



Prepared for Fruit SA by Mitchell Brooke

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Amendment of SOLAS Chapter VI, Part A, Regulation 2: Shippers Mandatory Verification of the Gross Mass of a Packed Container

Update 1: 10th November 2015

To fruit packhouse managers, fruit exporters, logistics and IT service providers and interested stakeholders,

The International Maritime Organization (IMO), Maritime Safety Committee (MSC) at its 93rd session (May 2014) approved changes to the Safety of Life at Sea (SOLAS) convention regarding a mandatory container weight verification requirement on shippers. Dangerous Goods, Solid Cargo and Containers (DSC) Sub-committee approved changes to the Safety of Life at Sea (SOLAS) convention that will require verification of container weights before packed containers may be placed aboard ships. The DSC report was approved by the Maritime Safety Committee (MSC) in May 2014 and adopted by MSC in November 2014. **The requirement making container weight verification a condition for vessel loading will become legally binding on July 1, 2016.**

On the 26th June 2015, The South African Maritime Safety Authority (SAMSA) issued Marine Notice No.11 of 2015. The notice as issued by SAMSA detailed the main principles outlined in the guidelines issued by the IMO's Maritime Safety Committee (MSC.1/Circ.1475). These 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. Section 5 of the guidelines outline the two methods prescribed by the SOLAS Regulations by which the shipper may obtain the verified gross mass of a packed container as follows:

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.

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.

On the 19th August 2015, SAMSA issued Marine Notice No.16 of 2015. The notice recognized that SAMSA is the competent authority responsible for certifying and approving the method used for weighing the containers contents under method 2.

On the 9th of November 2015, SAMSA hosted a workshop outlining the requirements of the SOLAS convention. The main points under consideration as outlined at the workshop were as follows:

1. Prior to loading cargo unit's 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". I.e. the shipper must ensure that the packed containers' gross mass is verified prior to stowage on-board.
2. In preparing cargo units for carriage by ships, the shipper or the forwarder, as the case may be, must ensure that the gross mass of the units is in accordance with the gross mass declared in the shipping documents.
3. **MSC1/Circ1475: "Shipper"** means a legal entity or person named on the bill of lading or sea waybill or equivalent multimodal transport document as shipper and/or who (or in whose name or on whose behalf) a contract of carriage has been concluded with a shipping company. **Carriage of Cargo Regulations, 2004 "shipper"** means any person who, whether as principal or as agent for another, consigns goods for carriage by sea.

4. 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.
5. Weighing equipment used for Method 1 and Method 2 are subject to the requirements of the Legal Metrology Act, 2014.
6. SAMSA will enforce the amended SOLAS requirements and Merchant Carriage of Cargo Regulations through: Port State Control Inspections, Adhoc inspections, continuous auditing of SAMSA appointed third parties, reporting of non-conforming containers and or cargo information by third parties.
7. SAMSA will be publishing a guideline outlining RSA's requirements for the implementation of the mandatory amendments to SOLAS.
8. SAMSA to outsource the certification and approval of shippers to a third party in terms of Section 5 of the SAMSA Act, due to the vast number of exporters/shippers in South Africa.

On the 26th October 2015, Transnet Port Terminals (TPT) issued a notice regarding the requirements to verify the gross container weight. TPT stated that due to the nature of the terminal operations, this does not permit the weighing of containers inside the container terminals. TPT have identified that the guidelines recognize that electronic methods of transmission of verified gross container weights may be used. TPT will therefore continue to utilize the existing electronic process, for the pre-advicing of export containers. The new SOLAS regulations will however require some amendments to the existing pre-advise fields and also potentially creating new fields to accommodate the SOLAS requirements. TPT are in discussions with relevant organisations to secure the most effective means of accommodating these requirements. TPT have formed a cross functional internal steering committee to develop and monitor the implementation and conduct stakeholder engagements in anticipation of the 1st July deadline. A stakeholder engagement session will be conducted by TPT on Thursday 19th November 2015 (in Durban), whereby the formal Pre-advice process required by TPT is expected to be discussed.

The main purpose of this communique is to inform all affected stakeholders of the regulation, and to propose that a fruit industry workgroup is established to identify the most practical steps to implement in adhering to the aforementioned requirements. The following criteria will need to be discussed:

1. Identify the most practical and cost effective method to weigh the packed containers (method 1) or alternatively the product/pallets (method 2). Method 2 could either be at packhouse level and/or at the container packing source (cold store facility).
2. In terms of the above, the appointment by SAMSA of a [fruit] representative body to implement procedures and audit the weighing process in line with the requirements as set out by SAMSA in method 2.
3. Whichever deemed applicable, identify the system requirements to register and transfer the product/pallet weights from source of weighing (E.g. at packhouse) to point of packing the containers (E.g. cold store facility). Alternatively if product/pallets are to be weighed at point of packing the containers, the system requirements to register product/pallet weights.
4. Establish with shipping lines and/or TPT (and in the case of on-deck loaded containers at the fruit terminals) the proposed process to issue the verified gross container weight (either electronic interface and/or manually).
5. Identify and resolve any possible concerns regarding the mismatch of weights presented on Customs Declarations, Shipping Instructions and Addendums etc against the verified product/pallet weights.

Communication in terms of the establishment of a fruit industry workgroup will be made through, The Fresh Produce Exporters Forum (FPEF), the Citrus Growers Association of Southern Africa (CGA), the South African Table Grape Industry (SATI), the Horticultural Growers Association (HORTGRO), the Subtropical Growers Association (SUBTROPS), the Perishable Products Export Control Board (PPECB) and Agrihub members.

Information regarding the first workgroup meeting will be communicated to those designated representatives directly. Upon the establishment of agreed upon processes and procedures, it is foreseen that information briefs, workshops and roadshows will be conducted to inform of these.

Attached to this notice are the following documents:

1. SOLAS Chapter VI Regulation 2.
2. SAMSA Notice No.11 of 2015 and No. 16 of 2015.
3. SAMSA road show presentation.
4. MSC.1/Circ. 1475.
5. TPT SOLAS letter dated 26th October 2015.
6. Merchant Shipping (Carriage of Cargoes) Regulations, 2004 (Gazette: 26577 of 23rd July 2004)

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