

FONASBA MEMBERSHIP ENQUIRY



ENQUIRY RESPONSE FORM

ORIGINATING ASSOCIATION:	FONASBA/IMO
ENQUIRY DETAILS:	<p>Following the end of the three-month period, agreed by IMO, for which Administrations and Port State Control authorities were advised to adopt a practical and pragmatic approach when verifying compliance with the SOLAS VGM requirements, (see MSC. 1/Circ. 1548) please advise in relation to the following:</p> <ol style="list-style-type: none"> 1. What problems, if any, are affecting the mandatory weighing of containers? 2. What procedures are in place to deal with any containers that are not correctly certificated on arrival at the port? Are the procedures published and publicly available? 3. Are any penalties (other than rejection for loading) applied for non-compliant containers? (If known, please specify the Act or byelaw that sets the penalty) 4. How is the designated authority ensuring compliance with the requirements for Method 2? 5. Has your designated authority provided any statistics in relation to the number of non-compliant containers? If so, are those statistics easily available? 6. How are containers from landlocked or third party countries treated? 7. Have your members noticed any changes in trade patterns that might indicate less rigorous control process in neighbouring countries? 8. Any other comments regarding VGM implementation?
REPLY TO:	admin@fonasba.com
CLOSING DATE FOR REPLIES:	Friday 8th September 2017

RESPONDING ASSOCIATION COMMENTS: (Please include any attachments)

Algeria	<ol style="list-style-type: none"> 1. No special problems affecting the mandatory weighing of containers have been for the moment noticed. 2. The port procedure dealing with non-complaint containers is weighing of containers using method 1, overload and stuffing/stripping fees will be charged, the procedure is published and publically available. 3. No penalties are applied for non-compliant containers. 4. Only the procedure for method 1 is established 5. There are no statistics provided by port authority regarding non-compliant containers. 6. No special treatment is available for these containers. 7. We have seen no changes in trade patterns.
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Angola	<ol style="list-style-type: none"> 1. Except for the ports of Cabinda and Soyo all Angolan ports have weighbridges so only at these location mandatory weighing is problematic. 2. Full ctrs will not be accepted unless VGM can be presented. 3. See a.m. no additional fines are applied. 4. Without presentation VGM full ctrs are not allowed into the port. 5. Not that we are aware of. 6. No applicable for now. 7. Not really. 8. No.
Argentina	<ol style="list-style-type: none"> 1. No problems have been detected. 2. Port containers terminals have installed weighing systems. When containers arrive without the correctly certificated VGM or greater differences than the tolerance regulated at national level (+ -5%) are detected, the last weighing is considered, that is the one performed in the terminal. It is provided for in the national rule that is published. 3. So far, no penalties have been implemented. 4. The national rule has determined that in order to use Method 2, the interested party must be registered, meet a number of requirements and appoint a responsible party. On this basis, it is subject to audits and verifications carried out by the Enforcement Authority. 5. No statistics have been provided. 6. At the moment, there is no transshipment of containers from third countries. 7. No, until now. 8. No comments.
Australia	<ol style="list-style-type: none"> 1. SAL is not aware of any specific problems from an industry perspective. 2. As previously advised, in Australia the process for VGM declarations for export containers is undertaken via the Pre- Receiving Advice (PRA) form which is mandatory. The form inter alia requires the shipper to provide the method used and evidence of a weighbridge certificate. A couple of container terminal operators provide a “weigh at terminal” facility. Each terminal has promulgated its process to shippers and SAL had developed a VGM circulated articulating the process. 3. AMSA Marine order 42 creates an offence for a person that loads a packed container on a vessel without a shipping document for the container stating the container’s verified gross mass. The offence is 50 penalty units equivalent to AUD10,500. Details of the legislation and information relating to VGM are located here 4. SAL is unaware of any current regulatory oversight being undertaken by the designated authority (AMSA) w.r.t to Method 2 including monitoring compliance generally with VGM requirements. SAL understands the AMSA inspects shipper sites to verified dangerous goods requirements and could be undertaking VGM verifications as part these inspections. 5. As mentioned above, SAL is unaware of any specific VGM inspections by AMSA. No statistics in relation to non-compliant containers have thus far being provided or promulgated. 6. Weights of Import containers are verified by local State authorities before loaded on a truck for road transport. Thus far SAL has not received any advice of overweight containers in this regard. 7. No. 8. Clause 9 of MSC circular 1475 prescribes the process for resolving discrepancies in container weights. Discrepancies in export container weights have been identified by one container terminal (with weigh at terminal facility) in Australia. However, the

	<p>introduction of the VGM regime appears to have resulted in a marked behavioural improvement in providing reliable weight declarations. It is also encouraging to see that the export compliance is roughly twice as good as the import weight declarations - so Australia is doing well, relatively. But clearly there is still a long way to go in order to achieve full compliance and deliver the full safety improvement intended.</p> <p>Right from the start, back in 2015 Shipping Australia Limited has repeatedly emphasised that the effectiveness of the VGM regime would be dependent on three things: a simple and unambiguous implementation, sufficient compliance monitoring, and strong enforcement. The first has been achieved and there is good implementation, the responsibility for obtaining and documenting the verified gross mass of a container rests unambiguously with the shipper, and VGM declarations are simply made through the PRA. But clearly there are a few cowboys out there who are not taking their obligations seriously and there needs to be <u>stronger monitoring and enforcement</u>. Now that these discrepancies have come to light and are routinely available, the time is right for the regulator (AMSA) to investigate these discrepancies, and follow through with enforcement action. SAL considers that some effort to make examples of the delinquents now, will quickly bring the whole industry into line with stronger compliance and thus lead to a safer outcome.</p> <p>The discrepancies in import containers is a greater concern because they have already travelled on our ships, and been lifted at least twice. Also, Australia cannot take direct action to ensure compliance. So this is where we need AMSA to take action at the IMO or directly with their overseas counterparts, present them with the evidence of non-compliance and encourage other States to take stronger monitoring and enforcement action.</p>
Belgium	<ol style="list-style-type: none"> 1. There are no major problems. 2. The treatment of such containers is subject to commercial agreements between the shipper, the carrier and the stevedore. As a general rule such containers will be accepted by the carrier and can enter the terminal however, they will not be loaded on board until they are properly VGM-certified. If this is not possible before the VGM cut-off time of the vessel anymore, the container will be rolled to the next vessel. Some carriers will accept late submission if the amendment of the VGM does not affect the stowage plan. Most carriers will charge an “administration fee” for late submission of the VGM or even a “dead freight” in case a container cannot be loaded due to a missing VGM. 3. The procedures for non-compliant containers are subject to commercial agreements between the shipper and the carrier. Most carriers will charge a “administration fee”, “misdeclaration fee” or “COW change of weight fee” for inaccurate VGM submissions that are amended upon shippers request. <ol style="list-style-type: none"> a. The competent authority can impose fines based on the Belgian law on the safety of vessels and its implementing acts. Controls are being implemented both by documentary checks and physical weighing; we are working on a best practice procedure for such controls together with the terminals and the competent authority, to avoid hindrance for the operational processes by these controls. 4. Method 2 users need to register and have their method certified by the competent authority, unless it is included in ISO or AEO-procedures. Documentary checks will be carried out with the shippers by the competent authority. 5. No. For the time being, controls are carried out by the competent authority only to enhance awareness with shippers, not to actually impose fines.

	<ol style="list-style-type: none"> 6. If they are loaded in a Belgian port they need to be compliant. 7. No. 8. No.
Brazil	<ol style="list-style-type: none"> 1. There is no record of problems. 2. The container is removed from the shipping list. Another possibility is the terminal weigh the container at the gate in order to comply with the rules. The customer is charged for that, of course. 3. Unknown other penalties other than rejection. 4. VGM is mandatory and the lack of this certificate precludes shipment. The analysis is done by the consenting bodies during the process. 5. Official statistics unknown. However, some terminals have their own performance metrics but they are not published. 6. The monitoring is basically the same, i.e. the VGM must come along with the other documents from the country of origin. According to our sources, things have worked well lately, but when a problem occurs, the procedure followed is the same as answer 2. 7. No. 8. No additional comments.
Bulgaria	<ol style="list-style-type: none"> 1. There haven't been any serious problems with the mandatory weighting of containers. There have been few problems, but mostly caused by a missing certificate and these cases have been the exception. Generally speaking the process is going well so far since the implementation. 2. There were multiple meetings between port authorities and line agents in Bulgaria before the implementation in order to ensure that everything is in compliance with SOLAS VGM requirements. When the containers arriving in port are not correctly certified they are weighted at the port facilities and receive a VGM certificate, however in most cases this is more expensive and is not the preferred method. 3. There are some additional charges incurred when the non-compliant containers are received at ports, however most of these are handled on a case-by-case basis and depend on the specific circumstances. 4. Method 2 is not used that often in Bulgaria for VGM certificates. If there are any doubts about a particular container they are weighted (at the owner's expense) at the port facilities. 5. No, the local authorities haven't provided any statistics about the number of non-compliant containers. 6. All containers are treated equally and have to have a VGM certificate, no matter the origin. 7. Our members haven't made such observations - however it's still too early to say at this point. At the moment the container trade pattern in the country is generally stable. 8. No further comments from our members at this stage.
Cote d'Ivoire	<ol style="list-style-type: none"> 1. Not any problem affecting the mandatory weighing of containers except sometime, slowness of VGM transmission to the container terminal, trucks with containers arriving some times to terminal gate while the VGM is not yet in the terminal information system. Have only observed one Abidjan import container without VGM with a shipping line who didn't discharged the container, which container had to continue his voyage on the vessel till his loading port. 2. The rule chosen by Abidjan Port is: "No VGM, No get in" and all the port stakeholders are widely informed about.

	<ol style="list-style-type: none"> 3. For the non-compliant export containers, they are rejected for loading; no penalty officially till now, which will need officially, a legal text to be applied 4. For the time being, there are 38 sites applying the method 2 system, whose quality and technical process' standards are approved beforehand by the designated authority who carries up sometimes, unexpected controls on the sites 5. The designated authority' available statistics are on the number of VGM transmissions' successes and rejections into the container terminal's information system 6. For the time being, it has been noted that containers discharging in our port from third party countries are VGM certified, same for containers coming from hinterland countries for exportation by our ports 7. No 8. No, except to precise that our VGM transmission success in container terminal's system is about 98% at end of May 2017, with 177 837 VGM correctly transmitted till date on a total of 180 915 VGM issued.
Croatia	<ol style="list-style-type: none"> 1. There is no penalties for wrong WGM declaration. 2. Non-WGM declared containers have mandatory weighing by terminal. 3. No penalties other than rejection for loading 4. The Method 2 shippers in Croatia are to be certified by the Croatian Register of Shipping. (CRS) The shipper's application for certification must contain at least the following documented procedures: <ol style="list-style-type: none"> a. Description of the weighing method to be used b. Details of the weighing equipment c. Equipment maintenance procedure d. Calibration procedure e. Maintenance of records f. Training <p>Companies holding an accredited Quality Management System (such as ISO 9001 or similar) or Enterprise Resource Planning (ERP) system such as e.g. Systems Applications Products (SAP) or similar, which include documented procedures to satisfy the weighing requirements, shall be deemed to have the demonstrated their competence to use Method 2.</p> <p>The shipper will be required to submit the relevant procedures along with a copy of the any certificates to the CRS. The other auditing schemes may also be approved by the CRS.</p> <p>Following a successful verification the CRS will issue the Certificate of service supplier with field of approval covering Reg VI/2.4.2 (Method 2) and MSC.1/Circ.1475. Validity of certificate will be 3 years. The CRS' fee is cca 260 Eur excl. VAT.</p> <p>Shippers which successfully become authorized to use Method 2 will be registered in national database administered by the CRS.</p> <p>Currently there are 11 shippers certified by CRS for Method 2. The list as well as certificates issued are available on CRS Internet page under the tab "Verified Gross Mass of Container"</p> 5. No 6. Same as domestic 7. No. 8. Without proper setup for VGM implementation, control and penalisation with mandatory worldwide impact, it will never fully ensure accurate declarations and accordingly ship's safety and stability.

Cyprus	<ol style="list-style-type: none"> 1. Because all the necessary measures were taken by the competent Authorities with CSA's collaboration there are not any serious problems affecting the mandatory weighing of containers. 2. The relevant procedures were officially published in advance including the cases of containers that are not correctly certificated on arrival of the port or they arrive without any certificate. Such procedures are publicly available. 3. So far they are not any penalties other than rejection of loading. In such cases the port/operator do not allow any containers arriving at the port without any certificate to entering the port. 4. Designated Authorities ensure compliance with the requirements for Method 2 according to the certificate issued by the competent entities authorised by the Ministry of Commerce and Industry. 5. There are not yet available any such statistics but it should be noted that the cases of non-compliance are very limited. 6. Containers from landlocked or third party countries are treated on the basis of the relevant information/details provided in the ships' manifests. 7. No other comments.
Denmark	<ol style="list-style-type: none"> 1. We have had a very few reports about obstacles. 2. The different container terminals in Danish ports have issued their own instructions and digitalized solutions also preparing for VGM. They also have procedures to handle containers without VGM upon arrival at the terminals, and the terminals offer weighing facilities against payment. 3. There are no penalties, but the terminal or the ship owner would reject the loading of a container without a VGM. 4. The designated authority has not yet inspected any shippers for verification of a VGM. This is due to the grace period, but at a meeting between the designated authority and a number of interest organisations, we were informed that they commence inspections this autumn. Due to these potential future inspections, we expect to learn more about how the designated authority in fact check the calculated elements using Method 2. 5. No such data is available. 6. The majority of landlocked containers are those trucked or railed to Hamburg, and they would need to state a VGM prior to be loaded at the port in Hamburg. 7. We have not had any reports indicating changes to the trade patterns, where a majority of containers are handled either out of Danish container ports or via the container port in Hamburg. 8. The dialogue with the designated authority has secured a smooth transition period and we expect the authority to take a pragmatic approach once they commence inspections.
Dubai	<ol style="list-style-type: none"> 1. No Specific problems 2. Port accepts the container but it will not be loaded to the Vessel. Container is moved to CFS for re-loading. 3. There is a Fine imposed. 4. Method 1 primarily used. 5. No 6. N/A 7. Unknown 8. No

Finland	<ol style="list-style-type: none"> 1. In Finland, no major problems have been reported. However, in the beginning it was reported that the SOLAS VGM regulation had caused some case by case delays in the transport of their containers, minor congestions in container transport at the port and at the factory or the place of departure and small problems in the flow of information from the shipper to the shipping company as the cause for delays in their operations. In the beginning, generally, the implementation of the SOLAS VGM regulation had generated some extra costs: the investments had concerned weighing equipment, information systems and data communications. In some cases, the increase in manual work, such as submitting the VGM information in the shipping company's system, had increased the amount of work. 2. If the verified gross mass of a container has not been declared in accordance with SOLAS Chapter VI, regulation 2, the ship's master or the master's representative may not accept the container for stowage on board the vessel. Currently, certified and accurate scales and weighting facilities are even available at ports and at port areas. 3. In Finland, the penal provisions of the Maritime Act (674/1994) and the Act on the Technical Safety and Safe Operation of Ships (1686/2009) apply to neglect of the amended SOLAS regulations on the weighing of containers. 4. In Finland, the designated authority do not approve shippers who are applying Method 2. In any case, the shipper must manage, follow and implement high standard health and safety practices. The shipper must ensure that the health or safety of employees or customers is not jeopardized and that no damage is caused to the environment. For instance, the international ISO 9000 series of standards addresses organizational operations management with regard to quality management and quality assurance. 5. The cases of non-compliant containers have been reported extremely rarely. 6. There is practically only container feeder traffic from and to Finland. We export containers by lo-lo feeder ships to European containers transit ports. 7. No 8. The purpose of the regulation was to improve the safety of container vessels by reducing accidents and incidents caused by erroneous information on the mass of containers. Safety at ports has also be improved in connection with loading and unloading containers as well as generally in the context of handling of containers. There has been noted the improvement of safety in other modes of transport, such as road traffic. <p>In addition to the safety benefits, it has been reported improved efficiency: knowing the exact weight of containers allows more efficient loading of vessels without having to apply safety factors. There are fewer surprises in stowage planning, re-planning is less frequently required and there is no need to discontinue the loading in connection with re-planning.</p> <p>Benefits have also been perceived in the shippers' operations: shippers and suppliers also benefit from having awareness of the weight of their product/shipment. The more accurate weight information is considered to benefit several operators in the entire chain of transport.</p> <p>The designated authority Finnish Transport Safety Agency has published an impact analysis study, however yet only available in Finnish: https://www.trafi.fi/tietopalvelut/julkaisut/2017_julkaisut/konttipunnitukset Swedish and English translations I hear close to completion and will inform you when available.</p>
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France	<p>As far as France is concerned :</p> <ol style="list-style-type: none"> 1. No major problems. 2. VGM for each container is input in Port Community System by shipping line or its agent. If no VGM, no validation of booking. Each terminal of ports have communicated and published on its website the mandatory rules of VGM. Shipping lines have done the same with shippers. 3. Rejection for loading only. 4. Port System needs a VGM weight regardless of method. Declared weight is under shipper's responsibility. Some shipping lines or agents can ask shippers for used method, but not port authorities. 5. No statistics provided by port authorities. Some shipping lines or agents can have their statistics for internal use and to push shippers for better data quality. 6. Roughly the same way. Shipping line or agent provides transshipment centre list with VGM. If no VGM no loading. 7. Most of the time VGM weights are provided. 8. No additional comment.
Germany	<ol style="list-style-type: none"> 1. None problems have been reported. 2. Rejection for loading! You can find further information online: http://www.deutsche-flagge.de/en/safety-and-security/cargo/containers 3. No. 4. You can find further information online: http://www.deutsche-flagge.de/en/safety-and-security/cargo/containers 5. No, not yet. 6. In the same way! 7. No. 8. No.
Great Britain	<ol style="list-style-type: none"> 1) No problems were encountered during introduction 2) Each port has clearly stipulated tariffs & procedures in place, these are available publicly. 3) There are no Designated Authority charges, but all ports and shipping lines have used the opportunity to make additional charges/profits by introducing 'administration' fees, or misdeclaration' fees. 4) There is no data available, but the UK designated authority has very limited man power and is relying on port operators to ensure/report compliance or otherwise. 5) As yet the UK designated authority has issued no statistical figures. At present, we are not expecting anything to be produced, and as in previous question have no real idea how they are ensuring compliance. 6) Not applicable 7) Our members have not reported any loss of business to other countries but as an island we would not anticipate either. We do not believe, given the cost of VGM, that container traffic would be diverted simply because of the requirement to weigh. 8) No further comments.

Greece	<ol style="list-style-type: none"> 1. No serious problems have been reported. 2. Most container terminals have certified scales to weigh the containers that arrive with no VGM certificate. 3. Yes there are penalties. Presidential Decree 77/2016 that ratified the SOLAS Amendment refers to the penalties of Legislative Order 187/73, Article 45. 4. Method 1 is mostly used. 5. Not so far as we know. 6. They are weighed at the port as most of the containers that come from landlocked neighbouring do not carry certificates. (Thessaloniki port deals mostly with such issues as it is the closest port to the landlocked countries). 7. No. 8. No.
Hungary	<ol style="list-style-type: none"> 1. Main problem is that most of shipping lines accepting administrative weighing method of SOLAS-VGM, therefore anybody can issue proper docs to confirm weight of cargo without real weighing process. Most of shipping lines reducing their administration staff, therefore nobody could control if VGM manifest uploaded to shipping lines include real weight or not. Due to missing local regulation and possible penalty, many client choose the way of administrative VGM by filling and uploading requested VGM Manifest, and this way they can avoid the cost of real weighing 3. Unfortunately, due to missing local regulation, no penalty could be taxed for non-compliant containers 4. Unfortunately there is no local/Hungarian regulation or law about compliance of SOLAS-VGM procedures. Therefore there is no real restriction or penalty if somebody do not comply with SOLAS-VGM rules. Hungarian Tax and Customs Administration have the right to check shipping documents per random sample, but they are checking docs to verify if cargo and shipping docs fulfills request of Customs and Tax regulation and not to verify regulations of SOLAS due to lack of EU/national regulation. 5. As per a.m. situation, there is no available statistics from number of non-compliant containers. 6. We are a landlocked country, so all containers are from landlocked country. 7. No. 8. We are in special situation since Hungary is landlocked country. That's why authorities focused less to SOLAS-VGM problems and national regulation is still missing.
Iran	<ol style="list-style-type: none"> 1. Lack of calibrated Weighbridge under authorities' permission as well as lack of software which can control the off dock depots. 2. There is NO control for inward containers. It is on their website but traders are not aware of the importance of this doc & how to be produced & controlled. 3. Nothing. 4. Authorities have no control on the project unfortunately. 5. No. 6. While entering to the port, will be weighted by W/B under customs supervision. 7. No. 8. The authorities did not determined the importance of it & their key role. The format changed & now is asking container no., the total weight & weight according to W/B.

Israel	<ol style="list-style-type: none"> 1. The only problem we heard of is the difference between the VGM provided by the ports and the exporters' weight declaration. This was the case also before the cut off date, since containers were weighed by the ports already long time ago. We assume that here and there some problems occur, but we have not the tools to examine these details. 2. All stakeholders have agreed, prior to July 1st 2016 on a binding working scheme that was sent for filing to the WSC and other interested bodies. The scheme includes amongst others the Government bylaws which clearly instruct all ports not to load a container on board a vessel before verifying it has a proper VGM. 3. We do not know of any bylaws that enforce penalties. We heard about two penalties but as mentioned in (1) above no more information has been solicited about them. 4. The designated authority does not intervene in which method the VGM is created. By the way, we think that method 2 is more and more used by the exporters. 5. No statistics were compiled. 6. All containers are weighed by the ports or by the Israeli rail. Only these weights are qualified for the VGM. 7. Nothing reported to us. 8. We rely on the ports and rail to provide the VGM, and we rely on the ports' terminals to prevent the loading of a container that misses the VGM. We have not conducted any systematic examination regarding problems which have occurred during compliance of the IMO/SOLAS amendment.
Italy	<ol style="list-style-type: none"> 1. At the very beginning, we thought the problem would have been the lack of weighing stations at a national level but, when the new requirements came in force, we found that the real problem was the short distance between the weighing stations and the port gate. Since in most of Italian ports the Port Authority, by ordinance, have decided that every container arriving at the port gate should be already weighed in order to avoid ports congestions, often there is not much time for having the VGM for gating operations. 2. The terminal must reject for loading all the container that are not accompany by a VGM. There are not procedures in place and every port can decide how to deal with it. 3. In the Italian guidelines, the designated Authority has stated that in case of false statements, the shipper could be criminally liable, according to art.483 of the Italian Penal code, while in cases of mis-declarations the shipper is liable according to the art.1231 Navigation code. Also the Master is liable according to art. 1231 Navigation Code in case he doesn't reject for loading a container without a VGM certificate. 4. The shipper who wants to use Method 2 for weighing a container, must adopt a quality management system that has to be integrated with the weighing procedures or he must have an AEO Authorization but still in possession of a weighing procedures. 5. No, as far as we know there is not a national statistic, but in few ports - like Genoa for example -the Port Authority constantly supervise the compliance, along with the PCS manager and the Coast Guard, and they can show statistic when asked. 6. They are treated as the others 7. Not yet, but as far as we know we are one of the few countries in Europe where the designated Authority has started a strict action of control of the compliance and has already fined those shippers that where not compliance with the new requirements. If in the other countries the procedure of verifying the compliance are less strict than in Italy, this might cause a problem of competition.

Japan	<ol style="list-style-type: none"> 1. The mandatory weighing of containers has been operating here without troubles prevailing, in accordance with guideline conducted by department in charge of Maritime Bureau, MLIT in Japan. 2. It is adequately published on web site by designated authorities under MLIT. 3. It is stipulated to charge a fine if container is not correctly certificated prior to shipment. Moreover, its incidental expenses caused by not certified weight of container are account for cargo owner. 4. Parties who verify weighing of container either Method 1 or 2, are obliged to send their notification or registration properly to designated authority with validity in three years period, then-after our designated authority will review if necessary. 5. There is no statistics or report of non-compliant containers. 6. Transshipment is very seldom case. 7. No particular change. 8. Keep you informed further progress upon available.
Jordan	<p>Please find attached:</p> <p>ACT: Aqaba Container Terminal</p> <p>JMA : Jordan Maritime Authority</p>
Kenya	<ol style="list-style-type: none"> 1. Limited weighing facilities for clients using method 1 and manual procedures by Port Authority during random weighing. 2. The Standard Operating Procedures strictly state that containers without VGM will not be loaded. Accuracy may be verified through random weighing done by Port Authority. 3. * As for now we apply the penalty for mis-declaration and alteration which is in KPA's tariff. <p>* Another penalty is not loading the container on board ships.</p> <ol style="list-style-type: none"> 4. All shippers and third parties using method 2 must be approved by Kenya Maritime Authority for which persistent non-compliance may call for inspection and possible withdrawal of the certificate. 5. Initially the Terminal Operator had some challenges but they continue to streamline. Statistics are available and at times shared with the Shipping Lines. 6. They also must have VGM either obtained from their country of origin or within Kenya. 7. Such fears may be there but it all depends on enforcement. If KPA have strict procedures in place, then every party is bound to follow. 8. Basically, clients have embraced the concept and compliance is satisfactory and continues to improve.

Lebanon	<ol style="list-style-type: none"> 1. Frequent bottle necks of cargo circulation inside the port that lead to congestion in peak seasonal periods and prior to long official holidays. 2. No special procedures are instated for this purpose. 3. NO 4. Occasional weighing at port is conducted by the port company for checking purposes. 5. NO. 6. This operation is not applicable to/fm Lebanese ports (containers are not allowed to transit trans-borders with other countries). 7. NO. 8. Recommend to have a clear statement by IMO whether 5% could be an acceptable industry weight allowance deviation as long as the containers remain within payload range.
Malta	<ol style="list-style-type: none"> 1. Since its introduction, we have not encountered any problems, besides the expected initial teething problems, which were overcome at their inception. 2. Containers are not permitted into the loading terminal, if they do not have the required VGM certification in hand. 3. No. 4. Compliance with Method 2 is being achieved by ensuring that all method 2 operators are either Authorised Economic Operators (AEO) approved by local Customs Dept. or ISO certified. In both instances quality systems ensure that procedures leading to the issuance of a VGM certificate are documented and that the weighing equipment is calibrated on an annual basis by the competent authority. 5. Statistics may be provided. 6. Not applicable 7. None 8. No further comments
Mexico	<ol style="list-style-type: none"> 1. No problem. 2. The container must remain in the port until it is heavy. The procedure is published in the Official Gazette of the Federation in Mexico. 3. No 4. With companies authorized by the competent authority to carry out the weighing corresponding to Method 2. 5. There are no statistics. 7. No 8. Until today, the VGM implementation is being complied without any problem.
Morocco	<ol style="list-style-type: none"> 1. There is generally no specific problems affecting the mandatory weighing of containers. 2. The containers which are not correctly certificated or not weighed on arrival at the port, their access to the port is not allowed. This procedure is well known. 3. There are no penalties for non-compliant containers. 4. The access of the container into the port is being stopped by the designated authority. 5. No. 6. The same process is applied as for the local containers. 7. Not applicable. 8. The whole process will be fully dematerialized and all the information will be forwarded via the port communal electronic platform.

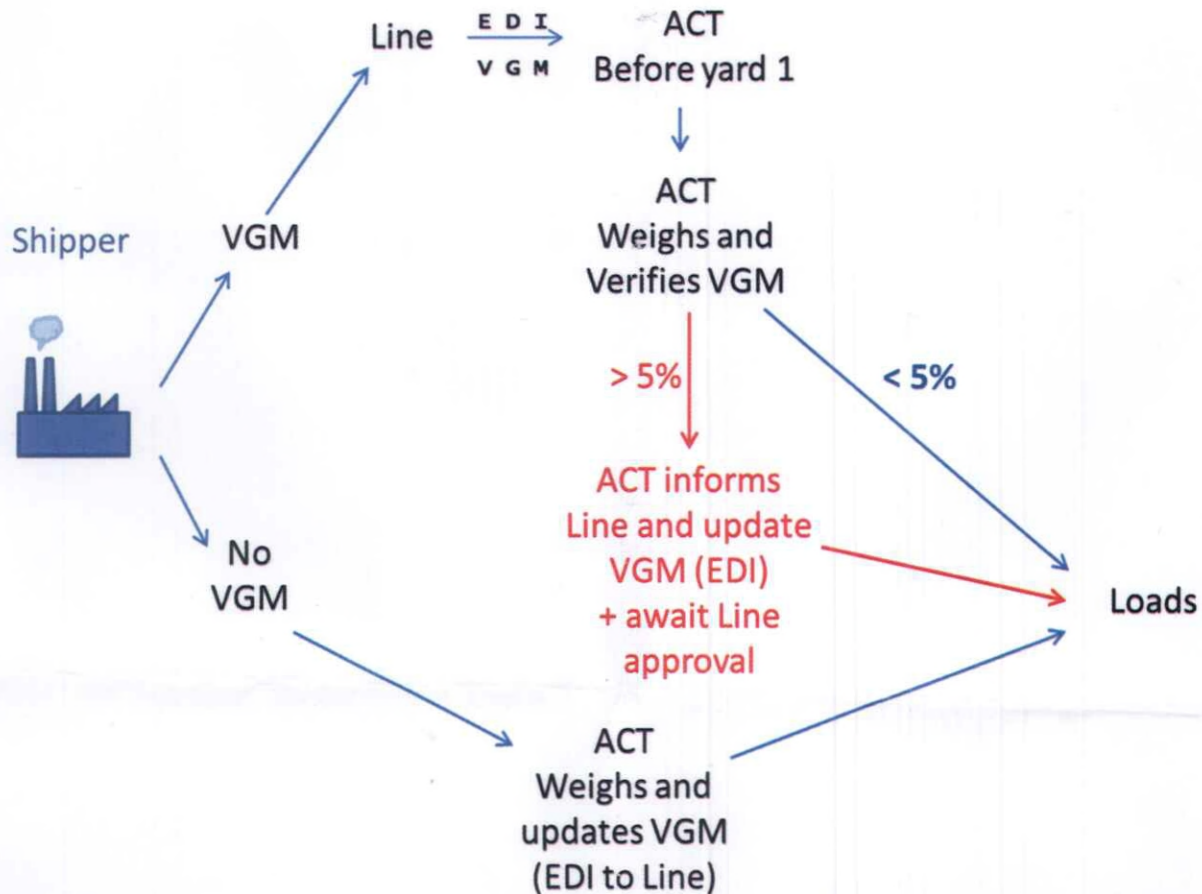
The Netherlands	<ol style="list-style-type: none"> 1. None 2. When containers are not correctly certified they are well received by the terminals but rejected for loading. The terminals in Rotterdam jointly published their procedures last year before the start of obliged container weighing. 3. Not known of. 4. By administrative and physical checks 5. It is not known whether these statistics are provided. If they are, then they, up until now, are not made public. The designated authority may keep them for their own intelligence 6. Leading is the original (correct) VGM from the origin shipper. As International Maritime regulations are applicable, responsibility is with the shipper abroad. 7. No. As an association we regularly put the subject on the agenda, but no comments so far. 8. Before the start it was seen as difficult and maybe could influence international competition. This has yet not turned out.
Portugal	<ol style="list-style-type: none"> 1. No specific or major problems. 2. It depends on each port but the main rule is if there are doubts the container is weighted again at the entry of the terminal. 3. Yes there are penalties. 4. By random inspections. 5. No. 6. Acceptance of the certificate of the origin country (mainly Spain). 7. So far no. 8. Nothing to add.
The Philippines	<p>Philippines' implementation of VGM has been carried out smoothly.</p> <p>Philippine Ports Authority (PPA) issued an Administrative Order (attached) designating the Terminal Operators to be the official weigher of the packed containers and the weight taken by the Terminal Operators are being considered as the Verified Gross Mass (VGM).</p> <p>Having such order eliminate independent submission of the shippers from various weighing facility that sometimes causes inaccuracy.</p> <p>The terminals are always on guard and sees to it that all containers exceeded the allowable capacity of every containers will not be allowed to be loaded onboard any container vessels.</p>
Russia	<ol style="list-style-type: none"> 1. No problems. 2. Shippers are reminded to provide VGM when they're placing their bookings on carrier's site. If VGM is not provided by the time of the load list ready to be sent to terminal then containers without VGM are not included in such a list and rejected for loading. 3. No specific penalties. 4. Not applicable. 5. No statistics available. There have been only a few containers rejected for loading because of lack of VGM. 6. The VGM compliance procedure is applied to any export container whether it's a direct export or from a third party country. 7. No. 8. Nil.

Serbia	<ol style="list-style-type: none"> 1. Problem is only earlier cut-off time in loading ports for export shipments. Per new VGM all liners / ports advised 1 day earlier closing of vessel. Additional charges for VGM in port is second problem for exporters 2. Serbia using official procedures of loading ports (countries). Serbia is hinterland country and follows loading ports procedures (Montenegro, Croatia, Greece, Slovenia...) 3. No official body and law for landlocked country Serbia.
Slovenia	<ol style="list-style-type: none"> 1. No problems 2. All is instructed from Container lines and Port of Koper, all on their web pages. 3. No penalties. 4. Method 2 controlled by Container line agents and Port of Koper. 5. No. 6. All containers are treated equal. 7. No. 8. No.
South Africa	<ol style="list-style-type: none"> 1. <ul style="list-style-type: none"> □ Industry: There have been no reports of any concerns in this regard □ Authority: Enforcement of the SOLAS amendment due to limited manpower and lack of weighing facilities in the container terminals make the identification of non-conforming containers challenging. 2. Several Marine Notices have been published with respect to the verification of the gross mass of a container. These have been emailed to the general public and can be found on the SAMSA website. 3. Local legislation dealing with the contravention of the SOLAS amendment is as follows: <ul style="list-style-type: none"> * Merchant Shipping Carriage of Cargoes, 2004, which states: <ul style="list-style-type: none"> (i) Every shipper or forwarder commits an offence who— <ul style="list-style-type: none"> a) fails to provide appropriate cargo information as required by this regulation; b) furnishes cargo information that he or she knows to be false; or c) recklessly furnishes cargo information that is false. 4. As already mentioned, enforcement is difficult due to limited resources. However, SAMSA accredited companies to authorise shippers to use Method 2 on their behalf. There is currently a programme in place to audit the accredited companies. 5. SAMSA has not received any notifications of non-compliance since the inception of the SOLAS amendment in July 2016. 6. Procedures for this can be found in Marine Notice 30 of 2016 Guidelines on the implementation of SOLAS VI Regulation 2 Amendment: Verification of the Gross Mass of Packed Containers 7. There has been no mention of any such change. 8. None
Spain	<ol style="list-style-type: none"> 1. No relevant problems. 2. Procedures may be different depending on the terminal. All procedures are published. In any case, container without VGM is not loaded at all. Some terminals wait for the arrival of the VGM (after the container arrival to the port and before the closing time before vessel loading), others weigh the container at arrival. Others weigh the containers always, even if the shipper provides VGM. 3. No penalties. But some terminals that weigh every arriving container, applies weighting cost to containers with weight discrepancies.

	<ol style="list-style-type: none"> 4. We were told that the designated authority was going to implement some control but until now no further notice. 5. No. No container is loaded without VGM under terminal operator responsibility. So, every container has been weighted (method1) or its weight declared by the shipper (method 2). 6. I assume you talk about transit. No VGM no loading on board under terminal responsibility. If they arrived at port terminal without VGM, terminal operator weigh them and charge to the line or the shipper. 7. No notice. 8. Only one opinion: For a real ship safety, containers should be weighted at their arrival to the port or port terminal. Perhaps lines can't force this but most probably State Governments belonging to IMO could do it.
Sweden	<ol style="list-style-type: none"> 1. No problems other than short-shipped units due to missing VGM documentation from shipper our problems with weighing of containers at port due to congestion etc. 2. This has not happened and very unlikely as we have at least one t/s port for cargo to Sweden e.g. there are several checkpoints on the way. If we would have a case with missing VGM, we would contact the Transport Agency of Sweden which is the responsible Authority (Transportstyrelsen). 3. No penalties announced from Transport Agency if missing VGM. 4. According to Transportstyrelsen, using Method 2 shall be subject to a quality managements system which the weighing process is included. In Sweden at the moment, there are no criteria for such performance so they need to be obtained by the Transportstyrelsen if applicable. 5. No statistic available as we know. 6. We have not had any problems since all our customers give us the VGM by method 1 or 2. 7. No changes we have noticed and all the countries we send to/get fm seems to follow VGM very carefully. 8. The implementation of VGM is very good in general but as I said above, to get the authorities to inform exactly what is applicable is more difficult. Authorities often do not have industry knowledge making it difficult to create flexible regulations that is easy to follow and apply onto exporters and importers of the market. For example, there are no fines or penalties if the rules would not be followed.
Tunisia	<ol style="list-style-type: none"> 1. Only if the weighing machine is broken. Happens sometimes. 2. The shipper should give a written letter of engagement to the shipping line with the cargo weight and should be responsible if any inconvenient caused. Usually on Liner's website. 3. There is no other penalties applied other than the rejection of loading "NO VGM = NO LOADING". 4. In Tunisia, only the ship's agent can decide to reject or to load the container. 5. As no any authority involved, so no statistics provided. 6. No landlocked or third party countries are loading through Tunisian ports. 7. No change noticed. 8. No.
Turkey Maritime Association	<ol style="list-style-type: none"> 1. There is no problem. 2. Weigh again. According to the result of the weighing, the gross weight is verified according to the certified document, this is open to public. 3. There is rejection if there is % 5 loading rejection. 4. Each burden loaded into the container is made by the loaders who are authorized by the authority and certified by the method of determining the weight of the package, packing and load safety material.

	<ol style="list-style-type: none"> 5. No statistics. 6. It can be loaded on the ship after weighing at weighing stations authorized by the authority in the harbours or on the road. 7. No did not detect any difference 8. No
Turkish Chamber of Shipping	<ol style="list-style-type: none"> 1. There is no problem. 2. Port authorities weighing the containers which are not correctly certificated on arrival at the port. After all, they provide the VGM of the containers to the customers (shippers). In Article 12 of the implementation Procedures As Regards the Establishment and Declaration of the Gross Weights of Full Container to be Transported by Sea Way, the procedure on containers, about which there is no information concerning the confirmed gross weight, has been prepared in a more detailed way. 3. If there is no accurate or not any VGM submission, containers may not be loaded to the vessel. There is no other penalty. In Article 27 of the Implementation Procedures As Regards the Establishment and Declaration of the Gross Weights of Full Containers to be Transported by Sea Way, it has been put under decree that their checks can be made by the Administration and the administrative fines can be applied. 4. Each burden loaded into the container is made by the loaders who are authorizes by the authority and certified by the method of determining the weight of the package, packing and load safety material. 5. According to regulation, ports are obliged to keep statistical info and seen them to government authorities if demanded. 6. I can be loaded on the ship after weighing at weighing stations authorised by the authority in the harbours or on the road. 7. No, did not detect any difference. 8. No.
USA	<p>From the World Shipping Council:</p> <p>We are not aware that the USCG has been or is implementing a SOLAS VGM compliance program. Nor are we aware that penalties have been imposed for non-compliant containers. This does not mean that USCG port state control officers may not during port state controls enquire about the ship's compliance with the SOLAS VGM requirement not to load packed containers for which it has not received or obtained a VGM, but it does mean that to our knowledge no dedicated SOLAS VGM compliance program has been developed and implemented by the USCG.</p>
Venezuela	<ol style="list-style-type: none"> 1. Ref obligatory weighing - procedures are normal without problems - the ports having calibrated and certified weighing equipment in addition accepting method 2 2. All procedures are brought forward in the webpages of the involved shipping lines 3. No penalties are applied 4. Additional by using the port equipment to check the weight 5. No - no statistics available. 6. Transhipment containers are being accepted with weight as specified by the original load port 7. No 8. Authorities and involved port administration have adapted themselves to the global requirement.

Appendix A2: PROCESS TO BE IMPLEMENTED (JMA)



Jordan must be ready by 1st July

To do:

Lines must communicate VGM process to Shippers (agreed signed VGM tickets format)

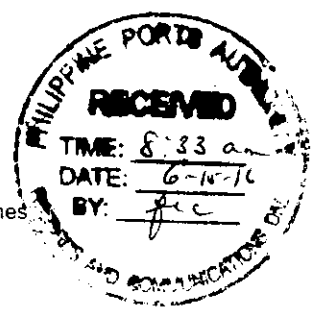
Shipping Line must capture the VGM in their system

Shipping Line must send VGM weight through EDI to Terminal before truck arrival at Yard 1

ACT verifies the weight (tolerance: 5%)

- ❖ <5% : ACT loads,
- ❖ 5% to 7% : ACT informs the Line, updates VGM and loads
- ❖ >7% : ACT informs the Line, updates VGM and await Line's instruction

No VGM when truck at Yard 1: ACT weighs and generates VGM, shares with Line through EDI



15 JUN 2016

PPA ADMINISTRATIVE ORDER

No. 04 - 2016

TO : All Port Managers
Shipping Companies
Cargo Handling/Terminal Operators
Weighbridge Service Providers
Cargo Shippers/Owners and
Others Concerned

SUBJECT : **SUPPLEMENTAL POLICY ON MANDATORY WEIGHING
OF CONTAINERS AND RORO VEHICLES**

Effective 01 July 2016, the mandatory amendment to the International Convention for the Safety of Life at Sea (SOLAS) Chapter IV, Part A, Regulation 2 – Cargo Information, which places a requirement for shippers of packed containers to verify and provide the container's gross mass information to the intended carrying vessel and the terminal operator prior to being loaded onto the vessel, shall be implemented.

In consideration of the Maritime Safety Committee Circular (MSC.1/Circ. 1548) dated 23 May 2016 on Advice to Administrators, Port State Control Authorities, Companies, Port Terminals and Masters regarding the SOLAS requirements for verified gross mass of packed containers, the following supplemental guidelines are hereby issued:

1. PPA affirms that all weighbridge operators (terminal operators, cargo handling operators and independent weighbridge operators) inside the port are the official source of information for the verified gross mass (VGM) of packed containers.
2. Packed container shall mean a container loaded or stuffed or filled with liquids, gases, solids, packages and cargo items, including pallets, dunnage and other packing and securing materials.
3. The term container includes tank container, flat racks, bulk containers and others.
4. Gross Mass means the combined mass of a container's tare weight and the weight of all packages and cargo items, including pallets, dunnage and other packing and securing materials packed into the container.

VISIT:

By 2030, PPA shall have provided globally competitive port service in the Philippines characterized by increased productivity, efficiency, connectivity, comfort, safety, security and environmental sustainability

VISION:

1. Provide reliable and responsive services in ports, sustain development of community and the environment, and be a model corporate agency of the government.
2. Establish mutually beneficial, equitable and fair relationship with partners and service providers.
3. Provide meaningful and gainful employment while creating a nurturing environment that promotes continuous learning and improvement.
4. Establish a world class port operation that is globally competitive adding values to the country's image and reputation.


5. In view of said amendment, all authorized weighbridge operators shall weigh each packed and sealed container individually regardless of size, whether FCL or LCL, and regardless of the number of shippers with shipments loaded inside the container.
6. The Terminal Operator shall supply the VGM information of each container to the carrier via EDI or other electronic means.
7. SOLAS Regulation VI/5 requires that a container should not be loaded to more than the maximum gross mass indicated on the Safety Approval Plate under the International Convention for Safe Containers (CSC), as amended.
8. The Terminal Operator or cargo handling operator shall not load an overloaded container. A container is considered overloaded if the gross mass exceeds the maximum allowable weight embossed on the face plate of the container including the tare weight of the container. If the face plate is no longer readable, the Terminal Operator shall refer to the ISO standards for maximum weights of containers according to size.
9. Any action regarding an overloaded container shall be the result of a business decision between the shipper and the carrier, and handling thereof shall be subject to the rules and regulations of the Authority.
10. If more than one container is mounted on a chassis (e.g. two 20-footers), each container shall be weighed separately.
11. All transhipped containers, particularly in view of the Co-Loading Act (R.A. 10668, 28 July 2014) shall not require any further weighing after the first port of origin or loading, unless the container has been stripped and re-stuffed.

If a transhipped container exits a port and is transported to another port (e.g. North Harbor to MICT or South Harbor), it shall be weighed again.

All existing issuances particularly PPA Memorandum Circular No. 23-2009 – *“Mandatory Weighing of Containers and RORO Vehicles”* and PPA Administrative Order No. 02-2012 – *“Guidelines in the Operation of Weighbridge Facilities and Services at PPA Ports,”* as amended, shall continue to be in force.

This Order shall take effect fifteen (15) calendar days from its publication in the Official Gazette or in a newspaper of general circulation and a copy filed with the University of the Philippines Law Center.

For the guidance and compliance of all concerned


RAUL T. SANTOS
Officer-In-Charge

Published in the Philippine Star - June 16, 2016

Effectivity Date June 30, 2016