

M S Notice No. – _____ of 2016

Subject: – Guidelines for implementing amendments to Regulation 2 of Chapter – VI of the SOLAS Convention entering into force with effect from 01st July 2016 concerning verified gross mass of the container– reg.

I PREFACE

The 94th session of the Maritime Safety Committee meeting held in November 2014 of the International Maritime Organization [IMO] adopted amendments to Regulation 2 of SOLAS Chapter VI (Safety of Life at Sea, 1974) incorporating new paragraphs 4, 5 & 6 to the Regulation 2 – *Cargo information*.

2. Regulation 2 of SOLAS Chapter VI now reads as follows:

Existing provisions: Quote

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*

2 *The cargo information shall include:*

2.1 *in the case 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;*

2.2 *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. Unquote*

New provisions: Quote

4. *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 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:*

4.1 *weighing the packed container using calibrated and certified equipment; or*

4.2 *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 [i.e. Directorate General of Shipping, Ministry of Shipping, Govt. of India], of the State [i.e. India] in which packing of the container was completed.*

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

5.1 signed by a person duly authorized by the shipper

5.2 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. Unquote –

3. The amendments enter into force from 1st July 2016.

4. **DEFINITIONS**

a. 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.

b. Cargo items: Cargo item has the same general meaning as the term "cargo" in the International Convention for Safe Containers, 1972, as amended, and means any goods, wares, merchandise, liquid, gases, solids and articles of every kind whatsoever carried in containers pursuant to a contract of carriage. However, ship's equipment and ship's supplies, including ship's spare parts and stores, carried in containers are not regarded as cargo.

c. Gross mass: 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").

d. Package: 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

e. Shipping document: 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).

f. Shipper: 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.

g. Tare mass: 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.

h. Terminal representative: 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.

i. Verified gross mass: Verified gross mass means the total gross mass of a packed container as obtained by one of the methods described in paragraph 2.4.1 or 2.4.2 of this Notice. (see also "gross mass" as defined at 4 (c))

II BACKGROUND

5. The existing regulations pertaining to declaration of gross mass of the container did not always ensure that there was no deviation between the actual gross mass of the container and its declared gross mass, even though Regulation 2.3 of SOLAS chapter VI required shippers to ensure that the gross mass of the cargo unit was in accordance with the gross mass declared on the shipping documents.

6. The substantial deviation between the declared gross mass of the container and its actual gross mass resulted in several shipping casualties, as the actual weight distribution on board the ship differed from the stowage plan of the ship. The unaccounted deviations in container gross mass resulted in stack collapses, lost containers, damage to ships, cargo, environment, etc. In addition, this also resulted in economic losses including supply chain disruptions, as containers scheduled for carriage could not be accepted due to the vessel reaching its permissible marks before the completion of loading on account of the deviation in gross mass of the containers.

7. The environmental and economic costs incurred due to deviation in container gross mass declaration are passed down the supply chain leading to greater costs for all concerned. All these issues, including the prime issue of safety at sea and pollution prevention necessitated a re-look at the existing provisions, leading to the current amendments to Regulation 2 of Chapter VI of SOLAS being accepted internationally.

8. As per the amendments to the Regulation entering into force from 01st July 2016, it is essential for the shipper to verify the gross mass of the container by either of the specified methods and provide this information in the shipping document, duly signed by the authorized person of the shipper.

III DELIBERATIONS

9. To avoid hindrances to trade while complying with the new regulations, meetings were held with the various stakeholders at the Directorate General of Shipping. In addition, a conference on safe containers was organized by the Company of Master Mariners of India on 10th December 2015 at Mumbai. During the interaction with the stakeholders the predominant view that emerged was that the implementation of the amendment should not result in additional paper work or greater compliance costs, nor lead to congestion at the port/terminal. Another predominant view that emerged was the need to use electronic means to communicate information regarding the gross mass of the containers, so that transaction costs could be minimised and ease of doing business could improve.

IV WAY FORWARD

A. GENERAL

10. Subsequent to the deliberations with the various stakeholders, following has been decided with regard to implementing the amendments to Regulation 2 of SOLAS Chapter VI. For ease of reference in this notice, the methods specified at Regulation 2.4.1 and 2.4.2 are

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referred to as method 1 and method 2 respectively. Shippers from India may adopt either of the methods for verifying the gross mass of the containers.

11. After verifying the gross mass by either of the specified methods, the shipper is required to inform the verified gross mass of the container [except for containers carried on a chassis, or a trailer when such containers are driven on of a ro-ro ship engaged in short international voyage] to the master of the vessel, or his representative, to enable preparation of the stowage plan sufficiently in advance of the loading. The master or his representative & the terminal shall specify the time frame before which the information is required to be provided by the shipper. The information regarding the reporting time frame of the Master/terminal shall be available in the public domain and be easily accessible by all concerned including the shippers.

12. With regard to shipper informing the terminal, the IMO circular No.MSC.1/Circ.1475 dated 9th June, 2014 pertaining to '*guidelines regarding the verified gross mass of a container carrying cargo*', at para 6.3.1 has specified that the shipper may meet its obligation under the SOLAS regulations by submitting the verified gross mass to the shipping company. It shall therefore be the responsibility of the shipping company to inform the terminal in the matter. The shipper may submit the verified gross mass to the terminal representative upon delivery of the container to the terminal, if required.

13. The shipper shall ensure that the shipping document containing the information about the gross mass of the container is signed by a person duly authorized by the shipper. The name and designation of the person signing the shipping document should be clearly legible along with the contact details (phone nos. & email id.) to enable the person to be contacted at any time during the course of the shipment of the container. The information may be submitted in electronic format (EDI) using Class III Digital Signature for verification of the authenticity of the document.

14. The shipper of the container shall also ensure that the requirements of IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units 2014 (i.e. CTU Code) are adhered to while packing/stuffing the container.

B. METHOD 1

15. Shippers adopting method 1 for verifying the gross mass of the container shall ensure the following:

15.1 Verification of gross mass of the container shall be carried out at a location away from the port/terminal to avoid congestion at the port/terminal area. The container should preferably be weighed at the container stuffing point/container freight station/ICD, or en-route to the port/terminal.

15.2 The weighbridge used for ascertaining the gross mass of the container should comply with the requirements specified in Section 'E' from para 28 to para 35 of this notice.

15.3 The verified gross mass of the container obtained at the weighbridge shall be provided by the weighbridge operator in a tamper proof document to the shipper. It shall be the responsibility of the shipper to upload the relevant information specified in Annex-1 of this notice on a dedicated secure website that can be accessed by all concerned including the master of the vessel, or his representative. [The tamper proof document of the weighbridge operator is only required to be provided by the shipper, on specific request of the master, or his representative]. The information may also be forwarded by the shipper through electronic means to the master or his representative, immediately on the verification of the gross mass of the container.

C. METHOD 2

16 Shippers adopting method 2 for verifying the gross mass of the container need to be aware that method 2 may not be suitable for all types of cargoes. Certain cargoes like scrap metal, bulk cargo, etc. may impose substantial challenges and costs if method 2 is adopted for such cargo.

17 Shippers intending to adopt method 2 for verification of gross mass of container are required to have their certified method approved by the Directorate General of Shipping. For obtaining this approval, shippers shall comply with the following:

17.1 The certified method of the shipper shall be part of a Quality Management System [QMS] complying with the requirements of ISO 9001:2008/2015 standards, or such updated standards that is applicable from time to time.

17.2 The shipper shall maintain calibrated weighing scales duly certificated by department of legal metrology. List of such certified weighing scales proposed to be used in the certified method for verifying the gross mass of the container shall be maintained.

17.3 It is the responsibility of the owner of the container to ensure that the tare weight of the container is correctly marked on the container. However, the shipper shall have mechanism to re-verify the weight of the empty container, if required to ensure that the weight of the empty container conforms to the tare weight marked on the container. For such re-verification whenever required, a combination of electronic scale and pulley/chain-block, or other relevant methods are also acceptable. During re-verification, if any noticeable deviation is observed between the actual weight of the empty container and the tare weight marked on the container, such empty container should not be accepted for stuffing the container without ensuring that the tare weight marked on the container reflects the actual weight of the container.

17.4 The shipper shall demonstrate the ability to display the information regarding the verified gross mass of the container and other relevant information as specified in Annex – 1 of this notice on a dedicated secure website. The shipper may establish its own website, or have tie-up with other dedicated secure website so that the information can be accessed by all concerned including the master of the vessel, or his representative.

18. For obtaining approval to adopt method 2, the following procedure shall be followed:

18.1 Shipper shall submit the details of the certified method proposed to be used for verifying the gross mass of the container along with details of all other relevant documents as specified in Annex – 2 of this notice to the jurisdictional Mercantile Marine Department [MMD] along with applicable fee for processing the issue of approval.

18.1 The jurisdictional MMD shall have the premises of the shipper inspected to verify that the certified process, associated instruments etc., confirm the ability of the shipper to comply with the requirements for adopting the procedures specified in method 2.

18.2 On successful completion of the inspection, the jurisdictional MMD shall forward the report specified in Annex – 2 to the Directorate General of Shipping for consideration of the grant of approval to the certified process of the shipper.

18.3 List of companies/shippers that are approved by the Directorate General of Shipping for using method 2 [i.e. Reg 2.4.2] for verifying the gross mass of the container shall be displayed on the website of the Directorate General of Shipping.

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D. DEDICATED SECURE WEBSITE

19 Dedicated secure website desiring to participate in this programme shall demonstrate to the Directorate General of Shipping the ability for displaying the information on real time basis to all concerned along with details of shippers, weighbridges, terminals, carriers, etc. participating in their system. The website may in addition provide service of electronically transmitting information to the master or his representative.

20 The dedicated secure website shall comply with the requirements of information security management systems, or such updated standards that is applicable from time to time, as follows:

20.1 ISO/IEC 27001:2013 [Information technology – Security techniques – Information security management systems – Requirements]

20.2 ISO/IEC 27002:2013 [Information technology – Security techniques – Code of practice for information security controls]

20.3 ISO/IEC 20000 [Information technology – Service management].

21 The dedicated secure website shall have a firewall system designed to prevent unauthorized access to, or from the network conforming to the requirements of the latest industry standards.

22 The dedicated secure website shall be in possession of a valid Quality Management System [QMS] certificate confirming compliance with ISO2008/2015 standards, or such updated standards that is applicable from time to time.

23 The dedicated website shall also demonstrate its ability to retain information for a period of 3 years on the website. In addition, the website shall be able to retain information for a further period of 2 years in external stowage devices, which can be accessed whenever required.

24 The information provided in the public domain by the dedicated secure website shall only be as specified by the Directorate General of Shipping from time to time.

25 The dedicated secure website shall provide without any cost, the information regarding gross mass of containers and other relevant information to all Government Authorities like Mercantile Marine Department, Directorate General of Shipping, Customs & Central Excise department, Port authorities etc. In addition, the dedicated secure website shall also provide periodical/annual reports to the Directorate General of Shipping including other information available in the database of the website whenever required by the Directorate General of Shipping without any cost.

26 List of dedicated secure websites accepted by the Directorate General of Shipping for providing the service shall be displayed on the website of the Directorate General of Shipping.

27 Terminals/ports/weighbridge operators, etc. are encouraged to develop dedicated website, either singularly or collectively, so as to provide required information about the verified gross mass of the container to all concerned. In such instances, they shall comply with the requirements specified at Section 'D' paragraphs 19 to 26 of this notice.

E. WEIGHBRIDGE

28 The weighbridge participating in the programme shall be Electronic type weighbridge.

29 The weighbridge shall be calibrated and be in possession of a valid certificate from the department of legal metrology.

30 The weighbridge shall be in possession of a valid Quality Management System [QMS] certificate confirming compliance with: ISO2008/2015 standards, or such updated standards that is applicable from time to time, within a period of 6 months from the date of issue of this notice.

31 The weighbridge shall have adequate capacity to weigh the loaded container along with the trailer/truck/lorry, if required.

32 The weighbridge shall have tamper proof mechanism that prevents tampering with the calibration.

33 The weighbridge shall provide information about verified gross mass in a tamper proof document.

34 The weighbridge shall verify the calibration with standard weights at frequent intervals and the details of such verification should be recorded. The details of the verification should be available during inspection by authorized personnel.

35 Noting the current practices of weighing of containers across India and to facilitate trade as well as to ensure that the spirit of the Convention is adhered to, weighbridge operators desiring to participate in the programme need to approach the dedicated secure website along with copy of their valid calibration certificate from the legal metrology department, copy of the Quality Management System [QMS] certificate complying with the requirements of ISO 9001:2008/2015 standards [or such updated standards that is applicable from time to time] and copy of tamper proof document proposed to be issued by the weighbridge for acceptance. Format of the check list that shall be utilised by the dedicated secure website for acceptance of the weighbridge is provided at Annex-3.

F. PERMISSIBLE TOLERANCE LIMITS

36 Globally, matters relating to weights and measures including maximum permissible errors in weights etc. are dealt by the International Organization of Legal Metrology [i.e. *Organisation Internationale de Métrologie Légale*] – an inter-Governmental treaty organization established in 1955 to promote the global harmonization of matters pertaining to legal metrology. In India, the Department of Legal Metrology under the Ministry of Consumer Affairs, Food & Public distribution is the nodal department with regard to the matters pertaining to weights and measures.

37 The Legal Metrology Act, 2009 was enacted in India to establish and enforce standards of weights & measures and other aspects pertaining to legal metrology. Under the provisions of Legal Metrology Act, 2009, several Rules have been notified including the Legal Metrology [General] Rules, 2011. The said Act & Rules specify the various aspects with regard to calibration, certification, and the maximum permissible errors. The maximum permissible error of the verified gross mass of the container obtained at different locations is therefore required to be governed by the provisions of the Legal Metrology Act and its Rules. However, to facilitate the ease of compliance, a variation up-to ± 500 kgs may be considered as acceptable between the weights obtained at different locations. However, it is reiterated that the figure of ± 500 kgs is only for facilitation purpose. In case of disagreement between parties, the provisions of the Legal Metrology Act and its Rules shall be applicable.

V MISCELLANEOUS

38 Pursuant to the provisions of Regulation 5.5 of Chapter VI of the SOLAS Convention, the verified gross mass of container exceeding the maximum gross weight indicated on the container safety approval plate [CSC Plate] **shall not be loaded on ships under any circumstances**. No tolerance in this regard is allowed.

39 The decision of the Master of a vessel whether to accept or reject a container shall be final.

40 Dedicated secure website and weighbridges participating in this programme may be audited/ inspected by authorised personnel.

41 Weighbridge participating in the programme and providing incorrect verified gross mass of container may be debarred.

42 Dedicated secure website accepted for participation in the programme and not carrying out the specified responsibilities may be debarred.

43 Container owners not marking the correct tare weight on the container may be displayed on the website of the Directorate General of Shipping.

44 The names of the shippers defaulting in the declaration of the verified gross mass of containers may be displayed on the website of the Directorate General of Shipping.

45 The requirements of this M.S. Notice will be mandatory with effect from 1st July 2016.

This is issued with the approval of the Competent Authority.

(Capt. K. P. Jayakumar)
Deputy Nautical Adviser to the Govt. of India

INFORMATION ABOUT VERIFIED GROSS MASS OF CONTAINER

Sr. No.	Details of Information	Particulars
1*	Name of the shipper	
2*	Shipper Registration/License No. (IEC No/CIN No) **	
3*	Name and designation of official of the shipper authorised to sign document	
4*	24 x 7 contact details of authorised official of shipper	
5*	Container No.	
6*	Container Size (TEU/FEU/other)	
7*	Maximum permissible weight of container as per the CSC plate	
8*	Verified gross mass of container (method-1/method-2)	
9*	Date and time of weighing	
10*	Weighing slip no.	
11*	Weighbridge registration no. & Address of Weighbridge	
12	Type (Normal/Reefer/Hazardous/others)	
13	If Hazardous, UN No, IMDG class	

Signature of authorised person of shipper

Name - _____

Date: _____

Remarks:

*Indicates mandatory fields

**Shippers not having IEC No. or CIN No. may provide information as follows:

Company – PAN No.Individuals

Indian National - AADHAR No

Foreign National – PASSPORT No & Country of issue of passport.

SCRUTINY SHEET FOR ASSESSMENT AND APPROVAL OF SHIPPER FOR ADOPTING METHOD - 2

Sr. No.	Requirements	Compliance	Remarks
I	BASIC REQUIREMENTS		
1	Name of the Shipper		
2	Names of the Owners/Directors/Proprietor/ Partner/Trustees etc., of the organization		(Documentary evidence to be attached)
3	Date of Registration of the Organization [Company/Society/Partnership etc.,]		1. Copy of certificate of incorporation of the organization to be attached. 2. Copy of Memorandum and Articles of Association/other equivalent documents to be attached [as applicable]
4	Name of the Director/Official authorised to sign documents		
5	Fees: Demand Draft/online payment for Rs. _____/- in favour of the Jurisdictional MMD.		For Assessment and Issue of Certificate
6	Registered Address of Location of the organisation Telephone /Fax/E-Mail		
7	Address for Communication 24x7 Telephone / Fax /E-Mail		
8	Layout of the premises (Stuffing location) with relevant documents		Copy of the layout plan to be attached

9	Ownership details of the premises	Lease deed valid upto : Whether lease deed has enabling provision for renewal of lease for a further period.	If owned : copy of the ownership documents to be attached If leased : copy of the leased deed duly registered with the appropriate authority to be attached
10	The organization premises to have the necessary permissions from the concerned local authorities (Municipal /Panchayat /Industrial etc., as applicable).		Shop and Establishment registration, Municipality licence, etc., as applicable to be attached
11	Quality Management System Certificate complying with the requirements of ISO 9001:2015 standards	Valid till _____	Copy of certificate to be attached
12	Details of calibrated electronic weighing equipments		Certificates from Legal Metrology Department to be submitted
13	Lifting Hooks for slinging the empty container		Safe working load to be specified
14	Chain block		Safe working load to be specified
15	Premises to have adequate space for weighing the individual items including pallets, etc.,		
16	Ability to issue tamper proof document containing information specified in Annex- I		Copy of the tamper proof document to be submitted
17	Ability to display information on independent website/tie-up with independent website		Agreement of tie-up with independent website to be submitted
18	Ability to digitally transmit container VGM data to website, terminal & Master of the vessel		

Recommendations/Comments of MMD Surveyor :

Surveyor of MMD

List of enclosures

Comments of the Principal Officer

Annex - 3INFORMATION ABOUT WEIGHBRIDGE

Sr. No.	Details of Information	Particulars
1	Name of the weighbridge Operator	
2	Address of weighbridge	
3	Weighbridge Registration/License No. issued by Department of Legal Metrology	
4	<u>Details of the weighbridge -</u>	
	Type: Mechanical / Electronic	
	Make	
	Model	
	Serial No.	
5	Weighbridge calibration certificate issued from Department of Legal Metrology and Certificate No. and date of issue with validity	Certificate No. _____ Date of issue _____ Validity _____
6	Weighbridge QMS certificate confirming compliance with ISO 2008/2015 or such updated standards that is applicable from time to time.	Certificate No. _____ Date of issue _____ Validity _____
7	Does the weighbridge have adequate capacity to weigh the loaded container along with the trailer/truck/lorry, if required?	
8	Does the weighbridge have provision to provide information about verified gross mass in a tamper proof document?	

Signature of authorised person of weighbridge operator

Name - _____

Date: _____