

POSITION PAPER

On the IMO Proposals on Mandatory Verification of Container Weights

FIATA, the International Federation of Freight Forwarders Associations (FIATA), was established in Vienna in 1926, and is the largest Non-Governmental Organization in the field of International Transport and logistics. Its membership includes National Freight Forwarders Associations, operating in over 100 countries, representing over 45,000 local logistics companies, employing in excess of 10 million persons, as well as individual members domiciled in over 150 countries.

CLECAT is the Brussels based organisation representing the interests of more than 19.000 companies employing in excess of 1.000.000 staff in logistics, freight forwarding and customs services. European freight forwarders and Customs agents clear around 95% of all goods in Europe and handle 65% of the cargo transported by road, 95% of the cargo transported by air and 65% of cargo transport by ship.

Introduction

The safety of those involved in the supply chain is of large importance to freight forwarders. FIATA and CLECAT have considered with great interest the recent debate on misdeclaration of weights in container transport. A grouping of maritime interests, with the support of the Danish and Dutch governments, has called for the International Maritime Organization's Safety of Life at Sea (SOLAS) regulations to be amended to ensure verification of a loaded ("stuffed") container's actual weight prior to vessel loading. During the most recent session of the IMO Subcommittee on Dangerous Goods, Solid Cargoes and Containers no consensus has been reached on the proposed amendment of SOLAS and draft guidelines.

How to address the problem

Whereas we are not opposed to give the misdeclaration of weights additional attention, we are not convinced that a regulatory approach to making the verification of container weight mandatory will help increase safety in the supply chain substantially. It is through best practice that we believe safety in the chain will improve. There are various devices available to port and terminal operators for weighing containers during the handling process so as not to adversely affect the productivity of the handling operations. This is the decision of the terminal operator and/or carrier.

We agree with the position of shippers' group in Europe that the discussion is becoming entirely focused on a relatively small risk factor instead of taking a more comprehensive look at the whole process of shipping containers. We are of the opinion that the focus of those who have started this debate, the liner shipping carriers, should address other important matters: firstly the lashing of the containers on the stack; secondly the maintenance procedures of the carriers; and thirdly the fact that it is common practice that around 10% of all containers loaded on a ship will end up on a stack different to that on the stowage plan.

It is also with some concern that we have noted that a closer look into accident reports do not provide for sufficient evidence that misdeclared container weights are a major cause of accidents in

the container supply chain. A more comprehensive approach is needed. To get a better understanding of the prevalence and the actual impact of the problem, FIATA and CLECAT would welcome further studies on the scale and cause of misdeclared container weights.

SOLAS Regulation VI/2 requires the shipper of containerized goods 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. Furthermore, the regulation requires that the shipper shall ensure that the gross mass of the loaded (or "stuffed") container is in accordance with the gross mass declared on the shipping. The large majority of shippers can provide reasonably accurate weight declarations. We have failed to see clear analysis or data on failures in this respect that would defend the need for additional regulation.

TT Club research shows that over the past six years, it has received a total of 357 accident claims costing \$12.8m that were as a result of bad container stowage and handling. That equated to just over 10% of all supply chain claims made over that period, making it the largest single cause of accidents in the sector.

FIATA and CLECAT therefore question whether there is sufficient evidence as anecdotal evidence can in our opinion not represent the main driver of legislation. Evidence of the scale and causes of misdeclared container weights is very limited. By contrast, 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 potentially being very disruptive to commerce and member states without necessarily increasing safety at sea.

Misdeclared container weights can also present land-side safety and operational problems both en route to the port of export and in importing nations when such containers exceed road restrictions. The proposed solution fails to resolve this.

Amending SOLAS may place a burden on the terminal operator, both in terms of operation and in terms of liability, that will likely have substantial impacts on the supply chain in itself. Instead of additional burden on one party in the supply chain, in this case the terminal operator, the responsibility for better practice rests with all the parties in the supply chain. Better training and supervision on weighing, packing and loading containers will reduce instances of stack collapses and similar industrial accidents. Accuracy of information entered on transport documentation is clearly also a major issue to address. Equally the timely delivery of data to the carrier will minimise 'misdeclared weights.'

Specific regulation mandating verification of the gross weight of cargo is not required according to freight forwarders. Adding guidance and recommendations within the relevant sections of the SOLAS Convention (i.e. VI/2 and VI/5.5) would be sufficient in our estimation.

Conclusion

There is at this stage not sufficient evidence for amending SOLAS Regulation VI/2. There is a need for a more detailed study on the problem and the impact of the proposed measures. Furthermore, it is up to the port/terminal operator or carrier to do random or risk based checks on containers weights. As noted above, port and terminal operators may use devices for weighing containers during the handling process and implement sanctions, if needed. These sanctions and delays should be sufficient as to not to misdeclare or overload their containers. 100% weighing of containers, the vast majority of which will be compliant, is neither practical nor desirable.