



GUIDANCE DOCUMENT ON THE SOLAS VERIFIED GROSS MASS REQUIREMENT

Chapter 6, Part A, Regulation 2 of the *International Convention for the Safety of Life at Sea (SOLAS)* has been amended to require each packed container to have a verified gross mass (VGM) prior to its stowage aboard the ship. This amendment will become effective on July 1, 2016.

The Shipping Federation of Canada has developed this guidance tool to assist stakeholders in understanding the roles and responsibilities arising from the VGM requirement and provide a framework for ensuring compliance within a Canadian context. The contents of this document are based on the Federation's understanding and interpretation of the existing regulatory context (as per the SOLAS Convention and Transport Canada) and of other publicly available information.

The document covers the following elements:

1. Regulatory responsibilities associated with the SOLAS VGM Requirement
2. Format of VGM transmission
3. Timing of VGM transmission
4. Containers arriving at the terminal with no VGM or inaccurate VGM
5. Transport Canada regulatory enforcement
6. Compliance expectations as of July 1, 2016
7. Links to additional information

1. REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE VGM REQUIREMENT

a) Shipper Responsibilities

According to Transport Canada¹:

- The shipper is responsible for obtaining the verified gross mass of a packed container in Canada by either a) weighing the container after it has been packed, or b) weighing all the items loaded into the container (including dunnage, securing material, etc.) and adding the container's tare mass to the sum of the single masses.

¹ This reference is based on the Transport Canada technical publication entitled "Canadian Procedure for Obtaining the Verified Gross Mass of Packed Containers as Required by SOLAS VI/2 – TP 15330

- When obtaining a container’s VGM, the shipper is responsible for using “qualified weighing equipment,” which Transport Canada defines as:
 - Equipment that is used as part of trade transactions and is certified for the purpose of trade under the *Weights and Measures Act and Regulations*.
 - Equipment that is certified and calibrated according to the standards of the International Organization of Legal Metrology (OIML) in cases where such equipment is used exclusively for checking the gross mass of packed containers.

- The shipper is responsible for providing the carrier with the VGM of each packed container via a shipping document that is transmitted sufficiently in advance of loading to be used in the preparation of the ship’s stowage plan.

- The “shipper” is defined as 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 behalf) a contract of carriage has been concluded with a shipping company.

b) Ocean Carrier Responsibilities

According to Transport Canada²:

- The carrier cannot load a packed container onto the ship if the container does not have a VGM. (*“A packed container will not be loaded onto the ship until the master or his representative or the terminal representative either receive the shipping document containing the verified gross mass of the container or have the verified gross mass of the container obtained by using either Method 1 or Method 2”*).

- This requirement applies to all containers that are to be loaded onto a vessel, whether engaged in international or domestic trade.³

Guidance to Carriers - Regulatory Responsibilities:

- a) Carriers must use the verified gross mass in their vessel stowage plan and must not load any packed container aboard a vessel if such container does not have a VGM. A carrier that loads a container without a VGM is in contravention of both the SOLAS Convention and its flag state obligations.

² This reference is based on the Transport Canada ship safety bulletin entitled “Canadian Procedure for Verification of the Gross Mass of Packed Containers – SSB No. 04/2016

³ The only exception applies to packed containers that are carried on a chassis or trailer, and driven on or off a RO/RO vessel engaged in an inland voyage, a sheltered water voyage, a near coastal voyage, or Class 2 and near coastal voyage, Class 1 – SSB No. 04/2016

- b) Carriers should inform shippers that any container which does not have a VGM will not be loaded onto the ship (NO VGM – NO LOAD policy). As this requirement becomes effective as of July 1, 2016, any loaded container that arrives at a terminal in June for loading on July 1st (or thereafter) should have a VGM.
- c) Neither SOLAS nor Transport Canada requires the carrier to verify the accuracy of the VGM provided by the shipper, or to ensure that a shipper providing a VGM has used weighing equipment that meets the applicable certification and calibration standards of the governing authority.
- d) Similarly, neither SOLAS nor Transport Canada requires the VGM document that the shipper provides to the carrier to include a weighing note or any other information with respect to the manner in which the shipper obtained the VGM.

c) Responsibilities of Other Parties Involved in Intermodal and / or International Movement and Transshipment of Containers

- Other parties involved in the intermodal and / or international movement and transshipment of containers, such as railways and trucking companies, are not bound by the requirement of the SOLAS convention and therefore have NO regulatory responsibility for ensuring that a container being loaded on their conveyance has a VGM.

Guidance to Carriers – Responsibilities of Other Parties:

- When dealing with other parties such as railways and trucking companies, the carrier may wish to make reference to Transport Canada's TP 15330, which recommends that in the case of intermodal and / or international movement and transshipment of containers, the VGM of a packed container be provided to the next party taking custody of the container.

2. FORMAT OF VGM TRANSMISSION

According to Transport Canada⁴:

- The shipper is responsible for stating the container's VGM in a shipping document that is signed by a person duly authorized by the shipper and submitted to the carrier or terminal sufficiently in advance of loading to be used in the preparation of the ship's stowage plan.

⁴ This reference is based on the Transport Canada technical publication entitled "Canadian Procedure for Obtaining the Verified Gross Mass of Packed Containers as Required by SOLAS VI/2 – TP 15330

- The shipping document:
 - May be part of the shipping instructions to the shipping company or a separate communication (e.g. a declaration with a weight certificate produced by a weigh station).
 - May be provided by electronic means such as Electronic Data Interchange (EDI)
 - Should clearly highlight that the gross mass provided is the “verified gross mass” as defined in SOLAS VI/2.4.
 - May contain either the electronic signature of the person duly authorized by the shipper or that person’s name in capital letters.

Guidance to Carriers - VGM Transmission Processes:

From Shipper to Carrier:

- a) The carrier and shipper should agree on channels through which the VGM may be transmitted (based on their internal practices and transmission capabilities). Such channels may include:
 - Existing EDI connections (shipping instructions)
 - New VERMAS message format (for EDI clients using the EDIFACT format)
 - Carrier’s on-line business portal
 - On-line business portal operated by external service providers (e.g. INTTRA)
 - Weigh tickets or similar paper documents

- b) The carrier and shipper should ensure that the VGM transmissions contains the mandatory elements identified by SOLAS and Transport Canada:
 - Container’s VGM, clearly identified as such
 - Person authorized by shipper to transmit VGM (CAPs / electronic signature)

- c) The carrier and shipper may also choose to include additional elements in the VGM transmission, such as:
 - Booking number, container number, VGM method used, shipper details, etc.

From Carrier to Terminal:

- a) Once the carrier receives the VGM from the shipper, it is then the carrier’s responsibility to provide the VGM to the marine terminal

- b) The carrier and terminal should agree on the channels through which the VGM will be transmitted by the former to the latter.

- c) In cases where the shipper uses a terminal’s weighing service to obtain the VGM, the terminal should transmit the VGM to the shipper and the shipper should transmit it to the carrier, with a view to ensuing a direct communication link between the shipper and carrier.

3. TIMING OF VGM TRANSMISSION

According to Transport Canada⁵:

- The shipper must submit the shipping document stating the container's VGM to the ship master or his representative sufficiently in advance of loading to be used in the preparation of the ship's stowage plan.

Guidance to Carriers - VGM Transmission Timeframe:

From Shipper to Carrier:

- a) The carrier should inform the shipper of its VGM cut-off time as early as possible and confirm such during the booking process
- b) The VGM cut-off time may vary by shipping line, port and terminal; by transmission method (e.g. electronic or other); and by shipment type
- c) Carriers may wish to make VGM cut-off times at the terminals in their network available to shippers on their websites or through similar means

From Carrier to Terminal:

- d) The carrier and terminal should jointly agree on the timeframe within which the terminal must receive the VGM in order to use it in the stowage plan.

4. CONTAINERS ARRIVING AT THE TERMINAL WITH NO VGM OR INACCURATE VGM

According to Transport Canada:

- If a packed container is delivered to a port terminal facility without a VGM from the shipper, the shipper may, in order to allow the continued efficient intermodal movement of such container, authorize the master or his representative and the terminal representative to obtain the VGM on the shipper's behalf⁶.

⁵ This reference is based on the Transport Canada technical publication entitled "Canadian Procedure for Obtaining the Verified Gross Mass of Packed Containers as Required by SOLAS VI/2 – TP 15330

⁶ This reference is based on the Transport Canada technical publication entitled "Canadian Procedure for Obtaining the Verified Gross Mass of Packed Containers as Required by SOLAS VI/2 – TP 15330

Guidance to Carriers - Containers Arriving Without a VGM or with an Inaccurate VGM:

- a) Containers arriving without a VGM: Carriers and terminal operators should decide in advance how they intend to handle packed containers that arrive at a terminal without a VGM.
- b) Containers with an inaccurate VGM: If a carrier or terminal operator has reason to believe that a VGM provided by the shipper is inaccurate, they may, in the interests of safety, take steps to determine the container's accurate weight. The weight thereby obtained is the weight that should be used for vessel stowage planning purposes (as per the IMO's Guidelines on the SOLAS VGM requirement).
- c) With respect to both a) and b) above, options for determining the container's weight will depend on whether compliant weighing equipment is available at the terminal and if not, whether such equipment is available at another (accessible) location.
- d) If the carrier and terminal make arrangements to obtain a container's VGM (whether due to a suspected inaccuracy in the VGM provided or due to a container arriving without a VGM), it is up to the commercial parties involved to decide how to apportion the costs related thereto.
- e) Carriers calling Canadian ports may wish to use the table below as a reference tool for determining the policies adopted by Canada's major container terminals with respect to whether they will accept containers without a VGM and offer a weighing service:

VGM POLICIES AT CANADIAN CONTAINER TERMINALS (as of June 21, 2016)		
Terminal	Accept non-VGM containers?	Provide weighing service?
DP World	Yes	Yes (cost of \$245 / container)
GCT	Yes	No
MGT	Yes	Yes (cost of \$185 / container) – service not to be viewed as preferred option
Termont	Yes	No (may re-evaluate in future)
Ceres	Yes	No
Halterm	Yes	Yes (cost to vary)

5. REGULATORY ENFORCEMENT BY TRANSPORT CANADA

Regulatory Authority:

- In Canada, the VGM requirement will be enforced by Transport Canada, Marine Safety and Security (TCMSS) based on the authority arising from the *Canada Shipping Act, 2001* and the *Cargo, Fumigation and Tackle Regulations*.

Enforcement Methods:

- Enforcement will occur as part of Transport Canada's current inspection program for containerized dangerous goods and will comprise the following elements:
 - o TC will conduct spot checks of paperwork to ensure that the shipper has transmitted the VGM to the carrier, but will not physically examine or weigh containers.
 - o If a spot check reveals that a shipper has failed to transmit a VGM for a given container (or if TC receives notification of a problem with a VGM), they will detain the container from being loaded. However, all decisions with respect to obtaining the container's VGM will be left to the discretion of the commercial parties.
 - o Penalties for non-compliance with the VGM requirement will be applied against the shipper only, and will vary from \$600 to \$12,000, depending on the severity of the infraction and the shipper's record.

Margin of Error:

- In cases where Transport Canada compares a container's original VGM with a new VGM, a 5 percent margin of error (to a maximum of 500 kilograms) will apply. However, this is only to be used by TC as an enforcement tool, and should not impact the shipper's obligation to obtain an accurate VGM in the first instance.

6. COMPLIANCE EXPECTATIONS AS OF JULY 1, 2016

Global Recommendation:

- The IMO (International Maritime Organization) published a [notice](#) on May 23rd advising member states to take a "practical and pragmatic approach" when enforcing the VGM requirement during the first three months following the July 1st implementation date. In particular, the notice states the following:

While there should be no delay in the implementation of the SOLAS requirements, it would be beneficial if administrations and port state control authorities could take a "practical and pragmatic approach" when enforcing them, for a period of three months immediately following 1 July 2016. This would help ensure that containers that are loaded before 1 July 2016, but

transhipped on or after 1 July 2016, reach their final port of discharge without a verified gross mass and it would provide flexibility, for three months immediately after 1 July 2016, to all the stakeholders in containerized transport to refine, if necessary, procedures (e.g. updated software) for documenting, communication and sharing electronic verified gross mass data.

7. FOR ADDITIONAL INFORMATION

- SOLAS, Chapter 6, Regulation 2 as amended (click [here](#))
- IMO (International Maritime Organization) Guidelines Regarding the Verified Gross Mass of a Container Carrying Cargo (click [here](#))
- Transport Canada TP 15530 entitled *Canadian Procedure for Obtaining the Verified Gross Mass of Packed Containers as Required by SOLAS V1/2* (click [here](#)).
- Transport Canada Ship Safety Bulletin entitled Canadian Procedure for Obtaining the Verified Gross Mass of Packed Containers as Required by SOLAS VI/2 (click [here](#)).
- Verified Gross Mass – Industry FAQs document, sponsored by the TT Club, the World Shipping Council, ICHCA, and the Global Shipper Forum (click [here](#)).
- Guidelines for Improving Safety and Implementing the SOLAS Container Weight Verification Requirement, developed by the World Shipping Council (click [here](#)).
- IMO (International Maritime Organization) advice regarding implementation of VGM requirement (click [here](#)).