

SOLAS REGULATION VI.2 AMENDMENT CONTAINER WEIGHING UPDATE - MARCH 2016

In view of the volume of data provided by FONASBA member associations for the 2016 update to the container weighing survey, this Executive Summary has been produced in order to consolidate the individual national responses and provide a global overview.

The full survey summary, which details the individual member association responses, is also available for download from the FONASBA website at: www.fonasba.com/member-survey.

QUESTION	RESPONSE
1. Who is 'designated authority' for implementation in your country?	The majority of respondents to the 2016 survey indicated that the designated authority had now been nominated. As would be expected with an IMO Regulation, in most cases, this is the national maritime safety authority but in a small number of countries responsibility was devolved to other parties, including port authorities, customs and other transport related authorities.
2. Have implementation plans already been put in place?	Eleven respondents indicated that no formal plans have been introduced, whilst sixteen report that the plans are in the process of being developed.
3. Has your 'designated authority' issued any guidance instructions?	Eighteen respondents reported that no definitive guidance had been issued whilst in nineteen others, it had either been issued or was in the process of being drafted.
4. How will your 'designated authority' ensure trade is compliant?	Eight associations reported that no procedures are in place to verify that the SOLAS Amendment requirements will be adhered to.
5. Has your 'designated authority' defined who the 'shipper' is? (In UK, for example, they have decided it is the party mentioned on the B/L or transport document).	Guidance on this point has been issued to most respondents with the majority of same reporting that their designated authority is following the UK example.
6. What proportion of shippers do you expect to use Method 1 or Method 2 for determining actual weight? (Method 1, actual weighbridge certificate / Method 2, calculated mass)	The variation between each Method varies widely, often predicated by the availability of weighbridges. Some respondents indicate only one Method will be used.

<p>7. What container weighing facilities currently exist in your country?</p>	<p>Whilst a small number of respondents have indicated that some alternative weighing facilities are being introduced at ports – for example using calibrated equipment fitted to cranes, straddle carriers or similar – the majority report that traditional weighbridges are the only means currently available. Where these exist, however, many are reported as being out of service or in need of overhaul. Another common comment is that there are not enough weighbridges available to meet the anticipated demand after implementation.</p>
<p>8. Are all containers currently weighed?</p> <p>9. If not, how often do containers get weighed (and is determined by cargo type)?</p>	<p>Only in a very small number of countries are all containers regularly weighed. Elsewhere, occasional weighing does take place but usually as a result of other factors, such as for customs purposes, to ensure road or rail vehicles are not overloaded and similar. There is no clear correlation between commodity type and the obligation to weigh.</p>
<p>10. What is the cost for weighing a container?</p>	<p>Significant variance in the charge for weighing a container has been reported. A number of respondents advise that no charge will be levied, elsewhere the fees are in the range US\$ 3.00/€3.50 to US\$ 225.00/€200.00. Some fees are based on the assessed weight of the container and others include haulage and other additional costs.</p>
<p>11. Who has responsibility to arrange for container weighing? (Port, line, agent, shipper etc).</p>	<p>Whilst the forwarding agent or the ship agent is often the party organising the weighing, ultimately the cost is passed on to the shipper in the majority of cases.</p>
<p>12. Are the weighbridge facilities certified by the authorities?</p>	<p>In almost all cases they are.</p>
<p>13. Does the weighbridge issue a certificate of weight?</p>	<p>Again in most cases a certificate is issued after weighing.</p>
<p>14. Will your designated authority charge for issuing an approval certificate for using Method 2?</p> <p>15. Who pays the cost?</p>	<p>Most respondents expect that a charge will be levied but very few are able to indicate the level. In many cases responsibility for issuing approval certificates is expected to be passed to a third party, in some instances to private contractors, and there is concern about the regulation of those authorised to issue certificates under Method 2 and in particular whether the carrier can be certain that the declarant is indeed authorised to issue certificates.</p> <p>As to payment of the fee, ultimately this will be for the account of the shipper or the cargo interests.</p>

<p>16. Will your “designated authority” allow any tolerance on weights? (In UK, for example, they allow +/- 5%).</p>	<p>It is clear the issue of tolerance is causing considerable confusion within the container transport industry and amongst authorities, with the very concept being widely misunderstood. Nevertheless, tolerance between weighing equipment is anticipated to range from 2% to 5%.</p>
<p>17. Will penalties apply to any container found to be at variance with its declared weight?</p> <p>18. Who pays the penalties?</p>	<p>Acknowledging that if the weight of the container varies from that stated on the certificate by more than the accepted tolerance it will not be loaded, most respondents expect that sanctions will apply to any cases where deliberate misdeclaration is discovered. At present, however, the nature or extent of the sanctions is not clear.</p> <p>As the shipper is responsible for declaring the verified gross mass, it is the shipper to whom the sanctions will apply.</p>
<p>19. How will transshipment containers be handled? (Will the mother vessel accept weights declared from the feeder vessel?)</p>	<p>Most respondents indicate that the weight declared by the original shipper will be accepted by the carrier. As the deadline for implementation approaches, however, there is concern that some containers waiting at a transshipment port for an extended period may not have been weighed in advance.</p>
<p>20. How will you handle, for example, FOB shipments where the buyer (presumably overseas) is the declared shipper?</p>	<p>In many cases this issue has not yet been addressed by the designated authority. It will, however, require to be resolved before the due date.</p>
<p>21. Additional comments</p>	<p>It is interesting to note how many FONASBA member associations have been taking the lead, or at least an influential role, in national discussions aimed at ensuring the effective and efficient implementation of the SOLAS Amendments. Equally clear, however, is the amount of work that still requires to be done to bring this about.</p>