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JOINT RECOMMENDATION ON IMO PROPOSALS TO PREVENT LOSS OF CONTAINERS AT SEA

The International Maritime Organisation (IMO) is currently working on proposals which will oblige shippers, freight forwarders or terminal operators globally to verify the weight of container before loading it on board a ship. On the 16th of September IMO's subcommittee on dangerous goods, solid cargoes and containers (DSC) will discuss these proposals.

ESC, CLECAT, FIATA and FEPORT call on the parties taking part in the decision making process in IMO to critically consider the proposals calling for amendments of SOLAS regulation VI/2 and Solas regulation VI/5.5.

There is general consensus that the inaccuracy of weight declaration in the unit load industry compromises safety and efficiency. Whereas the current proposal is being supported by a number of international shipping organizations, European and international organizations representing shippers, freight forwarders and terminal operators remain critical towards the proposal and call for more time to address the real issues which continue to compromise safety at sea.

The proposal suggests that there are two options to verify the actual weight of the container, by weighing the packed container on a certified calibrated weighing scale or through implementing a certified calculation procedure of the weight in the processes of shippers and forwarders. The undersigned associations (hereafter 'the associations') representing shippers, freight forwarders and terminal operators are of the opinion that adding further specifications to the existing SOLAS weighing requirements for the transport of containers by sea will lead to a dis-proportionate burden for the industry. The associations are of the opinion that necessary regulation is in place. It may need better enforcement by some parties and the selective re-weighing as based on risk assessments and knowledge. The associations are of the opinion that to routinely verify weigh all cargo is inefficient, time consuming and wasteful.

The associations believe it is too easy for the international community to focus principally on the issue of over - or undeclared container weights. The various reports from the ILO[i], and other parties have made far greater emphasis on the safe packing and cargo securing practices, than they have on misdeclared container weights. In the 'Lashing@Sea' report container weights was a relatively minor aspect of the recommendations. Furthermore, evidence of the scale and causes of misdeclared container weights is very limited, except in the case of the much quoted report of the UK Marine Accident Investigation Board following the break-up of the *MSC Napoli*. Even in this report, it was pure speculation as to why so many containers appeared to be overweight from that declared on the

documentation. The associations therefore question whether there is sufficient evidence on which to base regulatory proposals that would apply to the whole of the liner shipping industry, affect every container handling port in the world and millions of logistics companies and their customers. It would add administrative burdens to the industry and member states without necessarily increasing safety at sea.

Certified weighing does not address the cause of the perceived problem

The associations express their doubts on the possible positive impact on the mandatory verification of the weight of containers before loading on board of a ship. They are unconvinced of the practical possibility of the carrier to process and eventually check the verified weights with their bookings and eventually their loading plan. Part of the cause of the problem relates to a dis-link between some of the IT related booking schemes of carriers and their loading plan, in particular when the real weight of the container does not correspond with the weight declared at the moment of booking. The use of booking data (initial information from the shipper about the expected cargo for content of the container) in the stowage and load plans of the ship leads to a gap between the perceived weight of containers on board a ship and actual weights. In some extreme cases this can lead to problems with the balance of the ship because the loading is not based on the correct information which is available to carriers.

This problem will not be solved through additional weighing requirements but solely through the use of timely data corresponding with the cargo actually packed in the container. This actual information is already available in shipping instructions (commercial document from shipper to the carrier) and in the customs declaration documents.

In addition to this, studies have identified that the loss of containers at sea is mainly caused by the use of improper stowage materials and the lack of international standards for lashing procedures and lashing gear[1]. Therefore, introducing additional weighing requirements will not solve the persistent issues carriers, shippers and forwarders face with poor lashing methods.

Need for a holistic approach on safety in the maritime supply chain

The associations recognize that there are safety issues that need to be addressed by all parties involved in the supply chain. But rather than pursuing the unattainable goal of weighing every single packed container throughout the globe, the IMO should work on effective solutions to the safety issues at hand. The associations would recommend IMO start addressing the following issues without further delay:

- to bring parties in the maritime supply chain together to formulate a clear legally binding deadline by shippers and freight forwarders need to present shipping instructions to the carrier. Such a time-frame should allow carriers to make the necessary changes to their stowage plan – in case of conflict between the booking instructions and the shipping instructions. This deadline has to be determined so that carriers have sufficient time to produce a stowage plan on the basis of real-time data but at the same time allow for enough flexibility for shippers to make the necessary last minute mutations.

- to improve the quality of lashing of containers on board of a ship. International standardizing lashing procedures and the quality criteria for the used gear will significantly reduce the loss of containers at sea.

[1] See report Lashing@Sea (http://www.marin.nl/web/JIPs-Networks/Archived-JIPs-Public/Lashingsea.htm)

- to improve the quality of stuffing containers. Proper implementation of the UNECE guidelines[2] on the safe packing of containers is necessary. This will reduce the chances for altering caterpillar trucks, tumbling containers from terminal cranes and trucks rolling over. :

In conclusion, the associations believe that these additional requirements do not address the real issues and therefore call on all parties in the supply chain to take measures to improve their operational performance through good practices and to increase awareness on the possible consequences of bad practice in the handling of containers. The associations do not believe specific regulation mandating verification of the gross weight of cargo is required. Adding guidance within the relevant sections of the SOLAS Convention (i.e. VI/2 and VI/5.5) would be sufficient.

[i] Furthermore: from ILO report "Safety in the supply chain in relation to packing of containers" (p.39, paragraph 159) The risk to the supply chain from overweight containers is very limited. The MSC Napoli report found that 20 per cent of the containers examined had a maximum gross mass greater than that declared on the manifest. But assuming that the cargo was well secured, this would have presented no greater danger than a container with a properly declared maximum gross mass." .34 MAIB report on structural failure of MSC Napoli): "…, the effect of the discrepancies (red. in containers' actual and declared weights) alone would have been insufficient to cause hull failure"

(p. 29 ibidem): "During the removal of the containers, the positions of 700 containers on deck were compared with the positions recorded by the terminal operator. Of these units, 53 (7%) were either in the wrong position or declared as the wrong container. It is generally agreed within the container industry that up to 10% of containers loaded onto a vessel might not be in their planned place."

[2] http://www.unece.org/trans/wp24/wp24-trends/2011-12-16.html