*

Carriers, shippers, forwarders, and NVOCs need to prepare for information and communication flow changes, liability, etc.

*Bill of Lading
Contingencies for containers received without a verified gross mass

In order to allow the continued efficient onward movement of such containers, the master or his representative and the terminal representative may obtain the verified gross mass of the packed container on behalf of the shipper. This may be done by weighing the packed container in the terminal or elsewhere. The verified gross mass so obtained should be used in the preparation of the ship loading plan.

Whether and how to do this should be agreed between the commercial parties, including the apportionment of the costs involved.
Commercial parties need to understand and arrange for compliance with national requirements (e.g. certification and documentation.)
CHALLENGES
Challenges from this point forward

• **Awareness**
  – Responsibility of the public or private sector or both?

• **Implementation**
  – Is the identification of shipper clear?
  – How will “verified weigher” accreditation be arranged?
  – How is the verified gross mass to be communicated to the master and terminal?
  – Is there an acceptable margin of error?
  – How will masters, ports, shippers be aware of non-verified containers?
  – How will terminal systems and documentation capture the verified gross mass information?
  – If the verified gross mass differs from the documented gross mass, does Customs need to be informed?
Challenges from this point forward

• **Implementation**
  – *If Tare weight on a container is lacking or inadequate, how will this be remedied?*
  – *How long should the verified gross mass information be retained and by which organization?*

• **Prevention of non-compliance**
  – *How will compliance with the provisions be ensured?*
  – *How will penalties be determined?*