Container Weight Verification
Container Weight Verification
The MSC Napoli was abandoned in the English Channel in January 2007. Serious damage was caused to the hull and the engine room was flooded. The ship was beached off the coast of England.
Discrepancies between the declared weight and the actual weight of containers aboard the MSC Napoli were partly blamed for the accident by Britain’s Marine Accident Investigation Branch.
Container Weight Verification

Following the MSC Napoli report, representations were made to the International Maritime Organisation (IMO) by the World Shipping Council (WSC) and the International Chamber of Shipping (ICS) to introduce weighing of containers before loading.

FIATA has no status with the IMO so cannot attend consultative meetings. We made written submissions. We also made representations to the WSC and the ICS.
The proposed amendments to SOLAS are intended to reduce the loss of containers from vessels, provide assurance to other parties in the supply chain and improve the safety of the workforce, vessel and 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.
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
Main Proposal - continued

- 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.
Container Weight Verification

Main Proposals - continued

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.
Main Proposals - continued

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.
Container Weight Verification
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Scope of applicability

Containers include:
- Standard seafreight container.
- Tank containers.
- Flat racks.
- Bulk containers.
Where regulations do not apply

- Containers carried on a chassis or trailer which are driven on or off a ro-ro ship engaged in short international voyages.
- Offshore containers - CSC 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
Container Weight Verification

Forwarder acting as Carrier - The WG Sea paper explores in detail the various contractual relationships and liabilities in different scenarios e.g.

- FCL NVOCC
- Consolidator/Co Loader
- Contract of Carriage Liabilities
- Consolidator (simple consolidation)
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The Shipper is responsible

Who is the shipper?
Definition of Shipper

IMO Guidelines

*Shipper* means a legal entity or person named on the bill of lading.

The Shipper is responsible for the verification of the gross mass of the container carrying cargo (the packed container).
Conflict

The Forwarder acting as Carrier is the Shipper in the Shipping Line BL (OBL) and is obliged to provide the verified weight declaration.

Yet

He is not loading the container and does not qualify for M2. The Forwarder acting as Carrier must rely on and refer to information provided by the actual Shipper.
Container Weight Verification

Conclusion

With the Forwarders acting as Carrier not being qualified to provide the verified weight under M2, the only option is to provide the verified weight under M1

……which is totally impractical.
Container Weight Verification

Compulsory using of M1 – impractical

The weight is assumed to be verified by the actual Shipper using M2.

A legal document complying with the SOLAS amendment exists.

Why wasting resources and double up?
Container Weight Verification

Compulsory using of M1 – impractical (cont.)

Verifying the weight using M1 once again, requires additional handling, involving additional risks and additional costs. These additional factors contribute to congestions in ports by using already constrained infrastructure.
Container Weight Verification

Compulsory using of M1 – impractical (cont.)

Above all, a compulsory requirement for Forwarders acting as Carriers to use M1 even though a verified weight document using M2 is provided by the actual Shipper

…..will put the Forwarder acting as Carrier to a serious competitive disadvantage
Compromise

Procedures must be identified for the Forwarder acting as Carrier to create a separate document that follows the verified weight provided in the legal document of the actual Shipper.
Container Weight Verification

Compromise

The Forwarder acting as Carrier must be able to rely and use verified weight declarations using M2 provided by the actual Shippers.
Legal Ground for the Compromise

There is a clear legal ground for such a procedure as the SOLAS amendment refers on various occasions to the commercial parties coming together and conclude practical solutions.
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Forwarder = Carrier = Consolidator

LCL Shipper
Does not fall under the SOLAS amendment

It is the Consolidator who packs the container and not the actual Shipper.
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Solution M1?

Solution appears simple
Consolidators should weigh the container using M1

BUT

Definite mismatch of weight taken under M1 and the sum of all Forwarders B/L’s issues
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Consequence of mismatch

Mismatch of OBL and sum of FBL
Various authorities will not accept such discrepancies

Above all, destination customs authorities will query and hold containers

Consequences are exposure to serious delays and substantial additional charges.
Consequence of mismatch

Fact:

Consolidated containers consigned to some countries in the world will create havoc at destination!!!

This is not a solution and stakeholders must be informed !!!
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Compromise

The unique function of the Consolidator should be considered and procedures should be put in place to receive an official verified weight declaration from LCL Shippers
Compromise - Continued

Consolidators should be allowed to work on procedures to combine and sum up the total of all verified weight declarations (adding dunnage, securing material, tare weight etc.) to create their own verified weight declarations to the Shipping Lines.
Container Weight Verification

FIATA Shippers Intermodal Weight Certificate (SIC)

Advantage:

Is available and ready to be used

Standard document

Can be made available electronically
Container Weight Verification

Summery – Forwarder acting as Carrier

The Forwarder acting as Carrier is not being dealt with in the SOLAS amendment.

As foreseen in the IMO Guidelines, Commercial parties must come together to conclude practical solutions.
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Next Steps

the global voice of freight logistics
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FIATA Working Group Sea cannot make a global recommendation

Our role:

To share information on developments in the various countries.

To share good practices
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There are two main points to consider:

Have you identified and opened a dialogue with the Government department that will be introducing the SOLAS amendment as legislation in your country?

Are you speaking to the shipping lines and asking how they want the verified weight information transmitted?
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Areas of concern:

Method Two – There is poor feedback on authorisation procedures. Existing standards such as AEO, ISO, PIP etc. may be used.

Variance / Margin of Error - 5% seems common in Europe but nothing outside of the EU
Thank You