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TP XXXXXE
(MM/YYYY)

CANADIAN PROCEDURE FOR OBTAINING THE VERIFIED GROSS MASS OF PACKED CONTAINERS AS REQUIRED BY SOLAS VI/2

FIRST EDITION
INSERT DATE



Canada

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Original Date Issued:

Date Revised:

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DOCUMENT INFORMATION				
Title	CANADIAN PROCEDURE FOR OBTAINING THE VERIFIED GROSS MASS OF PACKED CONTAINERS AS REQUIRED BY SOLAS VI/2			
TP No.	E	Edition	First	RDIMS #
Catalogue No.	ISBN			
Originator	Program & Technical Training Services (AMSB) Tower C, Place de Ville 330 Sparks Street, 11th Floor Ottawa, Ontario K1A 0N8	Telephone	1-855-859-3123 (Toll Free) or 613-991-3135	
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		URL	http://www.tc.gc.ca/marinesafety/	

REVISIONS				
Last Review				
Next Review				
Revision No.	Date of Issue	Affected Pages	Author(s)	Brief Description of Change

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INTRODUCTION

The requirement for shippers to provide the gross mass of cargo units loaded on board ships has been in force since the early days of the *International Convention for the Safety of Life at Sea* (SOLAS), 1974 (refer to Chapter VI, Regulation 2.1 and 2.2.1). In paragraph 3 of the same regulation the shippers are also required to ensure that the gross mass of such units is in accordance with the gross mass declared on the shipping document.

These provisions have recently been strengthened by the International Maritime Organization (IMO) introducing the amendments to Regulation 2 of Chapter VI of the Convention which require the shippers to verify the gross mass of the packed container (refer to MSC.380(94), amendments to SOLAS, Chapter VI, Regulation 2, paragraphs 4 to 6).

According to section 104.(1) of the *Cargo, Fumigation and Tackle Regulations* (CFTR), every shipper of cargo to be loaded in Canadian waters shall comply with regulation 2 of Chapter VI of SOLAS. This requirement includes the need to comply with the above new provisions, starting from the date of the SOLAS amendments coming into force on 1 July 2016.

Enforcement by Transport Canada Marine Safety and Security of the above requirements on provision by the shippers of the verified gross mass of packed containers is based on the authorities coming from the Canada Shipping Act, 2001 and the *Cargo, Fumigation and Tackle Regulations*.

This TP contains the official Canadian procedure to be followed for obtaining the verified gross mass of packed containers as required by the new amended Regulation 2 of Chapter VI of SOLAS

CANADIAN PROCEDURE FOR OBTAINING THE VERIFIED GROSS MASS OF PACKED CONTAINERS AS REQUIRED BY SOLAS VI/2

1. In order to verify the gross mass of a packed container in Canada the shipper shall either
 - a) weigh the loaded container; or
 - b) weigh all the items loaded into the container (including dunnage, securing material, etc.) and add the tare mass of the container to the sum of those single masses.
2. Weighing equipment that is used for verification of the gross mass of packed containers shall comply with respective accuracy requirements and be calibrated and certified in accordance with technical standards and procedures established by Measurement Canada under the *Weights and Measures Act* for devices intended for use in trade, as applicable.
3. To learn about the technical standards and procedures for certification of weighing equipment and respective accuracy requirements contact
 - Manager, Weighing and Measuring Division
 - Measurement Canada
 - Industry Canada
 - Tel: 613-946-7327
4. If the method described in 1.(b) is used then
 - a) Individual original manufacturer sealed packages having their gross mass determined for the purpose of trade in accordance with the requirements of the *Weights and Measures Act and Regulations* and permanently marked on their surfaces do not need to be weighed again when loaded into the container.
 - b) The tare mass of a container certified under the CSC 1972 shall be taken as stated on its Safety Approval Plate.

- c) If a container is packed by multiple parties, the shipper of the container is responsible for obtaining from those parties the documents to verify the final gross mass of the packed container.
 - d) Any third party that has performed some or all of the packing of the container shall determine the mass of all the items that the party has loaded into the container (including dunnage, securing material, etc.) as described in this procedure, properly document the process of determining that mass and provide the documents to the shipper in order to facilitate the final verification by the shipper of the gross mass of the packed container.
 - e) In a normal situation, in order to fulfill the responsibility for providing the accurate verified gross mass of a container, the shipper shall obtain the documents from the third party confirming that on a certain date the identifiable items (cargo, dunnage, securing materials, etc.) loaded by this third party into the container was weighed using the identifiable certified and calibrated equipment. Re-weighing shall only be required if there are sufficient grounds to believe that the actual gross mass of a container does not correspond to the verified gross mass declared on the shipping document. If the discrepancy in gross mass is confirmed, then the shipper's responsibility for providing the accurate verified gross mass of a container shall, among other things, result in the shipper taking necessary corrective actions to avoid misdeclaration of verified gross mass in the future.
5. In case of intermodal movement and transshipment of containers the verified gross mass of a packed container shall be provided to the next party taking custody of the container.
 6. If, for the purpose of verification of the gross mass of a packed container carried on a chassis or on a trailer, the container is being weighed together with the chassis or trailer, then the verified mass of the container shall be determined by subtracting the mass of the chassis or trailer obtained by using the weighing equipment which is compliant with the respective Measurement Canada's requirements (see paragraph 2 above).
 7. If two packed containers are carried on a road vehicle then their gross masses shall be verified by weighing each container separately with (see paragraph 6 above) or without the chassis or trailers on which they are carried.
 8. When solid bulk cargoes are loaded into a container, certain equipment such as hopper scales or weighing systems used on continuous action ship loaders could be used if calibrated and certified in accordance with the applicable requirements of Measurement Canada (see paragraph 2 above).
 9. Upon completion of packing and sealing of a container, the shipper shall ensure that the verified gross mass of the container is stated in the shipping document, the shipping document is signed by a person duly authorized by the shipper and submitted to the ship master or his representative and to the terminal representative sufficiently in advance of loading onto a vessel so that it could be used in the preparation of the ship's stowage plan.
 10. The shipping 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 properly calibrated and certified equipment on the route between the shipper's origin and the port terminal).
 11. The shipping document could be provided by electronic means such as Electronic Data Interchange (EDI) or Electronic Data Processing (EDP).
 12. The shipping document should clearly highlight that the gross mass provided is the "verified gross mass" as defined in SOLAS VI/2.4.
 13. The signature of the person duly authorized by the shipper may be an electronic signature or may be replaced by the name in capitals of the authorized person.
 14. If a packed container is delivered to a port terminal facility without the shipper providing the required verified gross mass of the container then, in order to allow the continued efficient

onward movement of such containers, the shipper may authorize the master or his representative and the terminal representative to obtain the verified gross mass of the packed container on behalf of the shipper.

15. A packed container shall not be loaded onto the ship until the master or his representative and 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 as described in paragraph 14 above.
16. The master retains ultimate discretion in deciding whether to accept a packed container for loading onto the 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 preparation of the ship stowage plan is a prerequisite for the container to be loaded onto a ship but it does not constitute an entitlement for loading.
17. 5% variation in gross mass of a loaded container is applied as a threshold for compliance and enforcement purposes.
18. Definitions.
 - a) *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.
 - b) *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.