

MARITIME SAFETY COMMITTEE
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CARRIAGE OF CARGOES AND CONTAINERS

Industry concerns regarding the verified gross mass of containers

**Submitted by the International Transport Workers' Federation and
the Nautical Institute**

SUMMARY

Executive summary: This information document wishes to alert Member States and interested NGOs to the industry's ongoing concerns on the subject of misdeclared container weights

Strategic directions: 5.2

High-level actions: 5.2.3

Planned output: 5.2.3.2

Action to be taken: Paragraph 15

Related documents: MSC 89/22/17; DSC 16/14; DSC 17/7; DSC 18/5; MSC 94/3 and MSC.1/Circ.1475

Misdeclared container weights, an ongoing problem

1 The issue of misdeclaration of container weights has been a subject of industry, labour, insurance and government concern for a number of years. It is of particular concern to the seagoing membership of the Nautical Institute.

2 This issue affects every stage of the supply chain. The TT Club has said that two-thirds of cargo claims could be attributed to poor container packing including misdeclaration of gross mass. Industry sources estimate that up to 20% of containers have misdeclared gross mass. ETS Consulting, who analysed the weight and stability of 125,000 containers in preparation for the drawing up of the *Guidelines regarding the verified gross mass of a container carrying cargo* (MSC.1/Circ.1475, annex), said it appeared that 5% were dangerously eccentric. The ITF continues to raise the issue that unstable containers moving by road are a public safety issue and this in turn leads to the question of whether laws have already been broken on the rail or road journey when a container with an under-declared gross mass arrives at a port to be loaded onto a ship.

IMO Guidelines regarding the verified gross mass of a container carrying cargo (MSC.1/Circ.1475)

3 MSC 93 approved MSC.1/Circ.1475 on *Guidelines regarding the verified gross mass of a container carrying cargo* (hereinafter referred to as the Guidelines), where it is explained that there are two acceptable methods for establishing the "verified gross mass" of a packed container:

"7.1 *Method No.1: Upon the conclusion of packing and sealing a container, the shipper may weigh, or have arranged that a third party weighs, the packed container; and*

7.2 *Method No.2: The shipper (or, by arrangement of the shipper, a third party) may weigh all the packages and cargo items, including the mass of pallets, dunnage and other packing and securing material to be packed in the container, and add the tare mass of the container to the sum of the single masses using a certified method."*

4 Paragraph 7.2.3 of the Guidelines, further states that "*the method used for weighing the container's contents under method no.2 is subject to certification and approval as determined by the competent authority of the State in which the packing and sealing of the container was completed*". Paragraph 7.2.3.1 adds that "*how the certification is to be done will be up to the State concerned, and could pertain to either the procedure for the weighing or to the party performing the weighing or both*".

Seafarer concerns with the IMO Guidelines

5 With the adoption of the amendments to SOLAS regulation VI/2 the seafarers' main concern is with their implementation and enforcement.

6 Of concern to seafarers is the fact that despite there being varying methods for weighing a container and no clear explanation as to how these will be implemented and enforced, paragraph 20 of the Guidelines states that the master has the ultimate decision whether to stow a packed container. Every flag State will have its own regulations regarding implementation and enforcement of the Guidelines and thus there can be varying degrees of accuracy in verified gross masses and varying levels of enforcement of compliance. The master has no control of any of this and must trust in and accept the information he receives. The master, given the ultimate decision-making power, may find him/herself pressured to accept a container(s) that s/he does not want to accept on board.

7 Seafarers are concerned that paragraph 1 of the Guidelines states that "in the absence of the shipper providing the verified gross mass of the packed container, the container should not be loaded on to the ship unless the master or his representative and the terminal representative have obtained the verified gross mass through other means".

8 The concern of the seafarer is that there is no obligation on the shipper to provide a weight. "What are those 'other' means?" The vessel does not have a means of weighing a container; does this mean that the terminal is responsible for weighing it? Allowing the shipper to present a container that has not been weighed would make weighing equipment necessary at all container terminals.

9 Method No.2 was meant to accommodate packers of homogenous cargo who would not be able to weigh the packed container or where a container was actually packed on board a ship in view of the ship's officers. Method No.2 combined with the statement in

paragraph 7 of this document would mean that vessels will load containers that arrive at the terminal with no declared weight, carrying non-homogenous cargo with no chance of the ship's officers to have a visual inspection of the cargo.

10 An additional concern is who will provide the financial and manpower resources needed to certify the equipment and audit the processes of the companies that utilize it whether it is for small individual packages or weighbridges for the container and contents?

Conclusion

11 The new SOLAS amendments are relevant and critical to the entire supply chain. Any one container can have an impact at any point along the supply chain: from a road accident resulting from a truck hauling an overweight container to a train derailment caused by overweight cargo falling through the floor of a container, from a dockworker being injured when a crane drops a container with an under-declared weight to the potential for a ship breaking apart as asserted in the interim report on casualty of **MOL Comfort**.

12 At all points in the supply chain, knowledge of the container's gross mass is absolutely critical to the health and safety of not only those carrying out their jobs but to the public in general, as well as the impact on infrastructure for national competent authorities.

13 With the two weighing methods now agreed upon, the Committee is reminded of paragraph 5.4 of the report of DSC 18 (DSC 18/13) which states that "*... the Sub-Committee noted the importance of proper enforcement and implementation of the amendments (e.g. relating to port State control, transshipment and other technical matters) ...*".

14 Seafarers would like all Member States to consider their concerns, to consider the relevance of the issue across the entire supply chain and specifically:

- .1 to plan robust implementation and enforcement programmes; and
- .2 to encourage ports in their States to provide current information on the discrepancies between declared and actual gross mass of the containers handled at their ports to a centrally designated body in the run-up to the 2016 implementation date so that an accurate assessment can be made of whether the Guidelines have the intended impact and can be considered successful.

Action requested of the Committee

15 The Committee is invited to note the above information and take action accordingly.