Canada Implements The SOLAS Container Weight Regulation

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The amendments to the Safety of Life at Sea Convention, which requires shippers to provide Verified Gross Mass certificates to ocean carriers, will come into effect, on July 1, 2016.

On July 1, 2016, the amendments to the Safety of Life at Sea Convention ("SOLAS"), which requires shippers to provide Verified Gross Mass ("VGM") certificates to ocean carriers, will come into effect. How will this affect Canadian exporters, freight forwarders, terminal operators and shipping lines operating in Canada?

The requirement for shippers to provide cargoes gross mass is not new; it has been part of SOLAS from its early days. What is new is an amendment to regulation 2 of Chapter VII of SOLAS which now requires shippers to **verify** the gross mass of packed containers and sets out two methods for calculating VGM.

While other maritime nations created new regulations or amended existing ones to implement these changes to SOLAS, Canada did not feel this was necessary as the *Cargo, Fumigation and Tackle Regulations* already requires shippers of cargo to be loaded in Canadian waters to comply with the provisions of SOLAS. Instead, Transport Canada — Marine Safety and Security have simply issued a procedure for calculating VGM.

The SOLAS regulations require all shippers to:

1. verify the gross mass of each container;
2. state the gross container mass in the "shipping document";
3. have the "shipping document" signed by the shipper's representative;
4. weigh the cargo and container using one of two methods (an estimate of the weight is not acceptable):
   Method 1 : Weighing the loaded container using qualified weighing equipment; or
   Method 2 : Weighing all the items loaded in the container (including dunnage and securing materials) and adding the tare mass of the container to the sum of those singles masses.
5. provide the shipping document to the Master and terminal prior to loading.

If all of these requirements are not met, a carrier must refuse to load.

Transport Canada will consider that a shipper has met its obligation to provide VGM using method 1 if the packed container is weighed using "qualified weighing equipment". This means any scales, weighbridges, hopper scales or other weighting systems that have been certified for the purpose of the trade as per the requirements of the *Weights and Measures Act* and its regulations or weighing equipment that has certified and calibrated in accordance with the standards of the International Organization of Legal Metrology. Qualified weighing equipment can be obtained from any of the authorized service providers recognized by Measurement Canada.

As it may prove difficult to weigh the packed container at a terminal and as method 1 is not compatible with carriage of bulk cargo or break bulk cargo, method 2 is designed to provide more flexibility to shippers. Method 2 allows shippers to separately weigh each item of cargo (packaged, non-packaged, unitized), dunnage and securing material to be loaded in the container using qualified weighing equipment. Each element must then be added along with the tare mass of the container.

Where a pre-determined quantity of packages are loaded in a container, the gross mass, if it is clearly and permanently marked on the surface of each package, can be used.

As for the tare mass of the container, the weight marked on the container in accordance with the ISO standard must be used. In the case of non-ISO containers, it must be weighed clean and empty using qualified weighing equipment.

Transport Canada will accept a 5% variation in VGM of a loaded container as long as it does not exceed 500 kilograms. Thereafter, penalties may be applied.

If the container is packed by multiple parties, such as in LCL situations, the shipper **of the container** is responsible for obtaining from its clients the documents to calculate VGM. A third party that packs some or the entire container is responsible for determining the mass of each item that it loads, properly documenting the process and providing the documents to the shipper in order to facilitate final verification.

Upon completion of packaging and sealing the container, the shipper must ensure that the VGM of the container is stated in the shipping document, that it is signed and is either included as part of the shipping instructions to the shipping line or sent in a separate communication.

The Transport Canada Ship Safety Bulletin No. 04/2016 which deals with the recent changes to the amendments to SOLAS Chapter VI, regulation 2 can be accessed here.

Shippers already using qualified weighing equipment, as they are obliged to do for most international exports under the *Weight and Measures Act*, will not see a significant impact in their operations. On the other hand, consolidators and freight forwarders appearing as shippers on a carrier's bill of lading will all be held to the new requirements of SOLAS and may be exposed to administrative penalties and civil liability if the VGM is not accurately calculated. Terminal operators and shipping lines will have to refuse to load or carry cargo where VGM is not provided in accordance with SOLAS requirements.

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