

SUB-COMMITTEE ON DANGEROUS
GOODS, SOLID CARGOES AND
CONTAINERS
18th session
Agenda item 5

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DEVELOPMENT OF MEASURES TO PREVENT LOSS OF CONTAINERS

Verification of container weights

Submitted by the International Transport Workers' Federation (ITF)

SUMMARY

Executive summary: This document is in response to document DSC 18/5 – the correspondence group's report on possible draft amendments to SOLAS regulation VI/2 to address alternatives for the mandatory verification of containers' weight prior to the loading onto a ship

Strategic direction: 5.2

High-level action: 5.2.3

Planned output: 5.2.3.2

Action to be taken: Paragraph 9

Related documents: DSC 18/5; DSC 17/7 and DSC 17/INF. 5

Introduction

1 This document comments on the correspondence group's report (DSC 18/5) and is submitted in accordance with the provisions of paragraph 6.12.5 of the *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.2).

2 ITF has participated in the working and correspondence groups on the measures to prevent loss of containers and was co-sponsors of documents DSC 17/7 and DSC 17/INF.5. We have been consistently of the opinion that the problem of misdeclared and overloaded containers is widespread within the shipping industry and any solution that does not require the container to be weighed prior to loading will be subject to abuse. In document DSC 17/INF.5, examples of recent incidents showed that the incidence of substantially misdeclared weight containers may be in the region of 20 per cent putting the lives of seafarers and port workers continually at risk.

3 The recent loss of the **MOL Comfort**, a five-year old containership, recently surveyed, which broke in half and eventually sank, once again raises the question of the carriage of containers that have not been weighed and practice of operating on only a declared weight. Whilst unfortunately we can never be sure of all the factors behind this loss, overloading and

poor load distribution not consistent with the carriage plan would certainly be a strong possibility based on previous incidents.

Background

- 4 The discussions to date at DSC have recognized that:
- .1 there is no international regulation other than SOLAS to control the weighing of containers that travel by sea;
 - .2 it is a matter of identifying jurisdiction, inability to enforce and unclear liability;
 - .3 ultimately the responsibility for the safety of the ship remains with the master and shipowner; and
 - .4 any verified container weight that is not accompanied by a weighing certificate is solely based on the honesty and integrity of the shipper or their agent.

5 It has been recognized that many ports and sources of cargo do not have weighing facilities, and port terminals in general are reticent to take on the responsibility of ensuring all containers are weighed prior to loading. However, it could be argued that the port terminals are contracted by the shipowner to load their vessel safely which should include ensuring correct weights. Port terminals also have a responsibility for the welfare of their employees and as such should ensure that they are not handling overweight containers or wrongly declared loads.

6 As the choke point in the intermodal transit of containers, clearly the entrance to the port is the most appropriate place to check for a certificate of weighing prior to the port or weigh containers. This realistically need only be done once for containers in transit; however, in the eventuality a container arrives at the port facility without a certificate of verified weight, the port should be able to fulfil the requirement. Considering container terminals are generally high-tech installations with extremely costly machinery, it is not an unrealistic expectation for either weigh bridges or weighing mechanisms attached to lifting appliances to be a prerequisite and can be built into handling costs. These costs have been demonstrated by manufacturers to be minimal relative to the overall costs of machinery and operations.

7 ITF does not believe the solution in annex 1 to document DSC 18/5 does much more than retain the "status quo" and ultimately relies on the integrity of the shippers or their agents. With no enforcement internationally ashore and no ability to ensure States have in place oversight and certified approval methods, the process in SOLAS regulation VI/2.4.2 would be totally unenforceable and be in effect non-mandatory guidance.

Proposal

8 ITF believes that any packed container that has not been weighed by calibrated and certified equipment, accompanied by a certificate of proof, should not be loaded on the ship. We therefore propose the suggested text with respect to SOLAS regulation VI/2 in document DSC 18/5 (annex 1) be amended with the removal of clause 4.2 and with the appropriate amendments to the text in paragraph 7 of annex 2.

Action requested of the Sub-Committee

9 The Sub-Committee is invited to consider the proposal provided in paragraph 8 and take action, as appropriate.