

GUIDELINES ON VERIFICATION OF THE GROSS MASS OF PACKED CONTAINERS

ALL SAMSA PERSONNEL, SHIP AGENTS, PORT AUTHORITIES, TERMINAL OPERATORS, SHIP OWNERS, FREIGHT FORWARDERS, SHIPPERS, HAULIERS, CARGO PACKERS, SAMSA ACCREDITED VGM ENTITIES AND OTHER INTERESTED AND AFFECTED PARTIES

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SUMMARY

This marine notice provides guidance on achieving compliance, with the Verified Gross Mass (VGM) regime of packed containers as stipulated in SOLAS Chapter VI Regulation 2 in the Republic of South Africa

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1 Purpose

- .1 This guidance document outlines the requirements for the implementation of the mandatory amendments to the International Convention for the Safety of Life at Sea (SOLAS) Chapter VI, Part A, Regulation 2, in the Republic of South Africa.
- .2 The SOLAS amendment places the responsibility of providing the verified gross mass of a packed container on the shipper, prior to it being loaded on board a ship.

2 Introduction

- .1 IMO's amendments to SOLAS Regulation VI/2 was prompted by the need to curb the mis-declaration of container weight which has resulted in numerous casualties. Container weight mis-declaration has the potential to cause injury and loss of life for the crew as well as port workers and causing damage to property which includes the vessel and shore machinery.
- .2 Together with the amendment to the Regulation VI/2, the International Maritime Organisation (IMO) introduced 'Guidelines Regarding the Verified Gross Mass of a Container Carrying Cargo' (MSC.1/Circ.1475) dated 9 June 2014, to establish a common approach for the implementation and enforcement of the SOLAS requirements regarding the verification of the gross mass of packed containers. The Guidelines provide recommendations on how to interpret and apply the provisions of the SOLAS requirements.
- .3 The main principles of the IMO guideline are as follows:
 - a. The shipper is responsible for obtaining and providing the verified gross mass of a packed container; and
 - b. A container partially or fully packed should not be loaded onto a ship to which the SOLAS Convention applies unless the Master or his representative and the terminal representative have obtained, in advance of a vessel loading, the verified actual gross mass of the container.

3 Definitions & Abbreviations

.1 Definition as in the IMO Guideline:

- .1 *Administration* means the Government of the State whose flag the ship is entitled to fly.
- .2 *Calibrated and certified equipment* means a scale, weighbridge, lifting equipment or any other device, capable of determining the actual gross mass of a packed container or of packages and cargo items, pallets, dunnage and other packing and securing material, that meets the accuracy standards and requirements of the State in which the equipment is being used.
- .3 *Cargo items* has the same general meaning as the term "cargo" in the International Convention for Safe Containers, 1972, as amended (hereinafter referred to as "the CSC"), and means any goods, wares, merchandise, liquids, gases, solids and articles of every kind whatsoever carried in containers pursuant to a contract of carriage. However, ship's equipment and ship's supplies, including ship's spare parts and stores, carried in containers are not regarded as cargo.
- .4 *Container* has the same meaning as the term "container" in the CSC and means an article of transport equipment:
 - a. of a permanent character and accordingly strong enough to be suitable for repeated use;
 - b. specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
 - c. designed to be secured and/or readily handled, having corner fittings for these purposes; and
 - d. of a size such that the area enclosed by the four outer bottom corners is either:
 - i. at least 14 m² (150 sq. ft.); or
 - ii. at least 7 m² (75 sq. ft.) if it is fitted with top corner fittings.
- .5 *Contract of carriage* means a contract in which a shipping company, against the payment of freight undertakes to carry goods from one place to another. The contract may take the form of or be evidenced by a document such as sea waybill, a bill of lading, or multi-modal transport document.
- .6 *Gross mass* means the combined mass of a container's tare mass and the masses of all packages and cargo items, including pallets, dunnage and other packing material and securing materials packed into the container (see also "Verified gross mass").
- .7 *Package* means one or more cargo items that are tied together, packed, wrapped, boxed or parcelled for transportation. Examples of packages include, but are not limited to, parcels, boxes, packets and cartons.

- .8 *Packed container* means a container, as previously defined, loaded ("stuffed" or "filled") with liquids, gases, solids, packages and cargo items, including pallets, dunnage, and other packing material and securing materials.
- .9 *Packing material* means any material used or for use with packages and cargo items to prevent damage, including, but not limited to, crates, packing blocks, drums, cases, boxes, barrels, and skids. Excluded from the definition is any material within individual sealed packages to protect the cargo item(s) inside the package.
- .10 *Securing material* means all dunnage, lashing and other equipment used to block, brace, and secure packed cargo items in a container.
- .11 *Ship* means any vessel to which SOLAS chapter VI applies. Excluded from this definition are roll-on/roll-off (ro-ro) ships engaged on short international voyages where the containers are carried on a chassis or trailer and are loaded and unloaded by being driven on and off such a ship.
- .12 *Shipper* means a legal entity or person named on the bill of lading or sea waybill or equivalent multimodal transport document (e.g. "through" bill of lading) as shipper and/or who (or in whose name or on whose behalf) a contract of carriage has been concluded with a shipping company.
- .13 *Shipping document* means a document used by the shipper to communicate the verified gross mass of the packed container. This document can be part of the shipping instructions to the shipping company or a separate communication (e.g. a declaration including a weight certificate produced by a weigh station).
- .14 *Tare mass* means the mass of an empty container that does not contain any packages, cargo items, pallets, dunnage, or any other packing material or securing material.
- .15 *Terminal representative* means a person acting on behalf of a legal entity or person engaged in the business of providing wharfage, dock, stowage, warehouse, or other cargo handling services in connection with a ship.
- .16 *Verified gross mass* means the total gross mass of a packed container as obtained by one of the methods described in paragraph 5.1 of these Guidelines. (see also "gross mass").

.2 Other Definitions

- .1 *Authorised Shipper* means a shipper that has been authorised to verify the gross mass of a packed container using method 2.
- .2 *Guidelines* means the IMO circular MSC.1/Circ.1475 "Guidelines Regarding the Verified Gross Mass of a Container Carrying Cargo", dated 9 June 2014.
- .3 *Recognised Sub-contractor* means a packing facility that is utilised by a Shipper to pack, verify and declare the gross mass of a container.
- .4 *SAMSA Accredited VGM Entity* means a legal entity accredited by SAMSA to conduct inspections, audits and verify the requirements for certification of an Authorised Shipper who opts to use Method 2 to declare the gross mass of a packed container. The SAMSA Accredited VGM Entity also provides same service with regards to certifying Recognised Sub-contractor.

.3 Abbreviations

CSC	Container Safety Convention
IMO	International Maritime Organisation
NRCS	National Regulator for Compulsory Specifications
SOLAS	Safety of Life at Sea Convention
SANAS	South African National Accreditation System
SAMSA	South African Maritime Safety Authority

4 The Role of the South African Maritime Safety Authority (SAMSA)

- .1 SAMSA is an agency of the Department of Transport and was established on 1 April 1998 in terms of the South African Maritime Safety Authority Act 5 of 1998.
- .2 SAMSA's objective is to administer and enforce various domesticated International Maritime Conventions to ensure safety of life and property at sea and to prevent and combat pollution of the marine environment by ships.
- .3 South Africa is a party to the SOLAS Convention.
- .4 The following limitations applies as far as SAMSA's role is concerned:
 - a. SAMSA will not accept any responsibility nor will SAMSA be involved in any way whatsoever in any commercial matters or disputes which may arise from the manner in which containers are planned and/or booked for shipment, or any other matter related thereto.

- b. SAMSA will not accept any responsibility nor will SAMSA be involved in any way whatsoever in respect of any contingency planning or management of the receipt of non-conforming containers at any point in the logistics chain, or any other matter related thereto.
 - c. SAMSA will not accept any responsibility for any claim(s) and/or dispute(s) that may arise between the shipper (and/or their legal representative) and the SAMSA Accredited VGM Entity in respect of the verification of the gross mass of the containers, or any other matter related thereto.
- .5 The logistics chain of a container may include different modes of transport in getting containers from the packing point to the terminal and eventually the vessel. These different modes of transport are regulated by different Governmental Departments and different rules and regulations may apply which might include weighing of the container transported.
- .6 As a result of the above, SAMSA does not take responsibility and will not accept any involvement in any of the procedures and/or processes and/or any dispute(s) that may arise in relation to any of these external processes of other Departments along the logistical chain, including but not limited to South African Revenue Services (Customs Division) and the Road Traffic Management Corporation (RTMC).
- .7 It is imperative to note that the responsibility for providing the Verified Gross Mass of Packed Containers lies with the shipper and must be performed in accordance with the methods and procedures as contained in this Marine Notice in order for the container shipment to be in compliance with the SOLAS Regulations.

5 Applicable IMO Convention / Domestic Legislation

.1 SOLAS Convention

- .1 The SOLAS requirements to verify the gross mass of a packed container apply to all containers to which the CSC applies.

SOLAS, Chapter VI, Part A, Regulation 2

“Prior to loading cargo units on board ships, the shipper shall ensure that the gross mass of such units is in accordance with the gross mass declared on the shipping documents”.

- .2 The term ‘container’ includes: tank containers, flat racks, bulk containers etc. Also included are containers carried on a chassis or a trailer except when such containers are driven on or off a ro-ro ship engaged in short international voyages. Excluded from the definition is any type of vehicle and "offshore containers" to which the CSC, according to the Guidelines for the approval of offshore containers handled in open seas (MSC/Circ.860) and the Revised Recommendations on Harmonized Interpretation and Implementation of the International Convention for Safe Containers, 1972, as amended (CSC.1/Circ.138/Rev.1), does not apply.

.2 Merchant Shipping (Carriage of Cargoes) Regulations, 2004

- .1 With respect to the verification of the gross mass of a packed container, the applicable South African legislation is the Merchant Shipping (Carriage of Cargoes) Regulations, 2004.
- .2 The application of these regulations is as follows:

“4. (1) Subject to subregulations (2) and (3), these regulations apply to every ship that is loaded or intended to be loaded with any cargo, and so apply to—

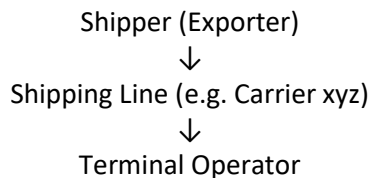
- (a) South African ships anywhere; and*
- (b) other ships when in the Republic or its territorial waters.*

(2) These regulations do not apply to small vessels, pleasure vessels or fishing vessels.

(3) These regulations apply to the carriage of all cargoes but are subject to the requirements of the Merchant Shipping (Dangerous Goods) Regulations, 1997, respecting the carriage of dangerous goods as defined in those regulations. Where those regulations regulate an aspect of carriage provided for in these regulations, those regulations apply to that extent, and not these”

6 Information Flow

- 1 The shipper, or their appointed representative, is responsible for providing a “verified gross mass” to the carrier or their terminal representative, regardless of who actually packs the container.
- 2 In order to ensure the smooth flow of cargo, it is essential that information is provided to other parties timeously and as early as possible. How this is achieved will be for the relevant parties in the supply chain involved in moving goods to determine. SOLAS requires that the information is submitted sufficiently in advance to be used in the preparation of the ship’s stowage plan. Verified gross mass must be obtained before the container is received by the terminal operator where applicable or before loading on to a ship.
- 3 In its simplest form the information flow regarding the provision of a verified gross mass may appear as follows:



7 Documentation

- 1 The SOLAS regulations require the shipper to verify the gross mass of the packed container using Method No. 1 or Method No. 2 and to communicate the verified gross mass in a shipping document
- 2 This document can be part of the shipping instructions to the shipping company or a separate communication e.g. a declaration including a weight certificate produced by a weigh station utilizing verified and certified equipment en route between the shipper’s origin and the port terminal.
- 3 In either case the document should clearly highlight that the gross mass provided is the “verified gross mass”.
- 4 Irrespective of its form, the document declaring the verified gross mass of the packed container should be signed by the person duly authorised by the shipper. The signature may be an electronic signature or may be replaced by the name in capitals of the person authorised to sign it.
- 5 The verified gross mass that is required under SOLAS relates to the packed container, including dunnage and securing equipment, together with the tare mass of the container.
- 6 The verified gross mass reflects the mass of the entire consignment presented for loading on board a ship and is different from other trade mass values such as used for bills of lading, which relate to contractual liability, or customs declarations.
- 7 SOLAS requires the verified gross mass to ensure that the correct value is used for ship stowage planning purposes, this safety requirement differs from other values used in trade. SOLAS does not require the verified gross mass to be identified in the Bill of Lading.
- 8 Consultation should be made directly with the shipping line to ascertain their requirements for declaring the verified gross mass of the packed container.
- 9 Shippers of empty containers and operators of empty containers are encouraged to have practices and arrangements in place to ensure that they are empty. The tare weight will visually appear on the container in accordance with the standards of the International Organization for Standardization (ISO) for container marking and identification) and should be used.

Example: Container Mass Verification Declaration

Name of Shipper:

Legal Entity or Person named on the Bill of Lading and / or who a contract of carriage has been concluded with a shipping company

Address of Shipper

Weight Calculation: Method 1 **Method 2**

SAMSA No: (Method 2 only)

Container Number:

Verified Gross Mass:

Date Verified:

List of container numbers with corresponding verified gross mass

Name of Declarant:

Authorised by shipper to verify the gross mass of container (s)

Entity | Phone | Email

Name of Entity appointed to pack and weigh containers on the shipper's behalf

If this function is outsourced by the shipper, name of the packhouse / freight forwarder etc to be Provided

Address | Entity | Phone | Email

8 Methods for Obtaining the Verified Gross Mass of a Packed Container

- .1 The SOLAS regulations prescribe two methods by which the shipper may obtain the verified gross mass of a packed container:
 - .1 **Method No.1:**
Upon the conclusion of packing and sealing a container, the shipper may weigh, or have arranged that a third-party weigh, the packed container.
 - .2 **Method No.2:**
The shipper (or, by arrangement of the shipper, a third party), may weigh all 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.
- .2 The IMO Guidelines do not stipulate that utilising Method 1 for verifying the gross mass of a packed container must be approved by SAMSA or that the weighing equipment used to weigh the packed and sealed container is approved or accredited by SAMSA.
- .3 SAMSA is responsible for certifying and approving the method used for weighing the container's contents under method 2. It would not be practical or cost effective for SAMSA to certify each Shipper or Sub-contractor.
- .4 Therefore, SAMSA will accredit certain entities who will be known as "SAMSA Accredited VGM Entity" in terms of Section 5 of the South African Maritime Safety Authority Act, 1998 to certify a Shipper or a Sub-contractor who in turn will declare the gross mass as detailed in the next section.

9 Accreditation process for a SAMSA Accredited VGM Entity

- .1 SAMSA will accredit only competent entities to conduct the assessments of the shipper's documented processes for verifying the gross mass of a container using Method 2. This will involve a desk top audit as well as physical on-site inspections.
- .2 The following is the process for obtaining accreditation as a SAMSA Accredited VGM Entity:
 - .1 Parties interested in becoming SAMSA approved third parties for verification of gross mass of packed containers under method 2 shall complete the checklist provided in Annex 2.
 - .2 SAMSA will review the submitted application and if satisfactory will schedule a site assessment.
 - .3 SAMSA will then conduct a site assessment of the entity, to inspect the facility, verify documentation, and interview the inspectors.
 - .4 The company will be expected to enter into a service level agreement with SAMSA.
 - .5 Qualifications of inspectors should include, relevant industry experience with respect to packing and sealing containers and corresponding documentation, knowledge of and ability to audit quality management systems. Further details are contained in the application form.
- .3 The time taken to assess the application and the time spent to inspect the company's premises will result in a consultancy fee on a per hour or part thereof basis as per regulation 65(1) "Consultancy and other services". In addition, all travel costs and travel and subsistence as per regulation 66 "Travel and subsistence" of the latest gazetted Determination of Charges will be levied. This process might involve more than one site visit and additional charges will then apply.
- .4 The accreditation is valid for a period of five (5) years and will be subject to a mid-term audit by SAMSA at the accredited entity's premises and will include a site visit to a shipper or a recognised sub-contractor.
- .5 SAMSA reserves the right to conduct ad hoc inspections and or audits on approved third parties to ensure a continued high standard of work is maintained.

- .6 Neither SAMSA nor the SAMSA accredited entity are responsible for declaring the verified gross mass of the container. It is the process utilised for obtaining the verified gross mass that is assessed and authorised.
- .7 The conduct between SAMSA accredited entities and the shippers will be governed by individual service level agreements. These agreements including any commercial contracts are to be formulated between the parties concerned. SAMSA will have no involvement in drawing up of such agreement.
- .8 SAMSA will withdraw the accreditation of the Accredited VGM Entity if it does not comply with the requirements of this Marine Notice or comply with the service level agreement.

10 Process for obtaining certification as an Authorised Shipper

- .1 The SAMSA Accredited VGM Entity will assess the shippers' documented processes for verifying the gross mass of packed containers.
- .2 The following listed documentation, including but not limited to, will need to be provided:
 - .1 The Shippers full entity name and head office address;
 - .2 Addresses where container packing and weight verification will be undertaken, inclusive of any sub-contractors used to pack containers on their behalf;
 - .3 Name of authorised person(s) at the entity;
 - .4 Letter of authorisation granting the designated person permission to state the verified gross mass of a packed container;
 - .5 Quality Management System certification e.g. ISO9001;
 - .6 Following procedure/documentation to be provided:
 - .1 Method used for verifying the gross mass of a packed container;
 - .2 Safe packing of a container in accordance with IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units;
 - .3 Description of weighing equipment to be used which includes:
 - .1 A Verification Certificate;
 - .2 Evidence that the Verification Laboratory is SANAS approved and designated by NRCS;
 - .3 Evidence that Verification Officers are approved and competent;
 - .4 Training records of operators of weighing equipment;
 - .5 Servicing and maintenance records of weighing equipment; and
 - .6 Records of weight tickets issued.
 - .4 Management of weight discrepancies;
 - .5 Inspection of containers prior to packing to ensure they are in sound condition; and
 - .6 Ensuring CSC safety approvals are valid, and containers are not overloaded.
- .3 The approval process for Authorised Shippers will entail a desktop audit of the procedures and site visit to ensure compliance with the requirements.
- .4 Upon the successful completion of an assessment, The SAMSA Accredited VGM Entity will submit a report and all documentation in support of a Shippers Authorisation. SAMSA will verify the submitted documents and if satisfied will issue a Shipper Authorisation Certificate. SAMSA will charge the Accredited VGM Entity a consultancy fee of one hour as per regulation 65(1) "Consultancy and other services" of the latest gazetted Determination of Charges to cover the cost of approving and issuing the Shippers Authorisation.
- .5 The shipper will be entered into the SAMSA Database of Authorised Shippers.
- .6 The Shippers Authorisation Certificate will be valid for a period not exceeding five (5) years and will be subject to an annual audit by the SAMSA Accredited VGM Entity and/or by SAMSA. SAMSA may at its discretion choose to accompany the Accredited VGM Entity for any audit or inspection of the Authorised Shipper.
- .7 The SAMSA Accredited VGM Entity will also conduct ad hoc inspections of the shipper's operations for purposes of ensuring compliance consistency. The frequency of which is not prescribed by SAMSA but will be determined by the SAMSA Accredited VGM Entity. However, the decision on the frequency as a minimum should be informed by the following;
 - .1 Audit findings,
 - .2 Previous inspection findings,
 - .3 Type of product packed and shipped,
 - .4 Complexity of the packing operation,
 - .5 Number of containers shipped per month,
- .8 Should a Shipper choose to use a SAMSA Recognised Sub-contractor, the above does not absolve the shipper, in any way, of their responsibility for providing the verified gross mass of a container or of

obtaining approval to use Method 2. They will be responsible for ensuring that due diligence checks are performed on the SAMSA Recognised Sub-contractor.

- .9 If, at any time during the five (5) year validity period, the Shipper no longer utilises the services of a Sub-contractor, the Shipper must notify the SAMSA Accredited VGM Entity within 14 days of such termination coming into effect so that the relevant Sub-contractor can be removed from the SAMSA database and the addendum to the Shippers Certificate of Authorisation amended.
- .10 Similarly, at any time during the 5 year validity period, should the shipper chooses to makes use of an additional sub-contractor, he must notify the SAMSA accredited entity immediately so that the sub-contractor can be assessed and included in SAMSA database and the addendum to the Shippers Certificate of Authorisation.
- .11 A Shipper who decides to no longer use Method 2 as the means for declaring the gross mass of a container is to inform the SAMSA Accredited VGM Entity that did the approval process of such within 14 days of ceasing to utilise method 2.
- .12 If the Authorised Shipper utilises the services of a Sub-contractor as detailed in the next section, then the Shipper shall audit the Sub-Contractor annually for compliance.

Note: It is the shipper that is provided with authorisation to declare the gross mass and not the sub-contractor/Recognised Sub-contractor, unless appointed by the Shipper in writing to do so on behalf of the Shipper.

11 Sub-contractor and the process for obtaining Certificate of Recognition as a Sub-contractor

- .1 The SOLAS regulations place the responsibility for providing the verified gross mass of a container on the shipper. The shipper may outsource the weighing and packing of containers to a sub-contractor.
- .2 A Sub-contractor is an entity nominated by a Shipper to conduct the packing of a container. The initial process of obtaining a Certificate of Authorisation as an Authorised Shipper, will include an inspection and documentation verification of the Sub-contractor.
- .3 Should the shipper utilise the services of a sub-contractor(s) to conduct the weighing and packing function, the shipper should formally appoint the sub-contractor(s) in writing. The SAMSA Accredited VGM Entity will confirm that the sub-contractor has been formally appointed and include the sub-contractor(s) in the assessment. The SAMSA accredited entity and/or SAMSA shall require a copy of the written appointment.
- .4 If a sub-contractor(s) is utilised, in addition to the Shippers on-site inspection an additional on-site inspection of the Sub-contractor will be conducted at the subcontractor(s) premises where the weighing and packing function is conducted.
- .5 The Shippers Certificate of Authorisation will include an addendum listing all the sub-contractors that have been appointed by the shipper to pack and weigh containers on their behalf and who have been verified by a SAMSA accredited entity.
- .6 SAMSA recognises that the sub-contractor may weigh and pack containers on behalf of several shippers and that this may result in multiple audits by various SAMSA Accredited VGM Entities. Therefore, a Sub-contractor may apply to be obtain a Certificate of Recognition to a SAMSA Accredited VGM Entity.
- .7 The following listed documentation for obtaining a Certificate of Recognition, including but not limited to, will need to be provided:
 - .1 The Sub-contractor's full entity name and head office address;
 - .2 Addresses where container packing and weight verification will be undertaken;
 - .3 Name of authorised person(s) at the entity;
 - .4 Letter of authorisation granting the designated person permission to state the verified gross mass of a packed container;
 - .5 Quality Management System certification e.g. ISO9001;
 - .6 Following procedure/documentation to be provided:
 - .1 Method used for verifying the gross mass of a packed container;
 - .2 Safe packing of a container in accordance with IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units;
 - .3 Description of weighing equipment to be used which includes:
 - .1 A Verification Certificate;
 - .2 Evidence that the Verification Laboratory is SANAS approved and designated by NRCS;
 - .3 Evidence that Verification Officers are approved and competent;
 - .4 Training records of operators of weighing equipment;
 - .5 Servicing and maintenance records of weighing equipment; and

- .6 Records of weight tickets issued.
 - .4 Management of weight discrepancies;
 - .5 Inspection of containers prior to packing to ensure they are in sound condition;
 - .6 Ensuring CSC safety approvals are valid, and containers are not overloaded;
 - .7 A list of all products handled at the facility; and
 - .8 Specific procedures for weighing, sorting and packing the various products handled at the Facility.
- .8 Approval will not be granted until proof of all the above-mentioned documentation is provided and an on-site inspection has been conducted to verify the weighing processes to the satisfaction of the SAMSA Accredited VGM Entity.
 - .9 Upon the successful completion of the assessment, the SAMSA Accredited VGM Entity will submit a report and all documentation in support of a Recognition as Sub-contractor. SAMSA will verify the submitted documents and if satisfied will issue a Certificate of Recognition. SAMSA will charge the Accredited VGM Entity a consultancy fee of one hour as per regulation 65(1) "Consultancy and other services" of the latest gazetted Determination of Charges to cover the cost of approving and issuing the Shippers Authorisation.
 - .10 The Recognised Sub-contractor will be entered into the SAMSA Database of Recognised Sub-contractors.
 - .11 The Certificate of Recognition will be valid for a period not exceeding five (5) years and will be subject to an annual audit by the SAMSA Accredited VGM Entity and/or by SAMSA. SAMSA may at its discretion choose to accompany the Accredited VGM Entity for any audit or inspection of the Sub-contractor.
 - .12 If the Recognised Sub-contractor is utilised by more than one shipper and has been audited annually by any one Shipper, then no further audits are required by Shippers also utilising the services of the Recognised Sub-contractor.
 - .13 The Recognised Sub-contractor is responsible for informing the SAMSA Accredited VGM Entity of any changes to product, procedures and or weighing equipment.

12 Verifying compliance with the requirements of SOLAS Regulation VI/2 – Verified Gross Mass of a Container

- .1 Packing and shipping of containers by shippers and/or packing facilities on behalf of shippers, domiciled within South Africa may utilise either Method 1 or Method 2 as detailed in section 13 below.
- .2 Since many containers are transported by road from neighbouring countries and shipped from a South African port, the following means of verifying the gross mass of a container carrying cargo are provided for in section 14 below:
 - .1 Method 1 –
 - .1 For a container that is packed, sealed and weighed in the country of origin, prior to it being transported to a South African port for shipping.
 - .2 When the cargo is transported into South Africa and stored in a local warehouse and subsequently packed into a container for shipment, and the entire packed and sealed container is weighed in South Africa.
 - .2 Method 2 –
 - .1 When the container is packed and weighed in the country of origin, prior to it being transported to a South African port for shipping.
 - .2 When the cargo is transported into South Africa and stored in a local warehouse and subsequently packed into a container for shipment, and the entire packed and sealed container is weighed in South Africa.
- .3 Shippers domiciled outside South Africa that are not signatories to the SOLAS convention that transport cargo via South Africa for export through South African Ports is detailed in section 15 below.

13 Shippers Domiciled in South Africa

- .1 **Method 1: Weighing the Packed & Sealed Container**
 - .1 Upon the conclusion of packing and sealing a container, the shipper may weigh, or have arranged that a third-party weigh, the packed container.
 - .2 The following documentation should, however, be available at all times to indicate that the weighing equipment is accurate:
 - .1 A Verification Certificate from a SANAS accredited Verification Laboratory designated for that purpose by NRCS;
 - .2 Evidence that the weighbridge is type-approved by NRCS

- .3 Evidence that Verification Officers are appointed and are competent;
 - .4 Training records of operators of weighing equipment;
 - .5 Servicing and maintenance records of weighing equipment; and
 - .6 Records of weight tickets issued.
- .3 The following provides guidance with respect to containers on road vehicles where a weigh bridge is used for ascertaining the gross mass of the container:
- Option 1:**
- Weigh the entire vehicle and container = Gross Mass
 - Weigh the vehicle without the container = Tare Mass
 - Gross Mass – Tare Mass = Mass of Container
- Option 2:**
- Weigh the empty container on the truck (A)
 - Weigh the packed container on the truck (B)
 - Deduct (A) from (B) and add the tare weight of the container as marked on it
- Option 3:**
- Weigh the entire vehicle and container = Gross Mass
 - Ascertain the tare mass of the entire vehicle as indicated in their registration documents issued by the competent authority
 - Gross Mass – Tare Mass of vehicle as per registration documents = Mass of Container
- .4 The following, but not limited to, may influence the accuracy of obtaining the verified gross mass of a container when using a weigh bridge:
- Fuel onboard;
 - Whether the driver or passengers remain in or out of the truck during the weighing process;
 - Distribution of the load on the weigh bridge; and
 - Tyre pressure
 - Additions made to the vehicle, subsequent to registration, e.g. Bull bars etc.

Note: If two packed containers on a road vehicle are to be weighed, their gross mass should be determined by weighing each container separately. Dividing the total gross mass of the two containers by two after subtracting the mass of the road vehicle and the tractor, where applicable, would not produce an accurate verified gross mass for each container and is not acceptable.

- .5 Weigh Bridge Tickets that are produced by the weigh bridge should contain the following information as a minimum:
- .1 Name and physical address of the weigh bridge facility,
 - .2 Container number,
 - .3 Container seal number,
 - .4 Date and time the container was weighed,
 - .5 The name of the shipper.
 - .6 Gross mass of the container,

The weigh bridge ticket is used to support the verified gross mass declaration that is sent to the shipping line.

.2 Method 2: Certification and approval as determined by the competent Authority

- .1 A Shipper may only declare the gross mass of a container if the shipper holds a certificate as an Authorised Shipper.
- .2 The shipper (or, by arrangement of the shipper, an approved packing facility), may weigh all 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 the method as submitted and approved during the approval stage.
- .3 The IMO Circular MSC.1/Circ.1475 *Guidelines Regarding the Verified Gross Mass of a Container Carrying Cargo* states that the use of Method No. 2 is subject to the following:

5.1.2.3 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.

5.1.2.3.1 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.

14 Shippers Domiciled Outside South Africa

.1 Method 1: Weighing the Packed & Sealed Container

For shippers domiciled outside South Africa who ship cargo through South African Ports:

- .1 If the cargo is packed, sealed and weighed using Method No. 1, in the country of origin, prior to it being transported to a South African port, MSC1/Circ1475 applies, i.e. The scale, weighbridge, lifting equipment or other devices used to verify the gross mass of the container, in accordance with either Method No.1 or Method No.2, should meet the applicable accuracy standards and requirements of the State in which the equipment is being used.
- .2 If the cargo is transported into South Africa and stored in a local warehouse and subsequently packed into a container for shipment, and the entire packed and sealed container is weighed in South Africa, the following applies:
 - .1 Delegation of authority:
 - .1 Formal written appointment by the shipper (domiciled outside of South Africa) nominating a local representative to assist with obtaining the verified gross mass of the container.
 - .2 The formal written appointment must empower the local representative to appoint a person (s) authorised to sign the document declaring the verified gross mass of the container. The appointed person(s) could be a representative of the local representative who is appointed by the shipper to weigh the container in South Africa.
 - .3 In the event of a dispute, SAMSA will address the matter with the appointed local representative.
 - .2 The documentation referred to in section 10 of this document should always be available from the local representative to prove that the weighing equipment being utilised is legal and accurate

.2 Method 2: Certification and approval as determined by the competent Authority

- .1 If the cargo is packed and weighed using Method No. 2 in the country of origin, prior to it being transported to a South African port, MSC1/Circ1475 5.1.2 applies.
- .2 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.
- .3 If the cargo is transported via road vehicle, into South Africa, stored at a local warehouse and then packed into a container for shipment, using Method 2, the following applies:
 - a. The mass of the cargo, packaging and securing materials should be ascertained in South Africa, using weighing equipment that meets the requirements of the Legal Metrology Act.
 - b. Delegation of authority:
 - .1 Formal written appointment by the shipper (domiciled outside of South Africa) nominating a local representative to assist with obtaining the verified gross mass of the container.
 - .2 The formal written appointment must empower the local representative to appoint person(s) who is authorised to sign the document declaring the verified gross mass of the container. The appointed person(s) could be a representative of the local representative who is appointed by the shipper to weigh the container in South Africa.
 - .3 In the event of a dispute, SAMSA will address the matter with the appointed local representative.
 - c. Approval Process:
 1. The SAMSA accredited entity will assess the documented processes and conduct on-site inspections of the local representative appointed by the shipper, where the weighing and packing is conducted.
 2. Upon the successful completion of an assessment, SAMSA accredited entities will obtain from SAMSA, a unique number that will be recorded on the certificate of authorisation. The fees for issuing of a shipper authorisation number stipulated in section 11(3)(2) will apply.

3. The local representative where the packing and weighing is conducted will be entered into the SAMSA Database of Authorised Shippers.
4. The local representative appointed by the shipper will be issued a certificate which will be valid for a period not exceeding 5 years (5) and will be subject to the audit and inspection stipulated in section 11(3)(4).
5. The local representative will only be able to use the unique SAMSA number for a specific shipper and not all shippers.
6. Should there be more than one shipper domiciled outside of South Africa, utilising the services of the same facility, the local representative will have to apply for separate SAMSA numbers.

15 Shippers Domiciled in Countries Outside South Africa that are not Signatories to the SOLAS Convention

- .1 Shippers that are domiciled in countries that are not signatories to the SOLAS convention, that ship cargo through South African ports, will have to comply with the SOLAS Regulations and by providing the verified gross mass of the container using Method 1 or Method 2. Reference should be made to the relevant provisions in sections 14 above. A container may not be loaded onboard a vessel if the verified gross mass is not provided.

16 Transhipments

- .1 Packed container which are delivered to a port terminal facility by a ship to which the SOLAS regulations apply for transhipment onto a ship to which the SOLAS regulations also apply, each container being delivered is required by the SOLAS regulations to have had a verified gross mass before loading onto the delivering ship. All packed containers discharged in the transhipment port should therefore already have a verified gross mass and further weighing in the transhipment port facility is not required.
- .2 The delivering ship should inform the port terminal facility in the transhipment port of the verified gross mass of each delivered packed container. The master of the ship onto which the transhipped, packed containers are to be loaded and the port terminal facility in the transhipment port may rely on the information provided by the delivering vessel. Existing ship-port communication systems may be used for the provision of such information in agreement between the commercial parties involved.

17 Weighing Equipment

- .1 The process for the verification of the gross mass of containers is dependent on accurate weighing equipment. The scale, weighbridge, lifting equipment or other devices used to verify the gross mass of the container, should meet the applicable accuracy standards and requirements of the State in which the equipment is being used.
- .2 Within the Republic of South Africa there are two regulatory bodies involved with weighing equipment, namely the National Regulator for Compulsory Specifications (NRCS) and South African National Accreditation System (SANAS) both these regulatory bodies fall under the Department of Trade and Industry:
 - .1 NRCS governs the Legal Metrology Act and Regulations, which ensures that consumers receive the quantity of goods, as declared by an importer, manufacturer or retailer. It also ensures that instrument measurements remain accurate, within prescribed limits of error, where measuring instruments are used to conclude a transaction. This ensures that both industry and consumers are protected. NRCS approve weighing equipment, for commercial purposes, to ensure that it is fit for its intended purpose. All weighing equipment that is type approved can be found on a database on the NRCS website.
 - .2 SANAS is the national body responsible for carrying out accreditations in respect of conformity assessment, as mandated through the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act (Act 19 of 2006). This includes the accreditation of calibration, testing and verification laboratories amongst other accreditations.
 - .3 SANAS accredits verification laboratories. The verification laboratories are responsible for verifying weighing equipment periodically in accordance with the regulations pertaining to the type of equipment being used.
 - .4 The SANAS website lists all the accredited verification laboratories. Verification Laboratories, may be suppliers or manufacturers of weighing equipment, must be accredited by the South African National Accreditation System (SANAS) according to SANS 10378.

- .5 Verification Laboratories must be accredited by SANAS and designated by NRCS to conduct the verification of weighing equipment.
- .6 The following are mandatory requirements for weighing equipment:
 - .1 All weighing equipment must have a Verification Certificate, issued by a Verification Laboratory designated by NRCS and endorsed with a Type Approval Number obtained from NRCS.
 - .2 Verification Laboratories must verify the weighing equipment periodically in accordance with the Regulations.
 - .3 Verification Officers conducting verifications for the Verification Laboratories must be appointed in writing, must be competent to conduct the required tasks and be able to work within the ambits of their listed scope.

18 Tolerances

- .1 A 2% enforcement tolerance will be implemented strictly for guidance purposes only. It will be used and considered on a case by case basis. The enforcement threshold should not be confused with the issue of accuracy and the underlying issue that the verified gross mass of the container, arrived at by using either Method 1 or Method 2, should be accurate. As stated in section 4, SAMSA will not be liable nor involved in disputes arising out of infringements related legislation administered by the South African Revenue Services (Customs Division). Road Traffic Management Corporation (RTMC) and any other applicable legislation.

19 Non-Conformances and Contingencies

- .1 **Discrepancies in gross mass**
 - .1 Any discrepancy between a packed container's gross mass declared prior to the verification of its gross mass and its verified gross mass should be resolved by use of the verified gross mass.
 - .2 Any discrepancy between a verified gross mass of a packed container obtained prior to the container's delivery to the port terminal facility and a verified gross mass of that container obtained by that port facility's weighing of the container should be resolved by use of the latter verified gross mass obtained by the port terminal facility.
- .2 **Containers exceeding their maximum gross mass**
 SOLAS regulation VI/5 requires that a container not be packed to more than the maximum gross mass indicated on the Safety Approval Plate under the International Convention for Safe Containers (CSC), as amended. A container with a gross mass exceeding its maximum permitted gross mass may not be loaded onto a ship.
- .3 **Contingencies for containers received without a verified gross mass**
 - .1 Should a packed container be delivered to a port terminal facility without the shipper providing the verified gross mass of the container, the container should not be loaded onto the ship until the verified gross mass has been obtained.
 - .2 In order to prevent potential delays and congestion in the port, the Master or his representative and the terminal representative may obtain the verified gross mass of the packed container on behalf of the shipper. The verified gross mass so obtained should be used in the preparation of the ship loading plan. Whether and how to do this should be agreed between the commercial parties, including the apportionment of the costs involved. This infringement must be reported to SAMSA by the terminal operator or the Master.

20 Masters Ultimate Decision Whether to Stow a Packed Container

- .1 Ultimately, and in conformance with the Code of Safe Practice for Cargo Stowage and Securing, the ship's Master should accept the cargo on board the ship only if he/she is satisfied that it can be safely transported. There is no provision in the SOLAS regulations that limits the principle that the Master retains the ultimate discretion in deciding whether to accept a packed container for loading onto the ship. The availability of the verified gross mass of a packed container, to both the terminal representative and to the Master or his/her representative, must be provided sufficiently in advance by the shipper and/or his/her representative, for the verified gross mass to be used in the ship stowage plan. It should be noted that this is a prerequisite for a container to be loaded onto a ship to which the SOLAS regulations apply. It does not, however, constitute an entitlement for loading.

21 Enforcement and Penalties for Non-Compliance

.1 Enforcement

SAMSA will enforce the SOLAS requirements on verified gross mass of packed containers and Merchant Shipping Carriage of Cargo Regulations through:

- .1 Port State Control Inspections;
- .2 Ad hoc inspections;
- .3 Continuous auditing of SAMSA accredited entities; and
- .4 Reporting of non-conforming containers and/or cargo information by SAMSA accredited entities.

.2 Penalties

The Merchant Shipping Carriage of Cargoes Regulations, 2004 states the following:

Cargo information

*“5. (6) Every shipper or forwarder commits an offence who—
(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”*

Penalties and Defences (as amended)

*15. (1) A person who commits an offence in terms of these regulations is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months
(2) In proceedings for an offence in terms of these regulations it is a defence to prove that the accused took reasonable precautions and exercised due diligence to avoid the commission of the offence.*

If SAMSA or one of the SAMSA accredited entities identifies that a shipper has mis-declared the gross mass of a packed container, SAMSA may:

- Require that the SAMSA accredited entity suspend or revoke the shipper’s approval. It will then be necessary for the shipper to use Method 1 to verify the gross mass of a packed container; and/or
- Require an Admission of Contravention to be signed and paid, failing which, the alleged contravention will be prosecuted.

22 Reference Documents

- .1 SOLAS Convention;
- .2 Merchant Shipping Act, 1951;
- .3 Merchant Shipping Carriage of Cargoes Regulations, 2004;
- .4 Legal Metrology Act, 2014;
- .5 IMO Guidelines Regarding the Verified Gross Mass of a Container Carrying Cargo (MSC.1/Circ.1475);
- .6 Merchant Shipping Safe Containers Convention Act, 2011;
- .7 South African Maritime Safety Act, 1998;
- .8 IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units;
- .9 Code of Safe Practice for Cargo Stowage and Securing;

23 List of SAMSA accredited VGM Entities and authorised shippers

- .1 A list of valid SAMSA accredited VGM entities that are approved to Authorise Shippers can be found in the following link:
[List of valid SAMSA Accredited VGM Entities](#)
- .2 A list of Authorised Shippers approved to use VGM Method 2 can be found in the following link:
[List of Authorised Shippers](#)

24 Enquiries

- .1 All enquires related to VGM must be addressed to vgm@samsa.org.za .

Annex 1 – MSC.1/Circ.1475 - Guidelines Regarding the Verified Gross Mass of a Container Carrying Cargo



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4 ALBERT EMBANKMENT LONDON SE1
7SR
Telephone: +44 (0)20 7735 7611 Fax: +44 (0)20 7587 3210

MSC.1/Circ.1475
9 June 2014

**GUIDELINES REGARDING THE VERIFIED GROSS MASS OF A
CONTAINER CARRYING CARGO**

- 1 The Maritime Safety Committee, at its ninety-third session (14 to 23 May 2014), having considered the proposal by the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers, at its eighteenth session (16 to 20 September 2013), approved the *Guidelines regarding the verified gross mass of a container carrying cargo*, as set out in the annex.
- 2 The Guidelines are intended to establish a common approach for the implementation and enforcement of the SOLAS requirements regarding the verification of the gross mass of packed containers.
- 3 Member Governments are invited to bring the annexed Guidelines to the attention of all parties concerned.



ANNEX

GUIDELINES REGARDING THE VERIFIED GROSS MASS OF A CONTAINER CARRYING CARGO

1 Introduction

1.1 To ensure the safety of the ship, the safety of workers both aboard ships and ashore, the safety of cargo and overall safety at sea, the International Convention for the Safety of Life at Sea (SOLAS), as amended, requires in chapter VI, part A, regulation 2 that packed containers' gross mass are verified prior to stowage aboard ship. The shipper is responsible for the verification of the gross mass of a container carrying cargo (hereinafter "a packed container"). The shipper is also responsible for ensuring that the verified gross mass is communicated in the shipping documents sufficiently in advance to be used by the ship's master or his representative and the terminal representative in the preparation of the ship stowage plan. 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.

1.2 The purpose of these Guidelines is to establish a common approach for the implementation and enforcement of the SOLAS requirements regarding the verification of the gross mass of packed containers. The Guidelines provide recommendations on how to interpret and apply the provisions of the SOLAS requirements. They also identify issues that may arise from the application of these requirements and provide guidance for how such issues should be resolved. Adherence to these Guidelines will facilitate compliance with the SOLAS requirements by shippers of containerized shipments, and they will assist other parties in international containerized supply chains, including shipping companies and port terminal facilities and their employees, in understanding their respective roles in accomplishing the enhancement of the safe handling, stowage and transport of containers.

2 Definitions

2.1 For the purpose of these Guidelines:

2.1.1 *Administration* means the Government of the State whose flag the ship is entitled to fly.

2.1.2 *Calibrated and certified equipment* means a scale, weighbridge, lifting equipment or any other device, capable of determining the actual gross mass of a packed container or of packages and cargo items, pallets, dunnage and other packing and securing material, that meets the accuracy standards and requirements of the State in which the equipment is being used.

2.1.3 *Cargo items* has the same general meaning as the term "cargo" in the International Convention for Safe Containers, 1972, as amended (hereinafter referred to as "the CSC"), and means any goods, wares, merchandise, liquids, gases, solids and articles of every kind whatsoever carried in containers pursuant to a contract of carriage. However, ship's equipment and ship's supplies¹, including ship's spare parts and stores, carried in containers are not regarded as cargo.

¹ Refer to the *Revised recommendations on the safe transport of dangerous cargoes and related activities in port areas* (MSC.1/Circ.1216).

2.1.4 *Container* has the same meaning as the term "container" in the CSC and means an article of transport equipment:

- (a) of a permanent character and accordingly strong enough to be suitable for repeated use;
- (b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
- (c) designed to be secured and/or readily handled, having corner fittings for these purposes; and
- (d) of a size such that the area enclosed by the four outer bottom corners is either:
 - (i) at least 14 m² (150 sq. ft.); or
 - (ii) at least 7 m² (75 sq. ft.) if it is fitted with top corner fittings.

2.1.5 *Contract of carriage* means a contract in which a shipping company, against the payment of freight, undertakes to carry goods from one place to another. The contract may take the form of, or be evidenced by a document such as sea waybill, a bill of lading, or multi-modal transport document.

2.1.6 *Gross mass* means the combined mass of a container's tare mass and the masses of all packages and cargo items, including pallets, dunnage and other packing material and securing materials packed into the container (see also "*Verified gross mass*").

2.1.7 *Package* means one or more cargo items that are tied together, packed, wrapped, boxed or parcelled for transportation. Examples of packages include, but are not limited to, parcels, boxes, packets and cartons.

2.1.8 *Packed container* means a container, as previously defined, loaded ("stuffed" or "filled") with liquids, gases, solids, packages and cargo items, including pallets, dunnage, and other packing material and securing materials.

2.1.9 *Packing material* means any material used or for use with packages and cargo items to prevent damage, including, but not limited to, crates, packing blocks, drums, cases, boxes, barrels, and skids. Excluded from the definition is any material within individual sealed packages to protect the cargo item(s) inside the package.

2.1.10 *Securing material* means all dunnage, lashing and other equipment used to block, brace, and secure packed cargo items in a container.

2.1.11 *Ship* means any vessel to which SOLAS chapter VI applies. Excluded from this definition are roll-on/roll-off (ro-ro) ships engaged on short international voyages² where the containers are carried on a chassis or trailer and are loaded and unloaded by being driven on and off such a ship.

² SOLAS regulation III/2 defines "short international voyage" as an international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety, and which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination.

2.1.12 *Shipper* means a legal entity or person named on the bill of lading or sea waybill or equivalent multimodal transport document (e.g. "through" bill of lading) as shipper and/or who (or in whose name or on whose behalf) a contract of carriage has been concluded with a shipping company.

2.1.13 *Shipping document* means a document used by the shipper to communicate the verified gross mass of the packed container. This document can be part of the shipping instructions to the shipping company or a separate communication (e.g. a declaration including a weight certificate produced by a weigh station).

2.1.14 *Tare mass* means the mass of an empty container that does not contain any packages, cargo items, pallets, dunnage, or any other packing material or securing material.

2.1.15 *Terminal representative* means a person acting on behalf of a legal entity or person engaged in the business of providing wharfage, dock, stowage, warehouse, or other cargo handling services in connection with a ship.

2.1.16 *Verified gross mass* means the total gross mass of a packed container as obtained by one of the methods described in paragraph 5.1 of these Guidelines. (see also "gross mass").

3 Scope of applicability

3.1 The SOLAS requirements to verify the gross mass of a packed container apply to all containers to which the CSC applies, and which are to be stowed onto a ship determined by the Administration to be subject to SOLAS chapter VI.

3.2 For example (but not limited to), a packed container on a chassis or trailer to be driven on a ro-ro ship is subject to the SOLAS requirements, if the ship has been determined by the Administration to be subject to SOLAS chapter VI and is not engaged on short international voyages. However, cargo items tendered by a shipper to the master for packing into a container already on board the ship are not subject to these SOLAS requirements.

3.3 The term container includes tank-containers, flat-racks, bulk containers etc. Also included are containers carried on a chassis or a trailer except when such containers are driven on or off a ro-ro ship engaged in short international voyages (see definition of ship). Excluded from the definition is any type of vehicle³. Also excluded from the definition are "offshore containers" to which the CSC, according to the *Guidelines for the approval of offshore containers handled in open seas* (MSC/Circ.860) and the *Revised recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended* (CSC.1/Circ.138/Rev.1), does not apply.

4 Main principles

4.1 The responsibility for obtaining and documenting the verified gross mass of a packed container lies with the shipper.

4.2 A container packed with packages and cargo items should not be loaded onto a ship to which the SOLAS regulations apply unless the master or his representative and the terminal representative have obtained, in advance of vessel loading, the verified actual gross mass of the container.

³ Refer to the *Revised recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended* (CSC.1/Circ.138/Rev.1).

5 Methods for obtaining the verified gross mass of a packed container

5.1 The SOLAS regulations prescribe two methods by which the shipper may obtain the verified gross mass of a packed container:

5.1.1 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.

5.1.2 Method No.2: The shipper (*or, by arrangement of the shipper, a third party*), may weigh all 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 as described in paragraphs 5.1.2.3 and 5.1.2.3.1. Any third party that has performed some or all of the packing of the container should inform the shipper of the mass of the cargo items and packing and securing material that the party has packed into the container in order to facilitate the shipper's verification of the gross mass of the packed container under Method No.2. As required by SOLAS VI/2 and paragraph 5, the shipper should ensure that the verified gross mass of the container is provided sufficiently in advance of vessel loading. How such information is to be communicated between the shipper and any third party should be agreed between the commercial parties involved.

5.1.2.1 Individual, original sealed packages that have the accurate mass of the packages and cargo items (including any other material such as packing material and refrigerants inside the packages) clearly and permanently marked on their surfaces, do not need to be weighed again when they are packed into the container.

5.1.2.2 Certain types of cargo items (e.g. scrap metal, unbagged grain and other cargo in bulk) do not easily lend themselves to individual weighing of the items to be packed in the container. In such cases, usage of Method No.2 would be inappropriate and impractical, and Method No.1 should be used instead.

5.1.2.3 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.⁴

5.1.2.3.1 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.

5.1.3 If a container is packed by multiple parties or contains cargo from multiple parties, the shipper as defined in paragraph 2.1 is responsible for obtaining and documenting the verified gross mass of the packed container. If the shipper chooses Method No.2 to obtain the verified gross mass, the shipper is then subject to all the conditions given in paragraphs 5.1.2, 5.1.2.1, 5.1.2.2, and 5.1.2.3.

6 Documentation

6.1 The SOLAS regulations require the shipper to verify the gross mass of the packed container using Method No.1 or Method No.2 and to communicate the verified gross mass in a shipping document. This document can be part of the shipping instructions to the shipping company or a separate communication (e.g. a declaration including a weight certificate produced by a weigh station utilizing calibrated and certified equipment on the route between the shipper's origin and the port terminal). In either case, the document should clearly highlight that the gross mass provided is the "verified gross mass" as defined in paragraph 2.1.

⁴ Reference to the relevant MSC Circular regarding contact information for the competent authority.

6.2 Irrespective of its form, the document declaring the verified gross mass of the packed container should be signed by a person duly authorized by the shipper. The signature may be an electronic signature or may be replaced by the name in capitals of the person authorized to sign it.

6.3 It is a condition for loading onto a ship to which the SOLAS regulations apply that the verified gross mass of a packed container be provided, preferably by electronic means such as Electronic Data Interchange (EDI) or Electronic Data Processing (EDP), to the ship's master or his representative and to the terminal representative sufficiently in advance of ship loading to be used in the preparation and implementation of the ship stowage plan.

6.3.1 Because the contract of carriage is between the shipper and the shipping company, not between the shipper and the port terminal facility, the shipper may meet its obligation under the SOLAS regulations by submitting the verified gross mass to the shipping company. It is then the responsibility of the shipping company to provide information regarding the verified gross mass of the packed container to the terminal representative in advance of ship loading. Similarly, the shipper may also submit the verified gross mass to the port terminal facility representative upon delivery of the container to the port facility in advance of loading.

6.3.1.1 The master or his representative and the terminal representative should enter into arrangements to ensure the prompt sharing of verified container gross mass information provided by shippers. Existing communication systems may be used for the transmission and sharing of such verified container gross mass information.

6.3.1.2 At the time a packed container is delivered to a port terminal facility, the terminal representative should have been informed by the shipping company whether the shipper has provided the verified gross mass of the packed container and what that gross mass is.

6.3.2 There is no SOLAS prescribed time deadline for the shipper's submission of the verified gross mass other than such information is to be received in time to be used by the master and the terminal representative in the ship stowage plan. The finalization of the ship stowage plan will depend on ship type and size, local port loading procedures, trade lane and other operational factors. It is the responsibility of the shipping company with whom the shipper enters into a contract of carriage to inform the shipper, following prior discussions with the port terminal, of any specific time deadline for submitting the information.

7 Equipment

7.1 The scale, weighbridge, lifting equipment or other devices used to verify the gross mass of the container, in accordance with either Method No.1 or Method No.2 discussed above, should meet the applicable accuracy standards and requirements of the State in which the equipment is being used.

8 Intermodal container movements and transshipments

8.1 The verified gross mass of a packed container should be provided to the next party taking custody of the container.

8.1.1 If a packed container is transported by road, rail or a vessel to which the SOLAS regulations do not apply and delivered to a port terminal facility without its verified gross mass, it may not be loaded onto a ship to which the SOLAS regulations apply unless the master or his representative and the terminal representative have obtained the verified gross mass of the container on behalf of the shipper (see also paragraph 13.1).

8.1.2 If a packed container is delivered to a port terminal facility by a ship to which the SOLAS regulations apply for transshipment onto a ship to which the SOLAS regulations also apply, each container being delivered is required by the SOLAS regulations to have had a verified gross mass before loading onto the delivering ship. All packed containers discharged in the transshipment port should therefore already have a verified gross mass and further weighing in the transshipment port facility is not required. The delivering ship should inform the port terminal facility in the transshipment port of the verified gross mass of each delivered packed container. The master of the ship onto which the transhipped, packed containers are to be loaded and the port terminal facility in the transshipment port may rely on the information provided by the delivering vessel. Existing ship-port communication systems may be used for the provision of such information in agreement between the commercial parties involved.

9 Discrepancies in gross mass

9.1 Any discrepancy between a packed container's gross mass declared prior to the verification of its gross mass and its verified gross mass should be resolved by use of the verified gross mass.

9.2 Any discrepancy between a verified gross mass of a packed container obtained prior to the container's delivery to the port terminal facility and a verified gross mass of that container obtained by that port facility's weighing of the container should be resolved by use of the latter verified gross mass obtained by the port terminal facility.

10 Containers exceeding their maximum gross mass

10.1 SOLAS regulation VI/5 requires that a container not be packed to more than the maximum gross mass indicated on the Safety Approval Plate under the International Convention for Safe Containers (CSC), as amended. A container with a gross mass exceeding its maximum permitted gross mass may not be loaded onto a ship.

11 Containers on road vehicles

11.1 If the verified gross mass of a packed container is obtained by weighing the container while it is on a road vehicle, (e.g. chassis or trailer), the tare mass of the road vehicle (and, where applicable, the tractor) should be subtracted to obtain the verified gross mass of the packed container. The subtraction should reflect the tare mass of the road vehicle (and, where applicable, the tractor) as indicated in their registration documents as issued by the competent authority of the State where these assets are registered. The mass of any fuel in the tank of the tractor should also be subtracted.

11.2 If two packed containers on a road vehicle are to be weighed, their gross mass should be determined by weighing each container separately. Simply dividing the total gross mass of the two containers by two after subtracting the mass of the road vehicle and the tractor, where applicable, would not produce an accurate verified gross mass for each container, and should not be allowed.

12 Empty containers

12.1 Shippers of empty containers and operators of empty containers are encouraged to have practices and arrangements in place to ensure that they are empty. The tare weight will visually appear on the container in accordance with the International Organization for Standardization (ISO) standard for container marking and identification⁵⁾ and should be used.

⁵ Refer to standard ISO 6346 – Freight containers – Coding, identification and marking.

13 Contingencies for containers received without a verified gross mass

13.1 Notwithstanding that the shipper is responsible for obtaining and documenting the verified gross mass of a packed container, situations may occur where a packed container is delivered to a port terminal facility without the shipper having provided the required verified gross mass of the container. Such a container should not be loaded onto the ship until its verified gross mass has been obtained. In order to allow the continued efficient onward movement of such containers, the master or his representative and the terminal representative may obtain the verified gross mass of the packed container on behalf of the shipper. This may be done by weighing the packed container in the terminal or elsewhere. The verified gross mass so obtained should be used in the preparation of the ship loading plan. Whether and how to do this should be agreed between the commercial parties, including the apportionment of the costs involved.

14 Master's ultimate decision whether to stow a packed container

14.1 Ultimately, and in conformance with the Code of Safe Practice for Cargo Stowage and Securing⁶, the ship's master should accept the cargo on board his ship only if he is satisfied that it can be safely transported. Nothing in the SOLAS regulations limit the principle that the master retains ultimate discretion in deciding whether to accept a packed container for loading onto his ship. Availability to both the terminal representative and to the master or his representative of the verified gross mass of a packed container sufficiently in advance to be used in the ship stowage plan is a prerequisite for the container to be loaded onto a ship to which the SOLAS regulations apply. It does, however, not constitute an entitlement for loading.

15 Enforcement

15.1 Like other SOLAS provisions, the enforcement of the SOLAS requirements regarding the verified gross mass of packed containers falls within the competence and is the responsibility of the SOLAS Contracting Governments. Contracting Governments acting as port States should verify compliance with these SOLAS requirements. Any incidence of non-compliance with the SOLAS requirements is enforceable according to national legislation.

15.2 The ultimate effectiveness and enforcement of the SOLAS container gross mass verification requirement is that a packed container, for which the verified gross mass has not been obtained sufficiently in advance to be used in the ship stowage plan, will be denied loading onto a ship to which the SOLAS regulations apply. Any costs associated with the non-loading, storage, demurrage or eventual return of the container to the tendering shipper of the container should be subject to contractual arrangements between the commercial parties.

16 Effective date of the SOLAS requirements regarding verified gross mass of a container carrying cargo

16.1 The SOLAS requirements regarding verified gross mass of a container carrying cargo (SOLAS regulation VI/2) are expected to enter into force in July 2016.

⁶ Refer to the *Code of Safe Practice for Cargo Stowage and Securing* (resolution A.714(17)) and subsequent amendments.

Are you aware of what SAMSA Regulations Require of You?



Appointment for a SAMSA Accredited VGM Entity for the Verification of the Gross Mass of a Packed Container – Method 2

The International Convention for the Safety of Life at Sea (SOLAS), as amended, chapter VI, part A, regulation 2, requires that a packed containers gross mass is verified prior to stowage onboard.

In terms of Section 5 of the SAMSA Act, 1998, SAMSA will appoint third parties to verify the gross mass of a packed container, using Method 2, as detailed in the IMO Guidelines Regarding the Verified Gross Mass of Container Carrying Cargo (MSC.1/Circ.1475)

The applicant is to ensure that a completed application is submitted for approval. To assist applicants, the following checklist has been compiled. All specified information and documentation are to be provided with the application. Please note that the checklist is for guidance purposes only and SAMSA reserves the right to request additional information as necessary.

A completed form from the applicant or their representative is required before the assessment is conducted. Failure to provide this will result in the termination of the assessment.

Declaration by company's representative:

I the responsible person representing (name of company) _____ have read and completed this checklist in preparation for the company's assessment as a SAMSA appointed third party.

Signature _____ **Date** _____
Name _____ **Position** _____

Checklist: Appointment for a SAMSA Accredited VGM Entity for the Verification of the Gross Mass of a Packed Container Using - Method 2

1. Documentation

Check	Item	Notes	Remarks
	Letter of Application	Check that the information on the letter of application reflects the Approval that is being applied for, is correct for name and address of applicant	
	Company FICA documents	<ol style="list-style-type: none"> 1. Company registration (CIPC) 2. Tax clearance certificate 3. Vat certificate (where applicable) 4. Letter of Good standing (COIDA) 5. BEE certificate 6. Company organogram 	
	Mandate	Scope of work Type of Cargo	
	Region	Region (s) the entity will be operating in	
	Inspectors	<p>The name of the Inspector conducting the approvals along with the qualifications and experience of each individual is to accompany the application. Also, to be provided: Copy of ID CV Training Certificates</p> <p>Note: Application to state type of cargo the inspector is experienced in. i.e. packaged cargo, steel etc.</p>	
	Shipper /Recognised sub-contractor application procedure	The procedure by which a shipper applies for authorisation / certification. The Procedure by which sub-contractor applies for recognition	
	Inspection and assessment procedure	A detailed procedure for the assessment of the shipper / exporter is to accompany the application.	
	Offices / Premises	Physical address of offices / premises.	
	Quality Management System	<p>Details of the quality management program in place. At a minimum it shall contain document and certification control. Records are to be kept for a minimum of seven years. The above procedures can be included in the QM system. The document control system, if electronic, shall have a hard copy back-up and a copy thereof shall be kept on another site apart from the applicant's premises.</p> <p>The QMS shall contain a declaration that any changes to procedures and Inspectors are to be advised to SAMSA immediately.</p>	

2. Inspection of Facilities

Check	Item	Notes	Remarks
	Facilities	Offices Equipment Technical Reference Material	
	Documents	Checklists for assessments An inspection of record keeping processes	
	Inspectors	Interviews with the Inspectors who will be conducting the approvals	

3. Qualifications of inspectors should include:

- a. At least 3 years' experience with respect to packing and sealing containers or relevant seagoing experience or relevant shore-based experience in handling container cargoes;
- b. Knowledge and understanding of shipping documentation requirements;
- c. Knowledge of and ability to audit quality management systems; and
- d. Basic knowledge of Metrology Act requirements.

4. Approval of a SAMSA Accredited VGM Entity

1. The time taken to assess the application and the time spent to inspect the company's premises will result in a consultancy fee on a per hour or part thereof basis as per regulation 65(1) "Consultancy and other services". In addition, all travel costs and travel and subsistence as per regulation 66 "Travel and subsistence" of the latest gazetted Determination of Charges will be levied. This process might involve more than one site visit and additional charges will then apply.
2. The company will be expected to enter into a service level agreement with SAMSA.
3. SAMSA reserves the right to conduct ad hoc inspections and or audits on approved third parties to ensure a continued high standard of work is maintained.

5. Applications

Applications to be sent to SAMSA for the attention of Mr. Sibusiso Rantsoabe

Email: vgm@samsa.org.za

Phone: 031 307 3006

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