



# Weight Verification

## Amendments to SOLAS Chapter VI

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# What are the main issues?

- The main issues are:-
  - Overweight/Underweight containers
  - Misdeclared freight
  - Poor weight distribution within a container
  - Inadequate securing that leads to the container becoming unstable
- Topic has been frequently debated but up until recently there was little progress towards a solution
- Global problem-affecting exports from and imports into the UK



# Time scale

- Amendment to SOLAS was passed at IMO in May 2014
- Maritime and Coastguard Agency (UK regulator with responsibility for implementing change) has consulted with trade
- Anticipated that amendments will come into force on 1<sup>st</sup> July 2016
- No new legislation required as UK law already enshrines the principle of the shippers responsibility:-
  - Carriage of Goods at Sea Act 1924, Article III Paragraph 5
  - The Merchant Shipping (Carriage of Cargoes) Regulations 1999 Part II (1)(a)(i) and Paragraph 6 (2)



# Main Proposals

- Globally applicable, the main change is that “the gross mass according to paragraph 2.1 of this regulation shall be verified by the shipper, either by:
  - Method 1 ,weighing the packed container using calibrated and certified equipment : or
  - Method 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
- The shipper of a container shall ensure that the verified gross mass is stated in the shipping document, which is:-
  - Signed by a person duly authorised by the shipper
  - Submitted to the master or his representative and to the terminal representative sufficiently in advance to be used in preparing the ships stowage plan
- Where the verified weight has not been provided to the ships master and his representative or the terminal representative ***the container shall not be loaded on to the ship***



# Main aims of the changes

- The proposed amendments to SOLAS are intended to:-
  - Reduce the loss of containers from vessels
  - Provide assurance to other parties in the supply chain
  - Improve the safety of the:-
    - Workforce
    - Vessel
    - Equipment
- This amendment is prepared in conjunction with;-
  - ISO 3874 (Freight containers handling and storage)
  - Revision of the International Convention for Safe Containers (CSC)
  - IMO/ILO/UNECE-CTU Code



# Scope of applicability

- Requirement to verify the gross mass of packed containers applies to:-
  - All containers to which CSC applies
  - To be stowed onto a ship determined by the Administration to be subject to SOLAS Chapter VI
- Containers include:-
  - Standard seafreight container
  - Tank containers
  - Flat racks
  - Bulk containers



# Exclusions

- Regulations do not apply:-
  - Where containers carried on a chassis or trailer which are driven on or off a ro-ro ship engaged in short international voyages.
  - “Offshore containers “ to which the CSC according to *the Guidelines for the approval of offshore containers handled in open seas (MSC/Cir.860) and the Revised Recommendations of harmonized interpretation and implementation of the International Convention for Safe Containers, 1972 as amended ((CSC.1/Circ.138/Rev.1)* does not apply.
- Certain types of container which do not meet the definition of the term container as defined in the CSC are also excluded:-
  - “of a size that the area enclosed by the four outer bottom corners is either;-
    - I. at least 14 sq. m (150 sq. ft.); or
    - II. at least 7 sq. m ( 75 sq. ft.) if it is fitted with top corner fittings.”



# Methods of Calculation

- Main principle is that the shipper is responsible for obtaining and documenting the “verified” gross mass of a packed container rests with the shipper
- Only two methods permitted
  - Method 1-weigh the whole container and contents
  - Method 2-weigh individual items and add this to dunnage and container weight
- Weighing the containers contents under Method 2 is subject to certification and approval as determined by the competent authority of the State in which the packing and sealing of the container was completed
- All weighing equipment must be certified to meet the accuracy standards and requirements of the State, in which it is used e.g. calibrated and maintenance records required.





# Documentation

- Shipper required to verify the gross mass:-
  - Using Method 1 and Method 2
  - “And to communicate the verified mass in a shipping document”
- Document can be;-
  - Shipping instruction to the line: or
  - Separate communication such as a weight certificate, EDI message
- Information must highlight that the gross mass is the “verified gross mass”.
- Document declaring the verified gross mass must be signed by somebody duly authorised by the shipper
  - Electronic signature
  - Capitals on hard copy
- Verified gross mass must be provided to the ships master or representative and terminal operator sufficiently in advance to be used in stowage planning.
  - Electronically via EDI



# Chain of responsibility

**Shipper**



**Carrier**



**Terminal Operator**



# Responsibility-cont'd

- Main contract is between shipper and carrier:-
  - Under SOLAS shipper fulfils contractual requirements by providing the verified weight to the shipping line
  - Shipping lines is the responsible to provide this data to the terminal
  - Shipper may also submit verified gross mass to the terminal upon delivery of the container to the port
- Information must be received in time to be used by master and terminal representative in the ships stowage plan
- N.B-if shipper uses third party loader , the shipper is still responsible for:-
  - Accuracy of verified weight
  - Providing this to shipping line



# Communication

- “Handshake principle information passed from one party to the next in the supply chain:-
  - Shipper → Shipping Line → Terminal
- On arrival at destination as the verified weight was provided at origin it is more likely that information provided will be accurate:-
  - Shipping Line → Terminal → Import Freight Forwarder → Import Freight Forwarder → Haulier → Importer
- System will be:-
  - Transparent
  - Operates in tandem with other supply chain processes and documentation
  - Clear lines of responsibility
  - Increase understanding of individual responsibilities
- Where operated and enforced the system will assist in preventing:-
  - Containers which are overweight or have a incorrect weight being loaded
  - Protect life, vessels and equipment



# Processes to establish verified weight

- In order to use Method 2, SOLAS requires the MCA to approve the certified method used by the shipper.
- Trade argued for:-
  - Simplicity
  - Transparency
  - Utilisation of existing workflows
  - Where possible use existing documents
  - Minimum cost
- Companies accredited to use Method 2 will be registered on a central database by the MCA, which can be accessed by:-
  - Approved shippers
  - Shipping lines
  - Terminal operators



# Routes to accreditation

- Accredited QMS or compliance system such as ISO 9000, ISO 28000, Authorised Economic Operator which includes weighing processes will be deemed to have demonstrated that they can use Method 2
- Companies working to the above criteria but have no documented weighing procedures can add the appropriate procedures to their programmes bringing the changes to the attention of their approval body.
- In both cases copy documents and certificates must be sent to the MCA
- Companies operating a management system including Enterprise Resource Planning (ERP) , such as SAP can be approved by the MCA after checks have been made on their submissions
- Other auditing schemes approved by the MCA



# Application Procedure

- Applicants will need to submit the following as part of their application;-
  - Full Company name and head office address
  - Addresses where verified weighing will be undertaken
  - Names of responsible person(s)
- Documented procedures covering:-
  - Weighing procedures for Method 2
  - Describing the weighing equipment to be used
  - Equipment maintenance procedures
  - Calibration procedures (external and external)
  - Discrepancy, review and improvement procedures
  - Identifying and quarantining non-compliant equipment
  - Record retention
  - Training
  - Relevant supporting procedures.



# Accreditation Process

- For companies without previous certification:-
  - Preliminary details are checked by competent authority
  - When satisfactory the MCA conducts or arranges for an audit to be conducted
  - Check implementation, auditability and effectiveness of weighing procedures
  - If visit is successful the trader is considered to be approved.
- Companies with documented and audited systems:-
  - MCA reviews the submitted documents to ensure their compliance with the regulations
  - Dependent on the outcome of this initial screening the MCA will either:-
    - Issue the relevant approval
    - Investigate further including arranging audit if required





# Monitoring the Approval

- MCA issues a authorisation number to the verified shipper in the following format:-
  - 1234/GB/12AA
    - 1234 Sequential number issued by MCA to approved party
    - GB-country of issue
    - 12AA-expiry date of approval
- Details recorded on central database.
  - Authorised parties can access data
- MCA monitors compliance
  - Inspects as required
- Approvals can be revoked.



# Enforcement and Penalties

- Enforcement methods and penalties are not defined at present
- Main sanction under SOLAS is that unless the verified weight has been provided to the ships master or his representative and the terminal operator the container should not be loaded onboard the vessel
- Commercial enforcement:-
  - Risk based spot checks
  - Additional costs for repacking container etc.
  - Delays
  - Contractual penalties
- Regulatory enforcement
  - Spot checks
  - Prosecution leading to fines



# Rules regulating specific cargoes

- Annex 2, Paragraph 7.2.2 highlights certain cargoes are difficult to weigh e.g. :-
  - Scrap metal
  - Unbagged grain
  - Other unbagged bulk cargo
- SOLAS states that for these products that use of Method 2 is inappropriate and impractical
- For these products “Method 1 should be used”





## Contact BIFA

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