



Federale Overheidsdienst
Mobiliteit en Vervoer
DG Scheepvaart

DG Shipping (DGS)

‘Verified gross mass of packed containers’

6 June 2016

Els Claeys

WEIGHING OF CONTAINERS



IMO history:

12/2008 - SOLAS 2008 amend / chapter VI / reg. 2 adopted

01/2011 – in force – shipper obligation to provide accurate container weights – no req for container t/b weighed

07/2012 - discussion incl incidents involving misdeclared container weights

11/2014 - SOLAS Ch VI reg. 2 para 4-6 adopted (MSC94)

07/2016 – in force

WEIGHING OF CONTAINERS



International IMO legislation:

SOLAS Chapter VI reg. 2 para 4-6
Circular MSC1/Circ.1475

EU legislation:

-

National legislation:

Transposition in Royal Decree RD
Circular

Commercial arrangements:

see f.ex.
VGM Industry FAQs
WSC Guidelines



1. Law 5 June 1972 - ship safety; Article 4 (amended by the law of 22 January 2007, Article 9 and Article 30)
2. RD on the verified gross mass of packed containers
3. DGS Circular
4. Draft law on administrative fines applicable in case of violations against maritime laws



Royal Decree:

RD Article 1 - implementation SOLAS VI/2

- ref DGS
- ref SOLAS
- ref MSC1/Circ.1475 - terminology (ship, container, shipper, terminal representative, packed container, cargo, gross mass, verified gross mass and shipping document)



RD Article 2 scope of application

- Packed containers
 - RD 4 June 1984 on the safety of containers
 - which are loaded on board ships
- Exceptions:
 - via chassis/trailer on ro-ro ships on short international voyages (SOLAS III/3)
 - packing of containers already on board
 - offshore containers



RD Article 3 verification of the gross mass

- where the container was sealed
- to be distinguished by any other weight through the shipping document



RD Article 4 - enforcement

Belgian Maritime Inspectorate – inspections:

- ashore
- on board



RD Article 5 - shipping document

Shipper:

- responsible for the verification of the gross weight of the packed container

Shipper or his representative:

- prepares the shipping document with VGM and signs
- delivers shipping document in due time to the master or his representative and terminal representative (unless master passes VGM to the terminal)



RD Article 5

Master (/rep) and terminal representative:

- use VGM in preparation of the stowage plan
- Container may **not** be loaded on the ship before the master (/rep) and the terminal representative have received the VGM



RD Article 6 authorised methods

- Method 1 - non-automatic weighing instruments (RD 12 April 2016 on non-automatic weighing instruments)
- Method 1 - automatic weighing instruments (RD 15 April 2016 on measuring instruments)
- Method 2 - certified calculation method



RD Article 7 - fees

- Approved calculation method by DGS: EUR 700
- Annually adapted index figure
- Due from the applicant

RD Article 8 entry into force

1 July 2016

RD Article 9 - competent ministers

Minister of Social Affairs and Public Health – M. De Block
State Secretary for the North Sea – P. De Backer

END OF RD



Circular:

- officially published on our website at publication of the RD:
<http://mobilit.belgium.be/nl/scheepvaart>
- draft circular explained in presentation
- further practical details
- more dynamic document



1. Shipping document

Format and layout: to be agreed commercially

Required content:

- VGM
- shipper name and signature (ref. B/L)
- or his representative (who signs in name of shipper)

Electronic shipping document:

- VGM
- name shipper or his representative
- electronic signature

or NAME SHIPPER
or NAME REPRESENTATIVE



1. Shipping document

Due time:

- commercial arrangement between parties
- so that the VGM is included in the stowage plan and for the calculation of ship stability



2. Verification of container weight

2.1 Method 1 - weighing

- operator intervention required (weighbridge): ‘RD of 12 April 2016 on non-automatic weighing instruments’, accuracy class III or IV
- no intervention necessary (catchweigher): ‘RD of 15 April on weighing instruments’,
accuracy class Y(a) or Y(b)

Competent authority: FPS Economy, Legal Metrology
metrology.regulation@economie.fgov.be



2. Verification of container weight

2.1 Method 1 - weighing

In accordance with commercial agreements, the container may be weighed at the terminal, as long as the VGM is included in the stowage plan in due time



2. Verification of container weight

2.2 Method 2 - calculation

No additional certificate is issued.

Three certified calculation methods:

- covered by ISO certification (FPS Economy);
- covered by AEO certification (FPS Finance);
- approved by DGS (FPS Mobility and Transport).



2. Verification of container weight

2.2 Method 2 - calculation

If VGM is determined with a certified calculation method from a third party,

the shipper remains responsible for the accuracy and timely transmission of the VGM



2. Verification of container weight

2.3 Method 2 - calculation method certified by the DGS

- request to **VGM@mobilit.fgov.be**
- not appropriate for certain bulk cargo (grains, scrap iron, coal, etc)
- **describes how the different weights are determined and to what level of accuracy**
- may involve the following five steps:



2. Verification of container weight

2.3 Method 2 - calculation method certified by the DGS

Step 1 - sum of the weights of all individual items (using certified & calibrated weighing instruments, weight shown on packaging, etc.)

Step 2 - weight of packaging

Step 3 - weight of pallets, stowage and securing equipment

Step 4 - tare weight of the container (marked on door, DB shipowner)

Step 5 - sum of results of previous 4 steps



3. List of shippers

shippers provide, on a voluntary basis, the following information to DGS:

- shipper name and address;
- method used;
- in case of method 2: ISO or AEO
(in case of DGS certification, the shipper is automatically on the list);

to be made available on the website



4. Accuracy VGM determination

- always as accurate as possible
- weighing instruments: in line with standards that weighing instruments must conform to, both for instruments weighing the full container, or for weighing individual items to be packed in the container
- **calculation method: accuracy to be described for every step (how were the individual weights determined?)**



5. Enforcement

Documentary controls - by sampling
On board (PSC) - at the terminal

- Has the stowage plan with VGMs been received?
- When was the list received?
- Is the ship's stability calculated before starting of loading operations?

- What happens with containers without a VGM?
- Do all the containers on the stowage plan have a VGM?
- When was VGM forwarded to the ship (at least the time necessary for stability calculation)
- Are there reasons to suspect that the VGM is not correct?
- Is the container to be "set free" for verification of VGM and for weighing?



5. Enforcement

Possible measures following the controls:

No VGM and still loaded:

- Examination of terminal procedures
- Examination of carrier procedures for the processing of VGM information (on board/agent's office/shipowner's office)
- Fine for the party at fault



5. Enforcement

Control weighing >5% over the declared VGM

- New VGM known – stowage plan revised - loading OK
- Priority investigation: the shipper (ex. shipper procedures; which method; with what accuracy; tarra weight to be confirmed by shipowner)
- Fine possible to party at fault

Note: it is up to the shipper on the bill of lading to hold others in the chain responsible for the weights declared by them



6. Sanctions

6.1 Penal sanctions:

Law 5 June 1972 - ship safety (chapter VI - penalty provisions):

- Fine from EUR 500 to 5000;
- Legal proceedings by the public ministry;
- Who? Any party contravening the RD;
- 2017: increase in the amount of fines.



6. Sanctions

6.2 Administrative sanctions:

Draft law on administrative fines applicable in case of violations against maritime laws (January 2017):

- Administrative proceedings by DGS;
- The same fines as penal sanctions;
- Who? Any party contravening the RD;



7. Containers already on board prior to 1 July 2016

Packed containers starting a sea voyage before 1 July

2016 may be transported to their final destination

without determining the VGM, even if the container is to be

transferred to another seagoing vessel



23 May 2016: MSC.1-Circ.1548 circular

Advice to Administrations and port State control Authorities

- Practical and pragmatic approach for a period of three months (until 1 October 2016)
- Transshipment before, on and after 1 July 2016
- Providing flexibility to all the stakeholders to refine procedures for documenting, communicating and sharing VGM information
- **NOT a postponement!!!**



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THANK YOU!

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