



Circular on the verified gross mass of packed containers

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With reference to the Royal Decree (RD) of XXXX on the verified gross mass of packed containers, this circular describes in further detail the practical implementation of the requirements.

VGM: Verified Gross Mass
Shipper: as named on the bill of lading

1. Shipping document

Format and layout: to be agreed commercially, on condition that the shipping document shows the VGM and the name and signature of the shipper or their representative.

In case of an electronic shipping document, the signature may be replaced by an electronic signature or by the name in capital letters of the shipper or their representative.

On time: agreed commercially with the master or their representative, so that the VGM is taken into account in the stowage plan.

2. Verification of container weight

2.1. Method 1 - weighing

If the VGM is determined by weighing, the following weighing equipment may be used:

- Non-automatic weighing equipment (whereby an operator is needed, for example weighbridge) of the accuracy class III or IIII and bearing the EC marking and the additional metrological marking as specified in the RD of 12 April 2016 on non-automatic weighing equipment.
- Automatic weighing (with no intervention of an operator required, eg. catchweighers) of the accuracy class Y(a) or Y(b) and bearing the EC marking and the additional meteorological marking as specified in the RD of 15 April 2016 on measurement instruments.

The authority concerned for certifying weighing instruments is the FPS Economy:
<http://economie.fgov.be/nl/ondernemingen/Markreglementering/Metrologie/wettelijke-metrologie>

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

2.2. Method 2 - calculation

A calculation method is certified in the three following cases, such as outlined below. No additional certificate is issued.

- Calculation method is a part of ISO certification (9001/2015, 19011/2012...)
 - The competent authority for accreditation of certification bodies of quality systems is the FPS Economy:
http://economie.fgov.be/nl/ondernemingen/leven_onderneming/kwaliteitsbeleid/Accreditatie/geaccrediteerde_instellingen/certificatie-instellingen_kwaliteitssystemen/
- Calculation method is part of AEO certification,
 - The competent authority for AEO certification is the FPS Finance:
<http://fiscus.fgov.be/interfdanl/nl/aeo/index.htm>
- Calculation method approved by DGS,
 - The competent authority for the approval of VGM calculation methods is the FPS Mobility and Transport.

2.3. Method 2 - calculation - approval calculation method by DGS

The request for approval of a calculation method is submitted to VGM@mobiliteit.fgov.be.

The calculation method describes how the different weights are determined and to what level of accuracy.

The calculation method may involve the following five steps.

Step 1 - weighing of the load

The weight of the cargo items to be shipped shall be determined by adding together the weight of each individual item. If the weights are determined on the basis of weighings, then this must be done using certified weighing equipment. The competent authority for certification of such scales is also the FPS Economy, Metrology Division.

As regards bulk products, the weight may be determined in connection with the production process either by metering by means of calibrated filling devices or by weighing the product.

Step 2 – the weight of the packaging

The weight of the packaging shall be determined either by using information from the manufacturer of the packaging or by using information from the shipper/forwarder, as verified and captured in its quality management system or the like.

Step 3 – the weight of pallets, securing materials and dunnage

The weight of pallets, packaging and securing devices, such as shoring poles and dunnage, shall be determined, either by using information from the manufacturer or by using information from the shipper/forwarder or, preferably, by using weight data captured in the quality management system or the like. In any circumstance, the shipper shall be responsible for considering the validity of this information.

Step 4 – the tare weight of the empty container

The shipper should use the tare weight indicated on the container or provided by the ship owner.

Step 5 – the gross weight of the packed container

The weights obtained in steps 1 to 4 above should then be added to obtain the gross mass of the packed container.

The shipper, as stated on the bill of lading, remains responsible at all times for the verification of the gross mass of the packed container. Even if the VGM is determined on the basis of a certified calculation method from a third party, the shipper remains responsible for the accuracy and the timely transmission of the VGM.

3. List of registered shippers

Both the sector as well as the public authority have an interest in having transparent information. The shippers are asked, on a voluntary basis, to provide DGS with the following information:

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

With this data a list of registered shippers is maintained by DGS, which shall be available on the website.

4. Accuracy

The VGM should always be as accurate as possible.

When using weighing instruments, either for the weighing of individual items, or for weighing the packed container as a whole, they must always meet requirements for certification and calibration, as described in the applicable RDs.

When using a calculation method the accuracy must be described in the different steps.

5. Enforcement

Controls are carried out to ascertain whether the containers are provided with the necessary shipping documents (may also be electronic) containing the VGM and that the verified weight given can be recorded in a timely manner in the stowage plan. These document checks shall be done by random sampling. Checks may be carried out on board or ashore.

5.1. Control on board (PSC)

- Has the stowage plan with VGMs been received?
- When was the list received?
- Has the stability been calculated before the start of the loading operation?

5.2. Control at the terminal:

- Is there a stack of containers that have come in without VGM?
- Do all the containers on the stowage plan have a VGM?
- When was VGM given to the ship in Baplie or hardcopy (list) format (at least in time to calculate stability)?
- Are there reasons to suspect that the VGM is not correct?
- Should a container be “set free” for VGM verification and weighing?

5.3. Further measures following control:

5.3.1. No VGM and still loaded:

- Examination of terminal procedures for the processing of VGM information
- Examination of procedures for processing of VGM information by the ship owner's office/agent/on board
- Fine for the party at fault

5.3.2. Control weighing >5% over the VGM indicated

- New VGM known - stowage plan revised - loading OK
- Priority investigation: Initially the shipper is called upon as being responsible for communicating the correct VGM (eg. can be requested: shipper procedures for documenting, communicating and processing of VGM information; what method was used, with what accuracy the VGM was determined, if necessary the ship owner may be asked to confirm the tare weight of the container)
- Fine possible for the party at fault

Note: It is up to the shipper on the bill of lading to hold others in the chain responsible.

6. Sanctions

6.1. Penal sanctions:

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

- Fines up to EUR 5000;
- Legal proceedings by the public prosecutor;
- Who? Any party contravening the RD;
- 2017: increase in the amount of fines.

6.2. Administrative sanctions:

Draft law on organisation of administrative fines in application in case of violations to the 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 onto another seagoing vessel.

8. Contact details

FPS Mobility and Transport, DG Maritime Transport

VGM@mobilit.fgov.be

FPS Economy, Legal Metrology

metrology.regulation@economie.fgov.be

FPS Economy, SMEs, Self-Employed and Energy
Directorate-General Quality and Safety
Metrology Division – Regulations and Pattern Approvals

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