



Terminal Operators views on implementation of SOLAS Convention on Weighing of Containers

In November 2014, the International Maritime Organisation (IMO) agreed upon rules for the mandatory weighing of all sea-bound containers to be loaded on a vessel.

The amended SOLAS convention comes into force from 01 July 2016, from whence all sea-bound containers to be loaded on a vessel will require a Verified Gross Mass (VGM). The SOLAS convention is clear in that responsibility for communicating the VGM lays firmly with the shippers of the goods.

Role of Terminal Operators

Under the SOLAS Convention, no container can be loaded upon a vessel if the container exceeds the maximum permitted gross mass allowed or if the VGM has not been communicated. If the terminal operator in question has not received a VGM from the carrier, he will not be in a position to load a container. The communication of the VGM by the carrier to the terminal operator is an essential pre-requisite for the loading of a container.

Chain of Communication

The VGM, and any other relevant information, shall always be communicated shipper-carrier-terminal operator, unless otherwise agreed. The shipper remains responsible for communicating via the standard chain of communication.

The VGM should be communicated by the shipper, and, subsequently, the carrier, at the earliest possible opportunity. If no VGM has been communicated, the terminal has the right to refuse the container unless a contractual agreement has been concluded.

Confirmation of VGM

The carrier and terminal operator are not responsible for ensuring the accuracy of the VGM provided by the shipper. At the time a packed container is delivered to a port terminal facility, the terminal representative should have been informed by the carrier whether the shipper has provided the VGM of the packed container and what that gross mass is.

The carrier and terminal operator can trust the VGM declared by the shipper to be accurate.

Calibration and Certified Equipment

Regarding the accuracy of weighing equipment, it is currently the responsibility of the Member State to define the standards for weighing equipment. National Authorities need to be aware that excessive requirements can have an adverse impact on the logistics chain.

For example, a weighing regulation that relies solely on weighbridges for weighing of containers may create unnecessary bottlenecks. Such bottlenecks could be avoided if other devices, such as spreader mounted weighing devices, could be utilized for weighing.

In order to avoid market distortions, it is important that EU Member States adopt common standards on certification which are not overly restrictive and do not have an adverse impact on the functioning of the logistics chain.

Accepted Weight for Controlling Proceedings of National Authorities

It is important that national authorities communicate the accepted tolerance level for their controlling proceedings of a declared VGM (for example; 5% or an acceptable variation from the declared VGM) in advance of 01 July 2016. It should be borne in mind that variations in implementation may lead to a distortion in competition between Member States.

In the event of Member States feeling a tolerance level is required (for instance; 5%), FEPOR would welcome a European Commission's communication or guidelines so as to ensure a harmonized approach that avoids distortion to competition.

Supply chain actors, national authorities and, if applicable, the European Commission, should work towards an agreement that allows for the logistics chain to function undisturbed as of 01 July 2016.

Assessment of Impact upon Logistics Chain and Contingency Plans

National Authorities should provide an impact assessment of the impact of the new SOLAS rules to the logistics chain in their respective Member States in advance of July 2016.

Where potential bottlenecks related to implementation are identified, Member States shall look to take measures, **even of a temporary nature for initial implementation**, to minimise said bottlenecks arising as of 01 July 2016.