

**Notice of MOT on Implementing the Amendment adopted in 2015 to the
Regulation VI/2 of the SOLAS, 1974 As Amended**

(Draft for Comments)

All MSA directly under China MSA, all related units,

Maritime Safety Committee of the IMO adopted in 2015 at its 94th meeting the amendment to the Regulation VI/2 of the SOLAS, 1974 as amended (hereinafter referred to as “Resolution MSC.380(94)”). Such Resolution requires weight of packed container to be verified, and the Resolution will come into compulsory effect as of July 1, 2016. China is the contracting State of the SOLAS, and the Resolution is binding compulsorily on China. For the sake of well fulfillment of such Resolution to the SOLAS in China, it is hereby notified relevant matters as follows:

I. Main content of the Resolution

(I) Verification of weight of packed container

The Resolution requires actual weight of packed container to be verified before being handed over for shipment, the shipper of such packed container shall verify the gross mass of the same and ensure that the verified gross mass to be provided sufficiently in advance to the master or his representative and to the terminal operator in the form of shipping document, to be used in the preparation of the ship stowage plan. If the shipper fails to provide verified gross mass of the packed container, the master has the right to reject loading of the same on to the ship, unless the master has obtained, through other channel(s), the verified gross mass of such packed container.

(II) Method for verifying weight of packed container

The Resolution allows shipper to adopt the following two methods to confirm the gross mass of a packed container:

- (1) Method No.1: Overall weighing. Use calibrated and certified equipment to weigh, on an overall basis, a packed container.
- (2) Method No.2: Accumulating calculation. The shipper, 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 recognized by the competent authority of the State in which the packing and sealing of the container was completed.

(III) Scope of applicability of verifying weight of packed container

The Resolution requirements to verify gross mass of a packed container apply to all containers to which the International Convention for Safe Containers applies, and which are to be stowed on to a ship determined by the Administration to be subject to SOLAS Chapter VI.

II. Requirements on shipper of packed container

- (I) The shipper, of a foreign trade packed container to be handed over for shipment by a ship whose departure from Chinese port is scheduled after July 1, 2016, shall has the gross mass of such packed container verified before handing over the same to shipment
- (II) The above shipper may choose to adopt either the Method No.1 or the Method No.2 to verify the weight of the packed container. In case of Method No.1, the shipper shall, upon the conclusion of packing and sealing the container, weigh or have arranged that a third party weighs the packed container, using equipment certified and calibrated by metrology supervision department. In case of Method No.2, the shipper shall conduct accumulating calculation for the overall gross weight of the packed container as per the procedure in the formulated Guidelines

regarding Weight Verification of Packed Container through Accumulating Calculation (see attachment).

(III) The above shipper shall, provide the master or his representative as well as the terminal operator with the verified gross weight of the packed containers sufficiently in advance in the form of shipping document. Such document can be a part of the shipping instruction to the carrier or a separate proof material. In either case, the document shall at least contain the following contents:

- (1) The method used by the shipper to verify the gross weight of the packed container.
- (2) The shipper's declaration for the verified weight of packed container:

In case of the Method No.1, the content to be declared is "This shipper declares that weight information of the packed container in this document is obtained in accordance with the method described in Regulation VI/2.4.1 of the SOLAS, 1974 as amended, metrology verification certificate issued by metrology supervision department has been obtained for the weighing equipment at the place of weighing, and the date when the weight of such packed container was obtained is within the term of validity of metrology verification certificate."

In case of the Method No.2, the content to be declared is "This shipper declares that weight information of the packed container in this document is obtained in accordance with the method described in Regulation VI/2.4.1 of the SOLAS, 1974 as amended, and such method conforms to requirements of the Guidelines regarding Weight Verification of Packed Container through Accumulating Calculation formulated and published by competent authority."

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- (3) Confirmation by signature of person duly authorized by the shipper, and such signature may be an electronic one.

III. Requirements for ship, carrier and terminal operator

- (I) The ship to carry packed container, the carrier and its agents, and the terminal operator, shall, before the packed container is loaded on to the ship, obtain the weight verification information of the packed container provided by the shipper. As to packed container for which weight verification information has not been obtained, the ship, carrier and its agents shall not accept such packed container to be loaded onboard, and the terminal operator shall not arrange such packed container to be loaded onboard.
- (II) The above ship, carrier and its agents shall, after the packed container arrives at the terminal and before being loaded onboard, inform the terminal operator of whether the weight of such packed container has been verified and the specific weight information.
- (III) The above ship, carrier and its agents as well as the terminal operator shall establish effective channel for communicating information, ensure weight verification information of packed container to be communicated effectively as per the procedure of shipper→ carrier→ terminal.

IV. Other matters

- (I) Maritime safety agencies of all levels shall carry out random inspection of the situation of weight verification of packed containers to be shipped by ships. As to packed container for which weight verification information has not been obtained, the maritime safety agency shall require the carrying ship to make rectification, and eliminate potential dangers before setting sail. Where the maritime safety agency receives report or has reasonable doubt that weight verification information of packed container is inconsistent with actual situation, it may

require the shipper of such packed container to re-verify the same, and the shipper, carrying ship, carrier and its agents as well as the terminal operator shall offer cooperation for this regard.

(II) Port administrative departments of various levels shall supervise and urge the port operator to fulfill the responsibility required under this Notice, establish sound and effective channel for communicating information with the carrying ship, carrier and its agents.

(III) Weighing equipments used for packing and verifying packed container, such as platform scale, shall meet the accuracy standard and requirement of China regarding metrology administration. The operating units of weighing equipments shall publish to the society in proper form(s), so as to facilitate relevant parties to use such information.

(IV) the discrepancy between the verified weight provided by the shipper of packed container and the verified weight of such packed container obtained by maritime safety agency, carrying ship, carrier or terminal operator shall not exceed $\pm 5\%$ or 1 ton (whichever is lower).

Attachment

**Guidelines regarding Weight Verification of Packed Container through
Accumulating Calculation**

1. General Principles

1.1. Purpose

The purpose of these Guidelines is to ensure the implementation of the amendment to Regulation VI/2 of the SOLAS, 1974 as amended (hereinafter referred to as “Amendment”), in respect of weight verification of packed container and to provide guiding document for shippers to use accumulating calculation correctly as per the requirements of the Amendment to verify the weight of packed containers.

1.2. Basis

These Guidelines are compiled in accordance with the amendment to Regulation VI/2 of the SOLAS.

1.3. Scope of Applicability

These Guidelines are applicable to verify the weight of packed containers through accumulating calculation established by the Amendment.

1.4. Terms and definitions

1.4.1. “Shipper” means a legal entity or individual 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.

1.4.2. “Calibrated and certified equipment” mean 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 China regarding metrology administration.

- 1.4.3. “Ship” means any vessel to which Chapter VI of the SOLAS applies.
 - 1.4.4. “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).
 - 1.4.5. “Cargo items” has the same general meaning as the term “cargo” in the International Convention for Safe Containers, 1972 (hereinafter referred to as “the CSC”), and means any goods, merchandise and articles of every kind whatsoever carried in containers. However, ship’s equipment and ship’s supplies, including ship’s spare parts and stores, carried in containers are not regarded as cargo.
 - 1.4.6. “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.
 - 1.4.7. “Container” has the same meaning as the term “container” in the CSC, excluding any vehicle of any kind whatsoever but including container carried on a chassis, excluding also the “offshore container” to which, required under MSC/Circ.860 of IMO, the CSC not applies.
 - 1.4.8. “Shipping document” mean 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 separate proof material, e.g. a declaration including a weight certificate produced by a weigh station.
 - 1.4.9. “Tare mass” means the mass of an empty container that does not contain any packages, pallets, dunnage, or any other packing material.
2. Calculation method for verification of weight of packed container under accumulating calculation

2.1. The responsibility for verifying the weight of packed container lies with the shipper

2.1.1. The shipper is responsible for verifying the gross mass of packed container.

2.1.2. If a container contains cargo from multiple shippers, the last shipper who finished the packing and sealing of the packed container and handed over the same to ocean carrier shall be responsible for verifying the gross mass of the container and the cargo contained therein, including pallets, dunnage and other packing and securing materials.

2.2. Internal control measures of the shipper

The shipper shall set up internal control measures and form management system for weight verification of packed container, formulate measures to obtain weight of packed container accurately, formulate measures to ensure that personnel implementing such calculation undergo effective training and perform their duties normally. Ensure that the cargo tonnage packed container shall not exceed the maximum gross mass indicated on the safety approval plate required under the CSC.

2.3. Calculation process for the gross mass of packed container under accumulating calculation.

2.3.1. Step 1: calculating weight of cargo

Weight of cargo items proposed to shipment is obtained by adding single weights of single items. Weight of bulk cargo may be obtained by calculation through filling machine marked with calibration during the production process or by weighing such cargo entirely.

2.3.2. Step 2: calculating weight of packing material

Weight of packing material may be obtained from the manufacturer of the same.

2.3.3. Step 3: calculating weights of pallets, securing material and dunnage

Weights of pallets, packing material, securing devices such as supporting rods, as well as dunnage may be obtained from manufacturers of them.

2.3.4. Step 4: calculating tare mass of empty container

The shipper shall use the tare mass indicated on the body of the container.

2.3.5. Step 5: calculating the gross mass of packed container

The gross mass of packed container is the figure by adding up the weights obtained in above 2.3.1 to 2.3.4.

2.4. Accuracy of calculation for verification of gross mass of packed container

2.4.1. Possible discrepancy

2.4.1.1. Under such calculation method, gross mass by adding up different weights may change. For example, in case of wooden pallets, the weight dunnage and weight of baffle will change under affection of air humidity.

2.4.1.2. Minute changes to all weighing equipments used to decide the weight of various separate parts, tare mass of empty container and tare mass of cargo items may cause variation of weights.

2.4.2. Handling of discrepancy

2.4.2.1. The discrepancy between the verified weight provided by the shipper of packed container and the verified weight of such packed container obtained by

maritime safety agency, carrying ship, carrier or terminal operator shall not exceed $\pm 5\%$ or 1 ton (whichever is lower).

2.4.2.2. Where potential discrepancy is confirmed under the method for verifying weight of packed container, such discrepancy shall be recorded under the internal control measure of the shipper.

2.4.2.3. Although there is potential discrepancy for the verified weight of packed container, the shipper shall not violate the Amendment's requirement on the shipper for the duty to obtain verified weight of packed container accurately.