

CLIENT ADVISER

NEW VERIFICATION OF GROSS MASS (VGM) REQUIREMENTS

A number of serious containership losses at sea, where misdeclared weights of containers being carried was seen, or at least suspected, to be a primary or contributing cause of the accident, has prompted changes to Rule 6 of the International Convention for Safety of Life at Sea (SOLAS).

These changes were agreed and adopted by the International Maritime Organization's (IMO) Maritime Safety Committee (MSC) in 2014 and will become legally binding on 1 July 2016 in those countries that are signatories to the SOLAS convention. The changes bring about mandatory requirements for shippers on the verification of the gross mass (VGM) of containers, commonly called "the VGM requirement".

CHANGES UNDER THE NEW REQUIREMENTS

From 1 July 2016 the mass of all containers that are to be loaded onto maritime vessels will have to be verified. It will be a violation of SOLAS to load a packed container aboard a vessel to which SOLAS applies without a proper verification of the mass of that fully loaded container.

There will be no exceptions to this requirement and vessel operators will be within their rights to refuse to allow the container to be loaded onto the vessel where the shipper has failed to provide evidence that the declared mass of the loaded container has been verified.

It will not be permitted for weights to be merely estimated. The shipper or their servants (that is, those who they employ to pack the goods into the container) must verify the weight of the fully loaded container using weighing equipment that meets national certification and calibration requirements. Although the shipper may delegate the task of ascertaining the VGM to others, the ultimate responsibility will remain with the shipper to provide verified data on the mass of the container to the carrier. The declared VGM would then have to be signed for by a named individual on behalf of the shipper.

Furthermore, the party packing a container cannot use a weight provided by somebody else, except in a few defined circumstances.

PORTS AND TERMINAL INVOLVEMENT

It cannot be assumed that ports and terminals will always do this weight verification for shippers. If the shipper is not prepared or able to do it themselves, they should ensure that they have clarified with any other parties involved with packing, storing, or loading containers onto vessels on their behalf as to who agrees to do the weight verification. If a marine terminal receives a packed export container that does not have an accompanying signed VGM certificate, the terminal may have to take one of the following actions:

1. Hold the container in the port/terminal until a valid, signed SOLAS compliant VGM certificate arrives, possibly resulting in the container missing the intended vessel, or risk delaying the sailing of the vessel while such required documentation is produced.
2. Perform the weighing of the loaded container itself on behalf of the shipper, which will only be possible if the port/terminal has the nationally approved equipment capable of doing so.
3. Refuse to accept such containers lacking the necessary VGM documentation from entry into the port/terminal altogether.

ADVICE TO SHIPPERS

While most marine cargo shippers already carry adequate liability insurance to protect themselves from legal actions, this new VGM requirement does add to the responsibilities that shippers have. We therefore urge shippers of containers to ensure they have addressed the need to provide a valid, signed, SOLAS-compliant VGM certificate before shipping goods.

CONTACTS

If you have any concerns about these new VGM rules, please discuss with your usual Marsh contact, or a colleague below.

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