



WORLD SHIPPING COUNCIL
PARTNERS IN TRADE

History of the IMO Effort to Improve Container Safety

May 2014

1. Existing Law

SOLAS Regulation VI/2 requires the shipper of containerized cargo to provide the ship's master or his representative with the gross mass of the container prior to loading on the ship and confirmed in writing and by appropriate shipping documents. Regulation VI/3 also requires that the shipper shall ensure that the gross mass of the container is in accordance with the gross mass declared on the shipping documents.

2. The Ineffectiveness of Existing Law

These SOLAS requirements to provide the accurate container weight prior to vessel loading are often not met. Effective enforcement of the existing requirements does not exist, and there is currently no IMO requirement to verify packed containers' actual weights prior to vessel loading.

Container vessels do not have the capability to weigh the containers that are loaded onto them. Proper and safe vessel stowage planning requires the verification of accurate container weights before the vessel loading process occurs; the verification of the actual container weight must be obtained on-shore, and provided to the vessel and the port terminal facility *prior* to the vessel loading process.

3. A Review of IMO Efforts to Address Misdeclared Container Weights

The IMO has given the problem extensive consideration and debate. For example:

- In *January 2007*, the containership *MSC Napoli* suffered a structural failure and broke up off the coast of the UK. Misdeclared container weights were identified as a factor causing the structural failure.¹ Upon reviewing the official investigation report, the UK Marine Accident Investigation Branch (MAIB) invited the World Shipping Council (WSC)

¹ The official UK investigation into the accident concluded that "About 660 containers stowed on deck, which had remained dry, were also weighed. The weights of 137 (20%) of these containers were more than 3 tonnes different from their declared weights. The largest difference was 20 tonnes, and the total weight of the 137 containers was 312 tonnes heavier than on the cargo manifest". (Source: "Report on the investigation of the structural failure of *MSC Napoli*", U.K. Marine Accident Investigation Branch, Report 9/208, April 2008, p.28). The *MSC Napoli* accident and other incidents involving misdeclared container weights are summarized in document DSC 17/INF.5 which can be accessed via the link at the end of this document.

and the International Chamber of Shipping (ICS) to develop industry best practices for safe container handling. The resulting joint WSC/ICS document: *“Safe Transport of Containers by Sea: Guidelines on Best Practices”* was presented to MSC in December 2008. The IMO subsequently invited IMO Member Governments to urge shipowners and operators to make the publication available on board all ships carrying containers. The Guidelines, which were endorsed by the international shipper association Global Shippers’ Forum, extensively address the issue of container weight, and include specific guidance to shippers to, upon packing of the containers, ensure that the weight is verified and documented. The Guidelines also include provisions regarding container weight verification by marine terminals prior to vessel loading. However, these Guidelines and other industry “best practice” guidelines² are voluntary and have had no discernible effect on reducing the incidences of shippers’ providing incorrect container weights, or on ensuring that marine terminals verify the weight of packed export containers prior to vessel loading.

- *DSC 15 (September 2010)* considered a report by a Netherlands-led joint government-industry research project (“Lashing at Sea”) that recommended that all packed export containers be weighed by the port terminal facility prior to vessel loading, and agreed that there is a need to consider ways and means to ensure that the correct weight of containers is declared to the ocean carrier and communicated to the master before vessel loading. The Sub-committee invited submissions to address the problem of misdeclared container weights.
- *MSC 88 (December 2010)* discussed the recommendation of a joint WSC/ICS statement, supported by France and the Netherlands, for a new output to ensure that the correct weight of containers is provided to the ocean carrier and the ship’s master prior to vessel loading, and invited submissions for such a new IMO work item to address misdeclared container weights.
- *MSC 89 (May 2011)* considered a proposal for a new IMO work item by Australia, Denmark and the Netherlands that included the verification of proper container weight, and joint WSC/ICS comments on the proposed new work item. MSC 89 agreed to include in MSC’s work program an output on “Development of measures to prevent loss of containers” and that this output should include consideration of amendments to SOLAS to ensure mandatory verification of packed containers’ actual weights prior to vessel loading. MSC 89 instructed DSC 16 to give preliminary consideration of the new work item, and include it in the agenda for DSC 17.
- *DSC 16 (September 2011)*, after discussing the development of SOLAS amendments to require verification of containers’ actual weight before vessel loading, “reconfirmed the importance of, and need for, correct declaration of weights for carriage on board ships”. DSC 16 also invited WSC, ICS and BIMCO to submit, upon consulting with other

² See, e.g., the UK-based Freight Transport Association’s publication *“Working with Containers”* (December 2011), which has been endorsed by the Global Shippers’ Forum, and whose first recommendation states that “Unless containers for export arrive at a port with a weight ticket supplied by an accredited source, routine weighing of containers needs to be built into port handling procedures”.

interested parties and governments, a “definitive” proposal on how to amend SOLAS to arrange for mandatory container weighing for consideration at DSC 17.

- *DSC 17 (September 2012)*: Two principal proposals regarding container weight verification were submitted to DSC 17. The proposals differed somewhat in the methods to be used for obtaining the verified container weight, but they agreed that SOLAS should be amended to require, as a condition for vessel loading, that the weight of a packed export container be verified.

One proposal, submitted by Denmark, The Netherlands, the United States, BIMCO, ICS, IAPH, ITF and WSC, had two core elements, namely: a) to require all packed export containers to be weighed to verify their weight, and b) to require both the port terminal facility and the ship’s master to have this verified weight for use in the finalization of the stow plan and as a condition for vessel loading.

The other proposal, submitted by Germany at the encouragement of German shippers, would - in addition to weighing the packed container - allow for the verified weight to be obtained by weighing the cargo, and then add that weight to the weight of the packing materials and other contents and the container tare weight.

Following a discussion of the two proposals, the DSC 17 plenary established a working group to consider and possibly develop a compromise proposal for consideration by the DSC 17 plenary. After extensive efforts, the working group succeeded in reaching consensus on a compromise proposal which had the following elements:

- a. To amend SOLAS to require that packed export container weights be verified;
- b. That such verification could be achieved through the shipper’s signed declaration of the container weight, obtained either by weighing the packed container (Method # 1), or by weighing all the contents of the container, including packing and securing material, and adding the container tare weight to the weight of the contents (Method # 2);
- c. If a shipper does not provide such a weight verification, the vessel and terminal operator would have the option of weighing, at the shipper’s expense, the packed export container to obtain the verified weight and thereby keep commerce moving, rather than stopping the further movement of the box;
- d. A weight verification of a packed export container would be required as a condition of the vessel operator and the port terminal facility loading a packed container aboard a ship.

During the DSC 17 plenary discussion of the compromise proposal, the request was made that the proposed SOLAS amendments be accompanied by draft IMO guidelines for their implementation before approval. In view of this request and other comments made in plenary, DSC 17 decided that the proposed SOLAS amendments should be forwarded to an intersessional correspondence group (CG) for further consideration with a view to developing a “package” of proposed SOLAS amendments and draft Guidelines that would be considered at DSC 18 in September 2013.

- *Intersessional Correspondence Group (CG) (September 2012 – May 2013)*

The CG was requested to: “.1 further consider draft amendments to SOLAS regulation VI/2 related to mandatory verification of gross weight of containers, based on [the DSC 17 working group’s report]; .2 further consider the draft Guidelines for the verification of container weights, based on [the submission to DSC 17 by Denmark et.al.], taking into account [the DSC 17 working group’s report]; .3 identify issues that may arise by the application of the draft amendments to SOLAS regulation VI/2, taking into account document DSC 17/7/3, and propose recommendations on those issues; and.4 submit a report to DSC 18”.

All interested governments and parties, including shippers, were given the opportunity to participate in the CG deliberations. A total of 226 comments were provided during four separate rounds of comments by the CG, with additional discussions and points of view expressed by members through e-mail correspondence. For each round of comments, each comment and suggestion for change was documented and evaluated, and each was given a detailed response and a proposed disposition. This review process ensured the greatest possible transparency by all members of the CG and also ensured that members would have the opportunity to provide additional comments or suggestions in view of the proposed disposition on earlier comments and suggestions made.

- *DSC 18 (September 2013)*

DSC 18 carefully considered and reviewed the CG’s report with the proposed SOLAS amendments and proposed Guidelines for the harmonized implementation of the mandatory container weight verification requirement on shippers. DSC 18 made some amendments to both the proposed SOLAS amendments and the draft Guidelines and, upon approval, submitted its report to the Maritime Safety Committee’s 93rd session in May 2014 (MSC 93).

DSC 18’s detailed report with the amended, proposed SOLAS amendments and draft Guidelines as well as the IMO paper showing examples of container incidents involving misdeclared container weights, can be accessed at: <http://www.worldshipping.org/industry-issues/safety/cargo-weight>

- *MSC 93 (May 2014)*

MSC 93 approved the SOLAS amendments as previously approved by DSC 18. The official adoption of the SOLAS amendments is scheduled to take place at MSC 94 (November 2014). The actual date of entry into force of the SOLAS amendments regarding container weight verification will be decided as part of the MSC 94 adoption, but the earliest effective date would according to the SOLAS provisions be July 1, 2016.

MSC 93 also approved for immediate circulation, and without awaiting the official adoption by MSC 94 of the SOLAS amendments, a MSC Circular (MSC.1/Circ. 1475) of the implementing Guidelines.

4. Shippers' Views

Responsible shippers support the approved SOLAS amendments and guidelines. The Global Shippers' Forum (GSF) actively participated in the CG's efforts³, consulted with its shipper member organizations in Asia, Africa, Australasia, Europe, North America and South America, and fully supported the Correspondence Group's proposed SOLAS Amendments and Guidelines. GSF publicly reiterated its support following the MSC 93's approval.

5. It is Time to Solve The Problem

The IMO has recognized and discussed the problem of incorrect container weights for over seven years. With the input of many governments and industry organizations, it has now approved an openly and carefully negotiated and crafted compromise proposal for addressing this recognized and documented safety and Customs problem. That proposal also includes carefully considered implementation guidelines.

On the occasion of MSC 93's approval of the SOLAS amendments, WSC issued a press release that noted that WSC, whose members represent about 90 percent of global containership capacity, has been a leading advocate for the container weight verification requirements and has worked cooperatively with the IMO for over seven years to see them materialize. "In taking these decisions, the IMO has demonstrated its continuing leadership in trying to ensure the safe transportation of cargo by the international shipping industry," said WSC President & CEO, Chris Koch. "We congratulate the IMO Secretary General and the IMO member governments for developing and approving these measures that, when properly implemented and enforced, should provide for long-needed improvement to maritime safety. The SOLAS amendments and related implementation guidelines regarding container weight verification represent a collaborative effort that we were pleased to be a part of and we look forward to final adoption of the amendments in November 2014."

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³ GSF participated as a member of ICHCA.