

LUSPED *International Freight Forwarder Srl*

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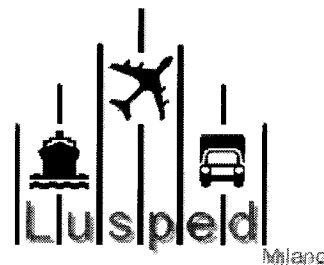
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Segrate, 09 Giugno 2016

Spett. Clientela

Oggetto: Applicazione Regola VI/2 della Convenzione Solas 74 emendata dalla Risoluzione MSC 380(94) del 21 Novembre 2014 come riportato dal Decreto Dirigenziale 447/2016 del Ministero delle Infrastrutture e dei Trasporti Comando Generale delle Capitanerie di Porto

In accordo alla Regola VI/2 della Convenzione Solas 74 emendata dalla Risoluzione MSC 380(94) del 21/11/2014, la nostra Società si sta attrezzando al fine di ottemperare alle nuove normative così come disposto dall' allegato Decreto dirigenziale nr. 447/2016.

La regolamentazione SOLAS prevede due metodi di pesatura a riempimento del container avvenuto:

1 - Pesatura del container caricato e sigillato, mediante strumentazioni calibrate e certificate.

2 - Pesatura di ogni singola partita di merce caricata nel container, alla quale va aggiunto il peso di eventuale materiale usato per la messa in sicurezza del carico e la tara del container come indicato sul container stesso.

Onde poter ottemperare agli obblighi previsti, Lusped deve essere a conoscenza, in anticipo rispetto al carico dei propri consolidati ed al posizionamento in caso di container completi caricati direttamente dal mittente, del peso certificato da dichiarare, divenendo lo shipper in MBL, e di conseguenza responsabile di quanto dichiarato.

Invitiamo pertanto fin d'ora la clientela a fornire, oltre alla documentazione abitualmente prodotta per poter procedere alle formalità doganali e di sicurezza atte all' esportazione, anche alla conferma scritta del peso lordo effettivo della merce, riscontrato con strumenti regolamentari, così come indicato al punto 2.2 dell' Allegato al Decreto Dirigenziale 447 del 05/05/2016. In assenza di tale comunicazione, non potremo garantire l'imbarco della spedizione in quanto non vengono soddisfatte le condizioni per ottenere l'autorizzazione al carico su nave.

A far data 1 luglio 2016, il carico di un container senza che l' Operatore nave e/o quello del Terminal Marittimo dispongano del suo peso certificato (o dispongano di un peso certificato non corretto), costituirà una violazione della Convenzione ed il container sia esso consolidato o completo, non potrà essere caricato sulla nave. Il mancato carico sulla nave prevista oltre a generare spese al Terminal Marittimo, può generare spese aggiuntive addebitate dal Terminal stesso, dalla Compagnia Marittima o da altro soggetto, che al momento non possono essere quantificabili ma ricadono nella piena responsabilità del soggetto che non ha provveduto (o ha provveduto in maniera non corretta) alla comunicazione del peso certificato. Di conseguenza, onde evitare il mancato imbarco oltre che il maturare di spese aggiuntive, che sono indiscutibilmente a carico del mittente, vi invitiamo comunicarci nei tempi indicati, il peso lordo certificato della merce. Nel caso in cui questo non fosse possibile, necessitiamo essere informati con anticipo onde poter provvedere alle operazioni di pesatura e certificazione, che tuttavia comporteranno inevitabilmente dei costi supplementari a carico del mittente, così come a carico del mittente saranno i costi della pesatura certificata in caso di discrepanza tra il peso dichiarato dal mittente ed effettivamente riscontrato.

Rimaniamo a disposizione per qualsiasi chiarimento.

Lusped IFF Srl

LUSPED INTL SRL

All.: Decreto Dirigenziale Min. Infr. Trasp. C.G.C.P. 447/2016, relativo Allegato ed Annesso.

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MINISTERO DELLE INFRASTRUTTURE E DEI TRASPORTI
COMANDO GENERALE DEL CORPO DELLE CAPITANERIE DI PORTO

DECRETO DIRIGENZIALE N. 447/2016

APPROVAZIONE DELLE LINEE GUIDA APPLICATIVE PER LA DETERMINAZIONE DELLA "MASSA LORDA VERIFICATA DEL CONTENITORE" (*VERIFIED GROSS MASS PACKED CONTAINER - VGM*) AI SENSI DELLA REGOLA VI/2 DELLA CONVENZIONE SOLAS 74, EMENDATA DALLA RISOLUZIONE MSC. 380(94) DEL 21 NOVEMBRE 2014.

IL COMANDANTE GENERALE
DEL CORPO DELLE CAPITANERIE DI PORTO

Vista la legge 28 gennaio 1994, n. 84, e successive modificazioni, recante riordino della legislazione in materia portuale, ed in particolare l'art. 3 che attribuisce la competenza in materia di sicurezza della navigazione al Comando generale del Corpo delle capitanerie di porto;

Visto il decreto legislativo 30 marzo 2001, n. 165, recante norme generali sull'ordinamento del lavoro alle dipendenze delle amministrazioni pubbliche ed in particolare l'art. 4 relativo alle attribuzioni dei dirigenti;

Visto il decreto del Presidente del Consiglio dei Ministri 11 febbraio 2014, n. 72, recante riorganizzazione del Ministero delle infrastrutture e dei trasporti ed in particolare l'art. 13 relativo alle attribuzioni del Comando generale del Corpo delle capitanerie di porto;

Vista la legge 23 maggio 1980, n. 313, relativa alla ratifica ed esecuzione della convenzione internazionale per la salvaguardia della vita umana in mare, adottata a Londra il 1° novembre 1974 e successive modificazioni;

Viste le norme del capitolo VI della Convenzione SOLAS 74 e successive modificazioni ed in particolare quelle contenute nella Regola 2 come emendata dalla Risoluzione MSC. 380(94) del 21 novembre 2014, laddove si stabilisce l'obbligatorietà della determinazione della "massa lorda verificata del contenitore" prima dell'imbarco;

Vista la MSC.1/Circ.1475 del 9 giugno 2014, con la quale l'IMO ha adottato le "Linee guida relative alla massa lorda verificata del contenitore" (*Guidelines regarding the verified gross mass of container carrying cargo*);

Vista la lettera circolare n.3624 in data 10 febbraio 2016 dell'IMO, avente per oggetto "Massa lorda verificata del contenitore – emendamenti alla Regola VI/2 della SOLAS" (*Verification of the gross mass of packed containers – amendments to SOLAS regulation VI/2*);

Ritenuto necessario, in vista dell'entrata in vigore del precitato nuovo emendamento alla Convenzione SOLAS 74 fissata per il 1 luglio 2016, fornire indicazioni tecniche in merito all'individuazione degli strumenti calibrati e certificati in base agli standard normativi nazionali nonché all'individuazione di un metodo certificato ed approvato, per la determinazione della "massa lorda verificata del contenitore".

DECRETA

Art. 1 (Scopo)

Sono approvate e rese esecutive le allegate linee guida concernenti le procedure applicative della regola VI/2 della Convenzione SOLAS 74, come emendata dalla Risoluzione MSC. 380(94) del 21 novembre 2014, relative alla determinazione della massa lorda verificata del contenitore.

Scopo delle linee guida è quello di definire i metodi per la determinazione e la certificazione della massa lorda verificata del contenitore, nonché individuare gli strumenti regolamentari di pesatura ed i requisiti per la certificazione dello spedizioniere (*shipper*), ove richiesto.

Art. 2 (Applicazione)

Le linee guida oggetto del presente decreto si applicano ai contenitori imbarcati su unità certificate secondo la Convenzione SOLAS 74, come emendata ed impiegate in viaggi internazionali.

Sono esclusi dalle procedure oggetto delle linee guida i contenitori imbarcati su navi di tipo Ro/Ro, impiegate in *brevi viaggi internazionali*, come definiti dalla Regola III/2 della Convenzione SOLAS 74, qualora siano trasportati su rotabili (*trailer o chassis*).

Art. 3 (Norme transitorie ed entrata in vigore)

Le linee guida oggetto del presente decreto sono soggette alle modifiche/integrazioni che dovessero rendersi necessarie in relazione all'entrata in vigore, in ambito internazionale, di nuove regole tecniche e/o procedure prescritte, in grado di offrire un miglioramento della disciplina complessiva, nel rispetto delle finalità oggetto della legislazione adottata nell'ambito dell'UE.

Il presente decreto, unitamente al suo allegato ed all'annesso che ne costituiscono parte integrante, è pubblicato nella *Gazzetta Ufficiale* della Repubblica Italiana ed entra in vigore il 1 luglio 2016.

Roma, 05 MAG. 2016

IL COMANDANTE GENERALE
Ammiraglio Ispettore (CP) Vincenzo MELONE

**LINEE GUIDA APPLICATIVE PER LA DETERMINAZIONE DELLA
"MASSA LORDA VERIFICATA DEL CONTENITORE"
(*VERIFIED GROSS MASS PACKED CONTAINER - VGM*)
AI SENSI DELLA REGOLA VI/2 DELLA CONVENZIONE SOLAS 74, EMENDATA
DALLA RISOLUZIONE MSC. 380(94) DEL 21 NOVEMBRE 2014.**

1. Introduzione e normativa di riferimento

Nel corso del Comitato Sicurezza Marittima (MSC), riunito nella sessione n° 94 dell'Organizzazione Marittima Internazionale (IMO) è stata adottata la Risoluzione MSC. 380(94) del 21/11/2014 che ha apportato nuovi emendamenti alla Convenzione SOLAS 74, sul tema della **determinazione della "massa lorda verificata del contenitore"**

Con le presenti linee guida applicative si intende delineare un quadro chiaro circa i punti salienti nell'attuazione pratica delle nuove disposizioni, in vigore a partire dal **1 luglio 2016**, in conformità alla **MSC.1/Circ.1475** – in annesso alle presenti linee guida per costituirne parte integrante.

La normativa di riferimento è costituita da:

- Regola VI/2 della convenzione SOLAS 74, come emendata dalla Risoluzione MSC. 380(94) del 21/11/2014; e
- MSC.1/Circ.1475 del 9 giugno 2014.

2. Definizioni

2.1 **"autorità competente"** (*competent authority*): il Ministero delle Infrastrutture e dei Trasporti - Comando Generale del Corpo delle Capitanerie di porto;

2.2 **"strumenti regolamentari"** (*calibrated and certified equipments*): *"strumenti per pesare che servono a determinare la massa di un corpo utilizzando l'azione della forza di gravità che agisce su di esso"*, in possesso della relativa omologazione rilasciata, alternativamente, ai sensi della sottoannotata normativa:

- a) Decreto Legislativo 29/12/1992, n. 517 e ss.mm.ii.;
- b) Decreto Legislativo 02/02/2007, n. 22 e ss.mm.ii.;

- c) R.D. 12/06/1902, n. 226 e ss.mm.ii. "Regolamento per la fabbricazione dei pesi, delle misure e degli strumenti per pesare e per misurare".

Gli strumenti in questione devono essere muniti di contrassegno di verifica periodica non scaduto.

- 2.3. **"documento di trasporto"** (*shipping document*): un documento originato dallo spedizioniere (*shipper*) per fornire la massa lorda verificata del contenitore, al comandante della nave (*anche attraverso il raccomandatario marittimo*), o al suo rappresentante ed al rappresentante del terminalista, sufficientemente in anticipo, per consentire l'elaborazione del piano di stivaggio. Il documento deve essere prodotto secondo le modalità di cui al punto 6 dell'annesso alla MSC.1/Circ.1475 e deve contenere la chiara indicazione che la massa lorda determinata è la "massa lorda verificata del contenitore" come definita al punto 2.1.16 della stessa circolare;
- 2.4 **"stazione di pesatura"** (*weight station*): la struttura dove sono posti in uso gli strumenti regolamentari definiti al punto 2.2;
- 2.5 Il contenuto e le definizioni della MSC.1/Circ. 1475 si intendono interamente recepiti, per quanto non espressamente disciplinato nelle presenti linee guida.

3. Metodi per ottenere la "massa lorda verificata del contenitore" e relativa documentazione

Gli emendamenti alla Convenzione SOLAS 74, nella versione in vigore, attribuiscono allo spedizioniere (*soggetto che ha l'onere di ottenere e documentare la massa lorda verificata del contenitore*) la possibilità di optare su uno dei seguenti metodi per ottenere un'accurata massa lorda verificata del contenitore:

Metodo 1: lo spedizioniere, a caricazione conclusa, pesa il contenitore imballato/chiuso e sigillato con *strumenti regolamentari*. In alternativa, la massa del contenitore può essere desunta dalla documentazione di pesatura, fornita da una terza parte, che l'abbia parimenti determinata con *strumenti regolamentari*.

Metodo 2: lo spedizioniere perviene ad attestare la VGM dei singoli elementi seguendo le sotto indicate fasi:

3.1 Fase 1 – pesatura dei colli - carico (*packages and cargo items*):

Lo spedizioniere effettua la pesatura dei singoli "colli – carico" con strumenti regolamentari. In alternativa, la massa di tali elementi può essere desunta dalla documentazione di pesatura, fornita da una terza parte, determinata con strumenti regolamentari, ovvero, dal peso dichiarato apposto indelebilmente sull'imballaggio sigillato all'origine;

3.2 Fase 2 – pesatura dei materiali di rizzaggio e di imballaggio (*securing materials e packing materials*):

Lo spedizioniere pesa i singoli materiali di rizzaggio e di imballaggio con strumenti regolamentari. In alternativa, la massa di tali elementi può essere desunta dalla documentazione di pesatura, fornita da una terza parte, determinata con strumenti regolamentari;

3.3. Fase 3 – determinazione della tara del container:

Lo spedizioniere determina la tara del contenitore, secondo le modalità indicate al punto 12 dell'Annesso alla MSC.1/Circ.1475.

La sommatoria dei pesi ottenuti nelle fasi di cui sopra costituisce la massa lorda verificata del contenitore.

4. Certificazione degli spedizionieri che utilizzano il Metodo 2 per la determinazione della massa lorda verificata del contenitore

Al fine di soddisfare le condizioni previste dal Metodo 2 di cui al para 3 (*punto 5.1.2 dell'Annesso alla MSC.1/Circ.1475*), lo spedizioniere deve ottemperare alternativamente ad uno dei seguenti requisiti:

- 4.1 dotarsi di un sistema di gestione per la qualità, certificato da Enti accreditati da un organismo nazionale di accreditamento, di cui al Regolamento (CE) n°765/2008 del Parlamento Europeo e del Consiglio del 9 luglio 2008 o Membro degli Accordi di Mutuo Riconoscimento EA, IAF e ILAC, conforme alla norma UNI/EN/ISO 9001 o ISO 28000;

4.2 essere un Operatore Economico Autorizzato (AEO) a norma del Regolamento (CE) n°648/2005 del parlamento europeo e del consiglio del 13 aprile 2005 e del Regolamento (CE) n°1875/2006 della Commissione del 18 dicembre 2006, entrambi recanti *"Istituzione del codice doganale comunitario"*. A tale scopo lo spedizioniere dovrà essere in possesso di uno dei seguenti certificati:

4.2.1 *"Certificato AEO – Sicurezza"*, come previsto dall'art. 14bis, comma 1, lett. b) del Regolamento (CEE) n°2454/93, modificato dal Regolamento (CE) n°1875/2006;

4.2.2 *"Certificato AEO – Semplificazioni doganali/Sicurezza"*, come previsto dall'art. 14bis, comma 1, lett. c) del Regolamento (CEE) n°2454/93, modificato dal Regolamento (CE) n°1875/2006;

4.3 In entrambi i casi descritti ai precedenti punti 4.1 e 4.2, il sistema di gestione adottato e certificato dovrà includere, tra l'altro, documentate procedure per lo svolgimento delle attività di pesatura, conformi al para 3 (*Metodo 2*), con particolare riferimento a:

- metodi di pesatura utilizzati;
- manutenzione di eventuali dotazioni ed attrezzature utilizzate;
- calibrazione delle attrezzature (*eventuali controlli periodici interni*);
- gestione di eventuali discrepanze;
- gestione di apparecchiature difettose;
- conservazione dei dati.

5. Controlli e verifiche

In sede di controlli e verifiche effettuati dopo la pesatura, completata secondo i metodi di cui al precedente para 3, è ammessa una tolleranza per ciascun contenitore pari al 3% della massa lorda verificata (VGM).

6. Calcoli di stabilità

Qualora dai calcoli di stabilità effettuati si accerti una discrepanza fra il dislocamento ricavato dai pesi ed il dislocamento ricavato dai pescaggi, tale differenza è considerata da imputarsi a *"pesi morti"* da collocare nel calcolo stesso:

- ad una altezza non inferiore a quella del ponte di coperta, nel caso di peso in eccesso;
- in corrispondenza del baricentro della nave scarica ed asciutta, nel caso di peso in difetto.

7. Disposizioni transitorie

Per il periodo dal 1 luglio 2016 al 30 giugno 2017, per la determinazione della massa lorda verificata del contenitore, potranno essere utilizzati anche strumenti diversi dagli strumenti regolamentari, come definiti al para 2.2, purché l'errore massimo permesso per detti strumenti non sia superiore a due volte e mezzo quello previsto per la stessa tipologia di strumenti approvati con analoghe caratteristiche metrologiche e, comunque, non sia superiore a ± 500 kg.



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MSC.1/Circ.1475
9 June 2014

GUIDELINES REGARDING THE VERIFIED GROSS MASS OF A CONTAINER CARRYING CARGO

- 1 The Maritime Safety Committee, at its ninety-third session (14 to 23 May 2014), having considered the proposal by the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers, at its eighteenth session (16 to 20 September 2013), approved the *Guidelines regarding the verified gross mass of a container carrying cargo*, as set out in the annex.
- 2 The Guidelines are intended to establish a common approach for the implementation and enforcement of the SOLAS requirements regarding the verification of the gross mass of packed containers.
- 3 Member Governments are invited to bring the annexed Guidelines to the attention of all parties concerned.

ANNEX

GUIDELINES REGARDING THE VERIFIED GROSS MASS
OF A CONTAINER CARRYING CARGO**1 Introduction**

1.1 To ensure the safety of the ship, the safety of workers both aboard ships and ashore, the safety of cargo and overall safety at sea, the International Convention for the Safety of Life at Sea (SOLAS), as amended, requires in chapter VI, part A, regulation 2 that packed containers' gross mass are verified prior to stowage aboard ship. The shipper is responsible for the verification of the gross mass of a container carrying cargo (hereinafter "a packed container"). The shipper is also responsible for ensuring that the verified gross mass is communicated in the shipping documents sufficiently in advance to be used by the ship's master or his representative and the terminal representative in the preparation of the ship stowage plan. In the absence of the shipper providing the verified gross mass of the packed container, the container should not be loaded on to the ship unless the master or his representative and the terminal representative have obtained the verified gross mass through other means.

1.2 The purpose of these Guidelines is to establish a common approach for the implementation and enforcement of the SOLAS requirements regarding the verification of the gross mass of packed containers. The Guidelines provide recommendations on how to interpret and apply the provisions of the SOLAS requirements. They also identify issues that may arise from the application of these requirements and provide guidance for how such issues should be resolved. Adherence to these Guidelines will facilitate compliance with the SOLAS requirements by shippers of containerized shipments, and they will assist other parties in international containerized supply chains, including shipping companies and port terminal facilities and their employees, in understanding their respective roles in accomplishing the enhancement of the safe handling, stowage and transport of containers.

2 Definitions

2.1 For the purpose of these Guidelines:

2.1.1 *Administration* means the Government of the State whose flag the ship is entitled to fly.

2.1.2 *Calibrated and certified equipment* means a scale, weighbridge, lifting equipment or any other device, capable of determining the actual gross mass of a packed container or of packages and cargo items, pallets, dunnage and other packing and securing material, that meets the accuracy standards and requirements of the State in which the equipment is being used.

2.1.3 *Cargo items* has the same general meaning as the term "cargo" in the International Convention for Safe Containers, 1972, as amended (hereinafter referred to as "the CSC"), and means any goods, wares, merchandise, liquids, gases, solids and articles of every kind whatsoever carried in containers pursuant to a contract of carriage. However, ship's equipment and ship's supplies¹, including ship's spare parts and stores, carried in containers are not regarded as cargo.

¹ Refer to the *Revised recommendations on the safe transport of dangerous cargoes and related activities in port areas* (MSC.1/Circ.1216).

2.1.4 *Container* has the same meaning as the term "container" in the CSC and means an article of transport equipment:

- (a) of a permanent character and accordingly strong enough to be suitable for repeated use;
- (b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
- (c) designed to be secured and/or readily handled, having corner fittings for these purposes; and
- (d) of a size such that the area enclosed by the four outer bottom corners is either:
 - (i) at least 14 m² (150 sq. ft.); or
 - (ii) at least 7 m² (75 sq. ft.) if it is fitted with top corner fittings.

2.1.5 *Contract of carriage* means a contract in which a shipping company, against the payment of freight, undertakes to carry goods from one place to another. The contract may take the form of, or be evidenced by a document such as sea waybill, a bill of lading, or multi-modal transport document.

2.1.6 *Gross mass* means the combined mass of a container's tare mass and the masses of all packages and cargo items, including pallets, dunnage and other packing material and securing materials packed into the container (see also "*Verified gross mass*").

2.1.7 *Package* means one or more cargo items that are tied together, packed, wrapped, boxed or parcelled for transportation. Examples of packages include, but are not limited to, parcels, boxes, packets and cartons.

2.1.8 *Packed container* means a container, as previously defined, loaded ("stuffed" or "filled") with liquids, gases, solids, packages and cargo items, including pallets, dunnage, and other packing material and securing materials.

2.1.9 *Packing material* means any material used or for use with packages and cargo items to prevent damage, including, but not limited to, crates, packing blocks, drums, cases, boxes, barrels, and skids. Excluded from the definition is any material within individual sealed packages to protect the cargo item(s) inside the package.

2.1.10 *Securing material* means all dunnage, lashing and other equipment used to block, brace, and secure packed cargo items in a container.

2.1.11 *Ship* means any vessel to which SOLAS chapter VI applies. Excluded from this definition are roll-on/roll-off (ro-ro) ships engaged on short international voyages² where the containers are carried on a chassis or trailer and are loaded and unloaded by being driven on and off such a ship.

² SOLAS regulation III/2 defines "short international voyage" as an international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety, and which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination.

2.1.12 *Shipper* means a legal entity or person named on the bill of lading or sea waybill or equivalent multimodal transport document (e.g. "through" bill of lading) as shipper and/or who (or in whose name or on whose behalf) a contract of carriage has been concluded with a shipping company.

2.1.13 *Shipping document* means a document used by the shipper to communicate the verified gross mass of the packed container. This document can be part of the shipping instructions to the shipping company or a separate communication (e.g. a declaration including a weight certificate produced by a weigh station).

2.1.14 *Tare mass* means the mass of an empty container that does not contain any packages, cargo items, pallets, dunnage, or any other packing material or securing material.

2.1.15 *Terminal representative* means a person acting on behalf of a legal entity or person engaged in the business of providing wharfage, dock, stowage, warehouse, or other cargo handling services in connection with a ship.

2.1.16 *Verified gross mass* means the total gross mass of a packed container as obtained by one of the methods described in paragraph 5.1 of these Guidelines. (see also "gross mass").

3 Scope of applicability

3.1 The SOLAS requirements to verify the gross mass of a packed container apply to all containers to which the CSC applies, and which are to be stowed onto a ship determined by the Administration to be subject to SOLAS chapter VI.

3.2 For example (but not limited to), a packed container on a chassis or trailer to be driven on a ro-ro ship is subject to the SOLAS requirements, if the ship has been determined by the Administration to be subject to SOLAS chapter VI and is not engaged on short international voyages. However, cargo items tendered by a shipper to the master for packing into a container already on board the ship are not subject to these SOLAS requirements.

3.3 The term container includes tank-containers, flat-racks, bulk containers etc. Also included are containers carried on a chassis or a trailer except when such containers are driven on or off a ro-ro ship engaged in short international voyages (see definition of ship). Excluded from the definition is any type of vehicle³. Also excluded from the definition are "offshore containers" to which the CSC, according to the *Guidelines for the approval of offshore containers handled in open seas* (MSC/Circ.860) and the *Revised recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended* (CSC.1/Circ.138/Rev.1), does not apply.

4 Main principles

4.1 The responsibility for obtaining and documenting the verified gross mass of a packed container lies with the shipper.

4.2 A container packed with packages and cargo items should not be loaded onto a ship to which the SOLAS regulations apply unless the master or his representative and the terminal representative have obtained, in advance of vessel loading, the verified actual gross mass of the container.

³ Refer to the *Revised recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended* (CSC.1/Circ.138/Rev.1).

5 Methods for obtaining the verified gross mass of a packed container

5.1 The SOLAS regulations prescribe two methods by which the shipper may obtain the verified gross mass of a packed container:

5.1.1 Method No.1: Upon the conclusion of packing and sealing a container, the shipper may weigh, or have arranged that a third party weighs, the packed container.

5.1.2 Method No.2: The shipper (*or, by arrangement of the shipper, a third party*), may weigh all packages and cargo items, including the mass of pallets, dunnage and other packing and securing material to be packed in the container, and add the tare mass of the container to the sum of the single masses using a certified method as described in paragraphs 5.1.2.3 and 5.1.2.3.1. Any third party that has performed some or all of the packing of the container should inform the shipper of the mass of the cargo items and packing and securing material that the party has packed into the container in order to facilitate the shipper's verification of the gross mass of the packed container under Method No.2. As required by SOLAS VI/2 and paragraph 5, the shipper should ensure that the verified gross mass of the container is provided sufficiently in advance of vessel loading. How such information is to be communicated between the shipper and any third party should be agreed between the commercial parties involved.

5.1.2.1 Individual, original sealed packages that have the accurate mass of the packages and cargo items (including any other material such as packing material and refrigerants inside the packages) clearly and permanently marked on their surfaces, do not need to be weighed again when they are packed into the container.

5.1.2.2 Certain types of cargo items (e.g. scrap metal, unbagged grain and other cargo in bulk) do not easily lend themselves to individual weighing of the items to be packed in the container. In such cases, usage of Method No.2 would be inappropriate and impractical, and Method No.1 should be used instead.

5.1.2.3 The method used for weighing the container's contents under Method No.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.⁴

5.1.2.3.1 How the certification is to be done will be up to the State concerned, and could pertain to either the procedure for the weighing or to the party performing the weighing or both.

5.1.3 If a container is packed by multiple parties or contains cargo from multiple parties, the shipper as defined in paragraph 2.1 is responsible for obtaining and documenting the verified gross mass of the packed container. If the shipper chooses Method No.2 to obtain the verified gross mass, the shipper is then subject to all the conditions given in paragraphs 5.1.2, 5.1.2.1, 5.1.2.2, and 5.1.2.3.

6 Documentation

6.1 The SOLAS regulations require the shipper to verify the gross mass of the packed container using Method No.1 or Method No.2 and to communicate the verified gross mass in a shipping document. This document can be part of the shipping instructions to the shipping company or a separate communication (e.g. a declaration including a weight certificate produced by a weigh station utilizing calibrated and certified equipment on the route between the shipper's origin and the port terminal). In either case, the document should clearly highlight that the gross mass provided is the "verified gross mass" as defined in paragraph 2.1.

⁴ Reference to the relevant MSC Circular regarding contact information for the competent authority.

6.2 Irrespective of its form, the document declaring the verified gross mass of the packed container should be signed by a person duly authorized by the shipper. The signature may be an electronic signature or may be replaced by the name in capitals of the person authorized to sign it.

6.3 It is a condition for loading onto a ship to which the SOLAS regulations apply that the verified gross mass of a packed container be provided, preferably by electronic means such as Electronic Data Interchange (EDI) or Electronic Data Processing (EDP), to the ship's master or his representative and to the terminal representative sufficiently in advance of ship loading to be used in the preparation and implementation of the ship stowage plan.

6.3.1 Because the contract of carriage is between the shipper and the shipping company, not between the shipper and the port terminal facility, the shipper may meet its obligation under the SOLAS regulations by submitting the verified gross mass to the shipping company. It is then the responsibility of the shipping company to provide information regarding the verified gross mass of the packed container to the terminal representative in advance of ship loading. Similarly, the shipper may also submit the verified gross mass to the port terminal facility representative upon delivery of the container to the port facility in advance of loading.

6.3.1.1 The master or his representative and the terminal representative should enter into arrangements to ensure the prompt sharing of verified container gross mass information provided by shippers. Existing communication systems may be used for the transmission and sharing of such verified container gross mass information.

6.3.1.2 At the time a packed container is delivered to a port terminal facility, the terminal representative should have been informed by the shipping company whether the shipper has provided the verified gross mass of the packed container and what that gross mass is.

6.3.2 There is no SOLAS prescribed time deadline for the shipper's submission of the verified gross mass other than such information is to be received in time to be used by the master and the terminal representative in the ship stowage plan. The finalization of the ship stowage plan will depend on ship type and size, local port loading procedures, trade lane and other operational factors. It is the responsibility of the shipping company with whom the shipper enters into a contract of carriage to inform the shipper, following prior discussions with the port terminal, of any specific time deadline for submitting the information.

7 Equipment

7.1 The scale, weighbridge, lifting equipment or other devices used to verify the gross mass of the container, in accordance with either Method No.1 or Method No.2 discussed above, should meet the applicable accuracy standards and requirements of the State in which the equipment is being used.

8 Intermodal container movements and transshipments

8.1 The verified gross mass of a packed container should be provided to the next party taking custody of the container.

8.1.1 If a packed container is transported by road, rail or a vessel to which the SOLAS regulations do not apply and delivered to a port terminal facility without its verified gross mass, it may not be loaded onto a ship to which the SOLAS regulations apply unless the master or his representative and the terminal representative have obtained the verified gross mass of the container on behalf of the shipper (see also paragraph 13.1).

8.1.2 If a packed container is delivered to a port terminal facility by a ship to which the SOLAS regulations apply for transshipment onto a ship to which the SOLAS regulations also apply, each container being delivered is required by the SOLAS regulations to have had a verified gross mass before loading onto the delivering ship. All packed containers discharged in the transshipment port should therefore already have a verified gross mass and further weighing in the transshipment port facility is not required. The delivering ship should inform the port terminal facility in the transshipment port of the verified gross mass of each delivered packed container. The master of the ship onto which the transhipped, packed containers are to be loaded and the port terminal facility in the transshipment port may rely on the information provided by the delivering vessel. Existing ship-port communication systems may be used for the provision of such information in agreement between the commercial parties involved.

9 Discrepancies in gross mass

9.1 Any discrepancy between a packed container's gross mass declared prior to the verification of its gross mass and its verified gross mass should be resolved by use of the verified gross mass.

9.2 Any discrepancy between a verified gross mass of a packed container obtained prior to the container's delivery to the port terminal facility and a verified gross mass of that container obtained by that port facility's weighing of the container should be resolved by use of the latter verified gross mass obtained by the port terminal facility.

10 Containers exceeding their maximum gross mass

10.1 SOLAS regulation VI/5 requires that a container not be packed to more than the maximum gross mass indicated on the Safety Approval Plate under the International Convention for Safe Containers (CSC), as amended. A container with a gross mass exceeding its maximum permitted gross mass may not be loaded onto a ship.

11 Containers on road vehicles

11.1 If the verified gross mass of a packed container is obtained by weighing the container while it is on a road vehicle, (e.g. chassis or trailer), the tare mass of the road vehicle (and, where applicable, the tractor) should be subtracted to obtain the verified gross mass of the packed container. The subtraction should reflect the tare mass of the road vehicle (and, where applicable, the tractor) as indicated in their registration documents as issued by the competent authority of the State where these assets are registered. The mass of any fuel in the tank of the tractor should also be subtracted.

11.2 If two packed containers on a road vehicle are to be weighed, their gross mass should be determined by weighing each container separately. Simply dividing the total gross mass of the two containers by two after subtracting the mass of the road vehicle and the tractor, where applicable, would not produce an accurate verified gross mass for each container, and should not be allowed.

12 Empty containers

12.1 Shippers of empty containers and operators of empty containers are encouraged to have practices and arrangements in place to ensure that they are empty. The tare weight will visually appear on the container in accordance with the International Organization for Standardization (ISO) standard for container marking and identification⁵) and should be used.

⁵ Refer to standard ISO 6346 – Freight containers – Coding, identification and marking.

13 Contingencies for containers received without a verified gross mass

13.1 Notwithstanding that the shipper is responsible for obtaining and documenting the verified gross mass of a packed container, situations may occur where a packed container is delivered to a port terminal facility without the shipper having provided the required verified gross mass of the container. Such a container should not be loaded onto the ship until its verified gross mass has been obtained. 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.

14 Master's ultimate decision whether to stow a packed container

14.1 Ultimately, and in conformance with the Code of Safe Practice for Cargo Stowage and Securing⁶, the ship's master should accept the cargo on board his ship only if he is satisfied that it can be safely transported. Nothing in the SOLAS regulations limit the principle that the master retains ultimate discretion in deciding whether to accept a packed container for loading onto his ship. Availability to both the terminal representative and to the master or his representative of the verified gross mass of a packed container sufficiently in advance to be used in the ship stowage plan is a prerequisite for the container to be loaded onto a ship to which the SOLAS regulations apply. It does, however, not constitute an entitlement for loading.

15 Enforcement

15.1 Like other SOLAS provisions, the enforcement of the SOLAS requirements regarding the verified gross mass of packed containers falls within the competence and is the responsibility of the SOLAS Contracting Governments. Contracting Governments acting as port States should verify compliance with these SOLAS requirements. Any incidence of non-compliance with the SOLAS requirements is enforceable according to national legislation.

15.2 The ultimate effectiveness and enforcement of the SOLAS container gross mass verification requirement is that a packed container, for which the verified gross mass has not been obtained sufficiently in advance to be used in the ship stowage plan, will be denied loading onto a ship to which the SOLAS regulations apply. Any costs associated with the non-loading, storage, demurrage or eventual return of the container to the tendering shipper of the container should be subject to contractual arrangements between the commercial parties.

16 Effective date of the SOLAS requirements regarding verified gross mass of a container carrying cargo

16.1 The SOLAS requirements regarding verified gross mass of a container carrying cargo (SOLAS regulation VI/2) are expected to enter into force in July 2016.

⁶ Refer to the *Code of Safe Practice for Cargo Stowage and Securing* (resolution A.714(17)) and subsequent amendments