

Shipping & Transport - Netherlands

SOLAS amendments on containerised cargo will impact terminal operators

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Forthcoming changes to the International Convention for the Safety of Life at Sea (SOLAS) relating to the verified weight of containers and their cargo could have serious implications for, among others, terminal operators.

Background

The past decade has provided a number of examples of the safety risks inherent in the transportation of containerised cargo by sea. Stacks can collapse during a sea voyage or personal injuries may occur. Further, re-stowage may be required resulting in delays and costs. In November 2014 amendments to SOLAS Chapter VI were approved by the maritime safety committee of the International Maritime Organisation. The committee drew on the Lashing@Sea project's 2010 report which, among other things, included recommendations to improve the reliability of the declared weight of containers.

The Lashing@Sea project, in which the Dutch maritime research institute MARIN has played a leading role, was established in 2006 to evaluate standards and technology in the sea transportation sector. Its research has identified several factors in container transportation which affect the reliability of secured cargo stows.

Changes to SOLAS

The relevant amendments to SOLAS Chapter IV, expected to enter into force on July 1 2016, relate to Part A of Regulation 2. The amendments require verification of the gross mass of containers by shippers.

In the case of cargo carried in a container, the gross mass must be verified by the shipper. Verification can be achieved in two ways:

- weighing the packed container using calibrated and certified equipment; or
- weighing all packages and cargo items and adding the tare mass, as well as using a certified method approved by a competent state authority for packing the container.

The shipper of a container must ensure that the verified gross mass is stated in the shipping document. The shipping document must be:

- signed by a person duly authorised by the shipper; and
- submitted to the master and the terminal representative sufficiently in advance, as required by the master, to be used in the preparation of the stowage plan.

If the shipping document does not provide the verified gross mass, and if the master and the terminal representative have not received the verified gross mass of the packed container, the container must not be loaded onto the ship.

The changes do not apply to offshore containers or to containers carried on a chassis or a trailer when the containers are driven on or off a roll on/roll off ship engaged in short international voyages.

Implications for terminal operators

Terminal operators need to be aware of the implications of these changes. If the gross mass of containers is not verified by the shipper or not stated in the shipping document, the terminal operator must not load the containers on board a ship.

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The terminal operator could incur substantial costs if containers and their cargo remain at the terminal. Terminal operators can remedy this by including a clause in their contracts with shippers or shipping lines stating that such costs will be charged to the shipper or the shipping line.

Terminal operators should be aware that the shipper can meet its obligation under the SOLAS convention by merely submitting the verified gross mass to the shipping line. The line will typically be the party with which the shipper enters into a contract of carriage. It is the responsibility of the shipping line to provide the verified gross mass of the container to the terminal operator prior to loading.

Potential solutions

Terminal operators should make sure that their contracts with shipping lines include a clause which ensures that this information is provided by the shipping line before or by the time that the container is delivered to the terminal. The terminal contract should also contain a clause stating that any and all consequences of the inaccuracy of the gross mass verification by the shipper will be at the shipper's or the shipping line's risk, with an indemnity and hold harmless clause included for such events.

Terminal operators could agree with shippers or shipping lines to verify the gross mass themselves on behalf of the shipper. The contract should then contain a clause stating that the costs involved will not be charged to the terminal operator.

Dutch terminal operators usually make sure that their activities are subject to general conditions. The general terms and conditions of the Rotterdam Terminal Operators' Association are usually applied.

These conditions view weighing to be part of the scope of work performed by the terminal operator. If required, the terminal operator should make specific provision in its contracts to the effect that verification of the gross mass of the container is not part of the scope of its work.

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