

FREQUENTLY ASKED QUESTIONS **about the national implementation** **of the SOLAS guidelines regarding** **the verified gross mass (VGM) of a** **container carrying cargo**

Due to the amendments to the SOLAS Convention on 1 July 2016, the Austrian Federal Ministry for Transport, Innovation and Technology (BMVIT) answers the main questions on "SOLAS guidelines for determining the verified gross mass (VGM) of a container carrying cargo on the following pages.

What is the meaning of SOLAS-VGM?

The 1974 International Convention for the Safety of Life at Sea (SOLAS Convention - SOLAS) wrote in Chapter VI, Part II, Rule 2 (IMO MSC//1/Circ.1475), that the gross mass of containers is to be verified by the shipper prior to them being stowed aboard a ship (Verified Gross Mass – VGM) and the shipping company is to give notice in a timely manner. In the event of absence (or upon late arrival) of VGM, the shipping company can refuse to accept the container. The author of SOLAS regulations is the IMO - the International Maritime Organization.

For the IMO regulations, please visit

<https://www.bmvit.gv.at/verkehr/gesamtverkehr/logistik/vgm.html>

When was the new regulation enforced?

The scheme was enforced worldwide by 1 July 2016.

Who is affected by the new scheme?

- Basically, all those stakeholders in the Austrian economy, who are involved in international trade and thereby (self or directly contracted) use containers for shipment on overseas vessels.
- The "shipper", as 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.
- The BMVIT – Austrian Federal Ministry for Transport, Innovation and Technology (as the competent national contact point).

How is the legal implementation in Austria?

Austria acceded to the international SOLAS Convention (BGBl. 1988/435), which has been incorporated into the national legislation (SSEG, 387. Federal Law, year 1996). Due to the new regulations the SSEG was amended (BGBl. I Nr. 14/2017) as well as a corresponding Verified Gross Mass Ordinance (BGBl. II No. 192/2017).

What is the scope of the new regulation?

The provisions of the IMO regulation MSC 1/Circ.1475 (available as an external document at <https://www.bmvit.gv.at/verkehr/gesamtverkehr/logistik/vgm.html>) are valid for all containers that fall under the CSC (International Convention for safe containers), which are intended to be loaded onto ships.

Not affected by the regulations concerning VGM determination are (Here in summary, reference is made to the detailed descriptions of the guidelines):

- loaded containers, which are transported, including trucks, semi-trailers in Ro-Ro procedure (Short-haul traffic)
- Cargo items, which are loaded into a container that is already on board the ship by the shipping company.
- "Offshore Container", to which the CSC does not apply

What is the shipper responsible for?

The shipper is responsible and liable for

- the determination (or the instigation of) and correctness of VGM,
- the documentation of that finding, and
- timely information of the shipping company.

Is there an agreed format to communicate verified gross mass?

The type of documents which serve as evidence of the determination of the VGM and the communication from the VGM, the time at which these documents (this message) are to be reported to the shipping company and the technology (formats, transmission medium) of transmission must be agreed between shippers and shipping companies. Fundamentally, this document can be part of the shipping instructions to the shipping company or a separate communication. The documentation can also be done electronically. In any case, it must be signed by a person duly authorized by the shipper. The signature may be an electronic signature or may be replaced by the name in capitals of the person authorized to sign it.

When does the VGM have to be sent to the shipping company?

The verified gross mass must be submitted in a timely manner to the shipping company, that is, sufficient time to create a proper stowage plan. This can vary from shipping company to shipping company and depends largely on the particular size of ship. The term "a timely

manner" is therefore defined as what the respective shipping company established for itself. It should also be noted that the port operators are expected to meet different regulations herein – for example – whether or not you must have already submitted the VGM receipt of the container in advance at the port terminal. To avoid a refusal, it is recommended to intensively consult with the relevant terminal operators on this issue.

How can the VGM be determined?

The SOLAS Directive allows for 2 methods of VGM determination.

- Method 1: The weighing of loaded and sealed containers
- Method 2: The addition of individual masses/calculation using a “Certified” Method

In Austria, both methods of VGM determination are equally allowed. This means that shippers can choose freely between the methods.

When is Method 1 permitted?

Method 1 (weighing of the loaded and sealed container) is always permitted. In order to use this method, a scale of precision class IV (IIII) (coarse scale) according to the Austrian Legal Metrology Act must be considered sufficient.

Is it permitted to weigh a fully loaded container on a vehicle using Method 1?

Regarding the weighing of containers on road vehicles, please refer to Section 11 of the SOLAS Directive. Due to the possibility of significant differences in the tare mass of the truck (on-board tank level and any additional equipment such as snow chains and other commercial/dead loads) the determination of the VGM in Austria by weighbridges by Differential Weighing is allowed (weighing the laden AND the empty vehicle under one load cycle; recourse to "historic" vehicle mass data, e.g., from the authorization, approval, etc. is not permitted). In the case of multiple containers on a truck, the differential weighing is in accordance with the number of containers, but is to be conducted at least three times.

When a truck carrying empty containers are loaded and sealed without transshipment, the determining of the VGM using a weighbridge can be identified **as Method 2**:

- (a) The truck is weighed by means of weighbridge with the empty container on it before loading
- (b) The container remaining on the truck is loaded and sealed
- (c) The truck is weighed again with a loaded container. The difference between this and the first weighing corresponds to the mass of the load.
- (d) The VGM is determined by the net mass of the empty container to the mass of the load - which is indicated by what is added to the container.

When more than one container is transported by the truck, this procedure is to be repeated after the loading of each container.

Will there be control weighing by authorities in Austria?

Control weighing concerning VGM by national authorities is currently not provided.

What individual steps must be observed using Method 2?

The individual masses of products to be loaded (including packaging, safety equipment, etc.) must be identified and documented. In particular, the accuracy of the mass of the individual cargo objects must be confirmed by the original sender or by an appointed third party and handed over to that party, which continues and completes the container loading. In cases of insufficient documentation for either party, whosoever terminates the loading process has the responsibility to refuse the shipment.

Agreement on the type of documentation produced on stakeholders/transport involved in the dispatch must be reached. The quality of the documentation has to ensure that there is transparency (in particular the responsibilities) in the case of a review of documentation by competent authorities (bodies).

How is the certification process for users of Method 2 regulated?

The method of weighing the container content according to Method No 2 must be certified and approved by the competent authority of the country in which the container has been finally loaded and sealed.

The certification process is left to the respective state. In Austria the certification is related on the party which carries out the weighing not on the method. Regarding the approval certification for inclusion in the list, existing evidence in the company will be accepted, from which the trustworthiness of the company or the quality and trustworthiness of the operational process design can be derived.

These are:

- **QUALITY MANAGEMENT SYSTEMS**
 - **EN ISO 9001** or **EN 29001**
 - **EN ISO 9004** or **EN 29004**
 - **EN ISO 22000**
 - **IFS** (International Featured Standards)
 - **HACCP-Approach** (Hazard Analysis and Critical Control Points)

- **ENVIRONMENTAL MANAGEMENT SYSTEMS**
 - **ISO 14001**
 - **EMAS** (Eco Management and Audit Scheme)

- CERTIFICATION IN SUSTAINABILITY
 - **FSC** (Forest Stewardship Council)
 - **PEFC** (Programme for the Endorsement of Forest certification Schemes)

- SAFETY MANAGEMENT SYSTEM
 - **ISO 28000**

- CUSTOMS CERTIFICATES
(Authorized Economic Operator)
 - **AEO C "Customs simplifications"**
 - **AEO S "Security"**
 - **AEO F "Customs simplifications/Security"**

No additional approval procedures are necessary in Austria.

At least one of the listed accreditations/certifications is needed for inclusion in the SOLAS directory.

For additional information on the SOLAS directory for users of Method 2, there is a FAQ at <https://www.bmvit.gv.at/verkehr/gesamtverkehr/logistik/vgm.html>

What is the net mass (tare) of the container to be determined at Method 2?

The tare mass of the container is indicated on the door end of the container and does not need to be determined by weighing. In addition, it is recommended to carry out a cross-check with the owner of the container (especially in case of obvious structural container changes).

What are the requirements for scales to measure the gross weight of cargo containers?

For the determination of the VGM using Method 1, a scale of accuracy class IIII (IV) (coarse scale) is considered as sufficient when weighing the container as a whole.

When applying Method 2, scales of accuracy class III are recommended for use.

Should the scales be calibrated?

If the weighing in Austria is carried out by a third party commissioned by the shipper, the weighing has to be done by a calibrated weighing machine.

To whom must I direct my questions about calibration?

The Austrian verification agencies are agencies that perform calibrations with various (custody) measuring equipment. They are authorized for certain measuring devices from the Federal Office of Metrology and Surveying (BEV). The calibration points shall be issued by the BEV and are available at <http://www.metrologie.at/index.html>. Technical inquiries regarding calibrations should be addressed directly to the calibration agencies.

General information about the Austrian calibration points is obtained from the Federal Office of Metrology and Surveying.

Cargo may be palletized and transported by truck from one state to another, prior to being packed into a container. Equally, a shipper under the maritime carrier's bill of lading may be located in one state, whereas the packer is located in another. Which state's regulations apply in relation to the container packing using a Method 2 process?

In both cases, it is the regulations of the state in which the packing and sealing of the container is completed that apply. If the VGM is determined in Austria the shipper must respect the applicable national laws in Austria and work on the basis of the SOLAS Directive. This means, he should use the requirements in accordance with the provisions of Directive 2014/31/EU and the Austrian Legal Metrology Act weighing means for determining the VGM using Method 1 or Method 2 in the necessary weighing procedures in the process flow. In application of Method 2, the company should be certified according to the regulation of Austria. In any case of inspection in the country where the container is finally loaded on a ship, the competent authorities there must respect the Austrian regulation.

Is there a national contact point on the subject of SOLAS VGM?

The national contact point on the subject SOLAS VGM is the BMVIT, which is done via the Email address solas-vgm@bmvit.gv.at where those who have questions on the subject can submit their queries if they were not answered using the documents that are available on the website <https://www.bmvit.gv.at/verkehr/gesamtverkehr/logistik/vgm.html>.