

VERIFICATION OF THE GROSS MASS OF PACKED CONTAINERS

ALL SAMS PERSONNEL, SHIP AGENTS, PORT AUTHORITIES, TERMINAL OPERATORS, SHIP OWNERS, FREIGHT FORWARDERS, SHIPPERS, HAULIERS, CARGO PACKERS, SAMS ACCREDITED VGM ENTITIES AND OTHER INTERESTED AND AFFECTED PARTIES

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Marine Notice's affected

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SUMMARY

This marine notice provides guidance on achieving compliance, with the Verified Gross Mass (VGM) regime of packed containers as stipulated in SOLAS Chapter VI Regulation 2 in the Republic of South Africa

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1 Purpose

- .1 This Marine Notice acts as guidance document outlining the requirements for the implementation of the mandatory amendments to the International Convention for the Safety of Life at Sea (SOLAS) Chapter VI, Part A, Regulation 2, in the Republic of South Africa.
- .2 The SOLAS amendment places the responsibility of providing the verified gross mass of a packed container on the shipper, prior to it being loaded on board a ship.

2 Introduction

- .1 IMO's amendments to SOLAS Regulation VI/2 was prompted by the need to curb the mis-declaration of container weight which has resulted in numerous casualties. Container weight mis-declaration has the potential to cause injury and loss of life for the crew as well as port workers and causing damage to property which includes the vessel and shore machinery.
- .2 Together with the amendment to the Regulation VI/2, the International Maritime Organization (IMO) introduced "Guidelines Regarding the Verified Gross Mass of a Container Carrying Cargo" (MSC.1/Circ.1475) (IMO Guidelines) dated 9 June 2014, to establish a common approach for the implementation and enforcement of the SOLAS requirements regarding the verification of the gross mass of packed containers. The Guideline provide recommendations on how to interpret and apply the provisions of the SOLAS requirements.
- .3 The main principles of the IMO guidelines are as follows:
 - .1 The shipper is responsible for obtaining and providing the VGM of a packed container; and
 - .2 A container partially or fully packed should not be loaded onto a ship to which the SOLAS Convention applies unless the Master or his representative and the terminal representative have obtained, in advance of a vessel loading, the actual VGM of the container.

3 Definitions & Abbreviations

.1 Definition as in the IMO Guideline, MSC.1/Circ. 1475:

- .1 *Administration* means the Government of the State whose flag the ship is entitled to fly.
- .2 *Calibrated and certified equipment* means a scale, weighbridge, lifting equipment or any other device, capable of determining the actual gross mass of a packed container or of packages and cargo items, pallets, dunnage and other packing and securing material, that meets the accuracy standards and requirements of the State in which the equipment is being used.
- .3 *Cargo items* has the same general meaning as the term "cargo" in the International Convention for Safe Containers, 1972, as amended (hereinafter referred to as "the CSC"), and means any goods, wares, merchandise, liquids, gases, solids and articles of every kind whatsoever carried in containers pursuant to a contract of carriage. However, ship's equipment and ship's supplies, including ship's spare parts and stores, carried in containers are not regarded as cargo.
- .4 *Container* has the same meaning as the term "container" in the CSC and means an article of transport equipment:
 - a. of a permanent character and accordingly strong enough to be suitable for repeated use;
 - b. specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
 - c. designed to be secured and/or readily handled, having corner fittings for these purposes; and
 - d. of a size such that the area enclosed by the four outer bottom corners is either:
 - i. at least 14 m² (150 sq. ft.); or
 - ii. at least 7 m² (75 sq. ft.) if it is fitted with top corner fittings.
- .5 *Contract of carriage* means a contract in which a shipping company, against the payment of freight undertakes to carry goods from one place to another. The contract may take the form of or be evidenced by a document such as sea waybill, a bill of lading, or multi-modal transport document.
- .6 *Gross mass* means the combined mass of a container's tare mass and the masses of all packages and cargo items, including pallets, dunnage and other packing material and securing materials packed into the container (see also "Verified gross mass").
- .7 *Package* means one or more cargo items that are tied together, packed, wrapped, boxed or parcelled for transportation. Examples of packages include, but are not limited to, parcels, boxes, packets and cartons.

- .8 *Packed container* means a container, as previously defined, loaded ("stuffed" or "filled") with liquids, gases, solids, packages and cargo items, including pallets, dunnage, and other packing material and securing materials.
- .9 *Packing material* means any material used or for use with packages and cargo items to prevent damage, including, but not limited to, crates, packing blocks, drums, cases, boxes, barrels, and skids. Excluded from the definition is any material within individual sealed packages to protect the cargo item(s) inside the package.
- .10 *Securing material* means all dunnage, lashing and other equipment used to block, brace, and secure packed cargo items in a container.
- .11 *Ship* means any vessel to which SOLAS chapter VI applies. Excluded from this definition are roll- on/roll-off (ro-ro) ships engaged on short international voyages where the containers are carried on a chassis or trailer and are loaded and unloaded by being driven on and off such a ship.
- .12 *Shipper* means 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.
- .13 *Shipping document* means a document used by the shipper to communicate the verified gross mass of the packed container. This document can be part of the shipping instructions to the shipping company or a separate communication (e.g. a declaration including a weight certificate produced by a weigh station).
- .14 *Tare mass* means the mass of an empty container that does not contain any packages, cargo items, pallets, dunnage, or any other packing material or securing material.
- .15 *Terminal representative* means a person acting on behalf of a legal entity or person engaged in the business of providing wharfage, dock, stowage, warehouse, or other cargo handling services in connection with a ship.
- .16 *Verified gross mass (VGM)* means the total gross mass of a packed container as obtained by one of the methods described in paragraph 5.1 of these Guidelines. (see also "gross mass").

.2 Other Definitions used in this Marine Notice

- .1 *Amendment request* means a request by a Shipper, Recognised Packing Facility, or an Authorised Weighing Facility for an amendment to the existing certificate, resulting in production of a new certificate when either a change of name, address, addition of a Shipper, addition of a Packing Facility, or addition of weighing equipment etc. is required.
- .2 *Authority* means the South African Maritime Safety Authority (SAMSA).
- .3 *Authorised Equipment Operator* means a person authorised:
 - .1 to operate Lifting Equipment and holds a license in accordance with the OHS Act; or
 - .2 as a weighbridge operator; or
 - .3 to operate mobile weighing/lifting equipment
 and who is trained in the operation the lifting/weighing device including its limitations.
- .4 *Authorised Packing Facility Appointee* means a person who has been delegated by the Shipper's Authorised Person in writing to ensure that loading, packing, securing and weighing of cargo at the packing facility including verification and declaration of VGM using Method 2 is conducted in accordance with this Marine Notice. Ultimate responsibility remains with the Shipper's Authorised Person.
- .5 *Authorised Person* means a person appointed by the Shipper in writing to ensure that loading packing, securing and weighing of cargo including verification and declaration of VGM is conducted in accordance with this Marine Notice. The Authorised Person can delegate authority in writing to an appointee at the packing facility.
- .6 *Authorised Shipper* means a shipper that has been authorised by the Authority to verify the gross mass of a packed container using Method 2.
- .7 *Authorised Weighing Facility* means a weighing facility using equipment such as a weighbridge, reach stacker or load cell jacks that has been authorised by the Authority to weigh packed containers and verify the gross mass using Method 1.
- .8 *Authorised Weighing Facility Appointee* means a person appointed by the weighing facility and authorised by the Authority to ensure that the provisions of this Marine Notice related to weighing and

declaring the gross mass of the packed container using Method 1 are fulfilled. An Authorised Equipment operator may be designated as an Authorised Weighing Facility Appointee.

- .9 *Guidelines* means the IMO circular MSC.1/Circ.1475 "Guidelines Regarding the Verified Gross Mass of a Container Carrying Cargo", dated 9 June 2014.
- .10 *Lifting Equipment* means equipment such as a reach stacker equipped with a weighing device recognised by the Authority to verify gross mass of packed containers using Method 1.
- .11 *Mobile Weighing Equipment* means weighing equipment such as a load cell jacks etc. that can be set up at different locations, which is recognised by the Authority for weighing packed containers utilizing SOLAS Method 1.
- .12 *Packing Facility* means an authorised packing facility which is contracted in writing and utilized by a Shipper, to pack and secure the cargo in a container; seal the container as well as weigh or verify and declare the gross mass of the packed container on behalf of the shipper.
- .13 *Recognised Packing Facility* has corresponding meaning to a Packing Facility in as far as responsibilities are concerned. However, a Recognised Packing Facility is a packing facility that is contracted to 3 (three) or more Authorised Shippers and is recognised by the Authority and issued with a Certificate of Recognition. The Recognition Certificate ensures that it is not audited repeatedly each time a new Shipper applies for a Certificate of Authorisation under Method 2. Any Packing Facility linked to at least one shipper can voluntarily apply for a Certificate of Recognition.
- .14 *SAMSA Accredited VGM Entity (SAE)* means a legal entity accredited by the Authority to conduct inspections, audits and verify the requirements for certification under this Marine notice.
- .15 *Weighing Equipment* means equipment such as a weighbridge, load cell jacks etc. recognised by the Authority to verify gross mass of packed containers using Method 1.

.3 Abbreviations

CSC	Container Safety Convention
CTU Code	IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units
IMO	International Maritime Organization
NRCS	National Regulator for Compulsory Specifications
SOLAS	Safety of Life at Sea Convention
SAE	SAMSA Accredited VGM Entity
SAMSA	South African Maritime Safety Authority
SANAS	South African National Accreditation System

4 The Role of the South African Maritime Safety Authority (SAMSA)

- .1 SAMSA is an agency of the Department of Transport and was established on 1 April 1998 in terms of the South African Maritime Safety Authority Act 5 of 1998.
- .2 SAMSA's objective is to administer and enforce various domesticated International Maritime Conventions to ensure safety of life and property at sea and to prevent and combat pollution of the marine environment by ships.
- .3 South Africa is a party to the SOLAS Convention.
- .4 The following limitations applies as far as SAMSA's role is concerned:
 - .1 SAMSA will not accept any responsibility nor will SAMSA be involved in any way whatsoever in any commercial matters or disputes which may arise from the manner in which containers are planned and/or booked for shipment, between two commercial entities, including disputes relating to declaration of the verified gross mass of a container or any other matter related thereto.
 - .2 SAMSA will not accept any responsibility nor will SAMSA be involved in any way whatsoever in respect of any contingency planning or management of the receipt of non-conforming containers at any point in the logistics chain, or any other matter related thereto.
 - .3 SAMSA will not accept any responsibility for any claim(s) and/or dispute(s) that may arise between the shipper (and/or their legal representative) and the SAMSA Accredited VGM Entity in respect of the verification of the gross mass of the containers, or any other matter related thereto.

- .5 The logistics chain of a container may include different modes of transport in getting containers from the packing point to the terminal and eventually the vessel. These different modes of transport are regulated by different Governmental Departments and different rules and regulations may apply which might include weighing of the container transported.
- .6 As a result of the above, SAMSA does not take responsibility and will not accept any involvement in any of the procedures and/or processes and/or any dispute(s) that may arise in relation to any of these external processes of other Departments along the logistical chain, including but not limited to South African Revenue Services (Customs Division) and the Road Traffic Management Corporation (RTMC).
- .7 It is imperative to note that the responsibility for providing the VGM of Packed Containers lies with the shipper and must be performed in accordance with the methods and procedures as contained in this Marine Notice in order for the container shipment to be in compliance with the SOLAS Regulations.

5 Applicable IMO Convention / Domestic Legislation

.1 SOLAS Convention

- .1 The SOLAS requirements to verify the gross mass of a packed container apply to all containers to which the CSC applies.

SOLAS, Chapter VI, Part A, Regulation 2

"Prior to loading cargo units on board ships, the shipper shall ensure that the gross mass of such units is in accordance with the gross mass declared on the shipping documents".

- .2 The term 'container' includes: tank containers, flat racks, bulk containers etc. Also included are containers carried on a chassis or a trailer except when such containers are driven on or off a ro-ro ship engaged in short international voyages. Excluded from the definition is any type of vehicle and "offshore containers" to which the CSC, according to the Guidelines for the approval of offshore containers handled in open seas (MSC/Circ.860) and the Revised Recommendations on Harmonized Interpretation and Implementation of the International Convention for Safe Containers, 1972, as amended (CSC.1/Circ.138/Rev.1), does not apply.

.2 Merchant Shipping (Carriage of Cargoes) Regulations, 2004

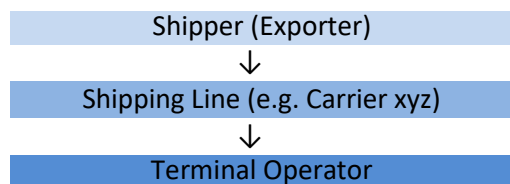
- .1 With respect to the verification of the gross mass of a packed container, the applicable South African legislation is the Merchant Shipping (Carriage of Cargoes) Regulations, 2004.
- .2 The application of these regulations is as follows:

"4. (1) Subject to subregulations (2) and (3), these regulations apply to every ship that is loaded or intended to be loaded with any cargo, and so apply to—
(a) South African ships anywhere; and
(b) other ships when in the Republic or its territorial waters.
(2) These regulations do not apply to small vessels, pleasure vessels or fishing vessels.
(3) These regulations apply to the carriage of all cargoes but are subject to the requirements of the Merchant Shipping (Dangerous Goods) Regulations, 1997, respecting the carriage of dangerous goods as defined in those regulations. Where those regulations regulate an aspect of carriage provided for in these regulations, those regulations apply to that extent, and not these"

6 Information Flow

- .1 The shipper, or their appointed representative, is responsible for providing a "verified gross mass" to the carrier or their terminal representative, regardless of who actually packs the container.
- .2 In order to ensure the smooth flow of cargo, it is essential that information is provided to other parties timeously and as early as possible. How this is achieved will be for the relevant parties in the supply chain involved in moving goods to determine. SOLAS requires that the information is submitted sufficiently in advance to be used in the preparation of the ship's stowage plan. VGM must be obtained before the container is received by the terminal operator where applicable or before loading on to a ship.

- .3 In its simplest form the information flow regarding the provision of a verified gross mass may appear as follows:



7 Documentation

- .1 SOLAS regulations require the Shipper to verify the gross mass of the packed container using Method No. 1 or Method No. 2 and to communicate the verified gross mass in a shipping document.
- .2 This document can be part of the shipping instructions to the shipping company or a separate communication e.g. a declaration including a weight certificate produced by an Authorised Weighing Facility utilizing verified and certified equipment enroute between the Shipper's origin and the port terminal.
- .3 In either case the document should clearly highlight that the gross mass provided is the "verified gross mass".
- .4 Irrespective of its form, the document declaring the verified gross mass of the packed container should be signed by the person duly authorised by the shipper. The signature may be an electronic signature or may be replaced by the name in capitals of the person authorised to sign it.
- .5 The verified gross mass that is required under SOLAS relates to the packed container, including dunnage and securing equipment, together with the tare mass of the container.
- .6 The verified gross mass reflects the mass of the entire consignment presented for loading on board a ship and is different from other trade mass values such as used for bills of lading, which relate to contractual liability, or customs declarations.
- .7 SOLAS requires the verified gross mass to ensure that the correct value is used for ship stowage planning purposes, this safety requirement differs from other values used in trade. SOLAS does not require the verified gross mass to be identified in the Bill of Lading.
- .8 Consultation should be made directly with the shipping line to ascertain their requirements for declaring the verified gross mass of the packed container.
- .9 Shippers of empty containers and operators of empty containers are encouraged to have practices and arrangements in place to ensure that they are empty. The tare weight will visually appear on the container in accordance with the standards of the International Organization for Standardization (ISO) for container marking and identification) and should be used.

Example: VGM Declaration

Name of Shipper:

(Legal Entity or Person named on the Bill of Lading and / or who a contract of carriage has been concluded with a shipping company)

Address of Shipper:**VGM Weight Calculation:**

Method 1: Packed Container Weight ☐

Method 2: Sum of Cargo and Container Weight ☐

SAMSA Authorisation No:**Container Number:****Verified Gross Mass:****Date Verified:**

(List of container numbers with corresponding verified gross mass)

Signature of Declarant:**Name of Declarant:****Title of Declarant:**

8 Methods for Obtaining the Verified Gross Mass of a Packed Container

- .1 The SOLAS regulations prescribe two methods by which the Shipper may obtain the verified gross mass of a packed container:
 - .1 Method No.1:**

Upon the conclusion of packing and sealing a container, the shipper may weigh, or have arranged that a third-party weigh, the packed container.
 - .2 Method No.2:**

The Shipper (or, by arrangement of the shipper, a third party), may weigh all packages and cargo items, including the mass of pallets, dunnage and other packing and securing material to be packed in the container, and add the tare mass of the container to the sum of the single masses using a certified method.
- .2 The IMO Guidelines do not stipulate that utilizing Method 1 for verifying the gross mass of a packed container must be approved by the Authority or that the weighing equipment used to weigh the packed and sealed container is approved or accredited by the Authority.
- .3 The Authority considering the need for ensuring consistent application of the verified gross mass for containers, will authorize or recognise weighing facilities (also commonly referred to as weighbridges), lifting equipment such as reach stackers equipped with a weighing device, mobile weighing equipment such as load cell jacks for declaring the VGM using Method No. 1 for shipper's who do not intend to use Method No. 2.
- .4 SAMSA is responsible for certifying and approving the method used for obtaining the VGM under both Method 1 and 2.
- .5 It would not be practical nor cost effective for SAMSA to assess each Shipper, Recognised Packing Facility, or Authorised Weighing Facility for certification.
- .6 Therefore, SAMSA will accredit competent entities who will be known as "SAMSA Accredited VGM Entity" (SAE) for either Method 1 or Method 2 or both, in terms of Section 5 of the South African Maritime Safety Authority Act, 1998 (Act No.5 of 1998). The role of the SAE will be to assess Shippers documented processes for obtaining VGM using either Method 1 or Method 2. The SAE will also assess Packing Facilities for a Recognition certification. The SAE may only conduct assessment for the method(s) that they are accredited for.

9 Responsibility of the Shipper in Declaration of VGM

.1 Declaration when utilising Method No. 1

- .1 A Shipper may only declare the verified gross mass of a container under Method No. 1 by using a Weighing Facility authorised by the Authority.
- .2 The Shipper is to ensure that containers presented for weighing by Weighing Facility has been packed in accordance with IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code) and maintain documentary evidence in accordance with the shipper's procedures. Additionally, the Shipper is to ensure that staff involved in packing, loading and securing of packed cargo in containers are trained in the CTU Code.
- .3 The Authority reserves the right to conduct additional inspections at Shippers premises where containers are packed, secured and sealed for export utilising Method No. 1 or at their nominated packing facilities. The inspection may involve observation of the packing, loading and securing and sealing, as well as inspection of documents related to the process.
- .4 The Shipper shall ensure that CSC safety approvals are valid, and containers are not overloaded.
- .5 Weighbridges**

The following provides guidance with respect to containers on a road vehicle where a weighbridge is used for ascertaining the gross mass of the container. Weighing must be conducted by an Authorised Person.

Option 1:

- Weigh the entire vehicle and container = Gross Mass
- Weigh the vehicle without the container = Tare Mass
- Gross Mass - Tare Mass = Mass of Container

Option 2:

- Weigh the empty container on the truck (A)
- Weigh the packed container on the truck (B)
- Deduct (A) from (B) and add the tare weight of the container as marked on it.

Option 3:

- Weigh the entire vehicle and container = Gross Mass
- Ascertain the tare mass of the entire vehicle as indicated in their registration documents issued by the competent authority.
- Gross Mass – Tare Mass of vehicle as per registration documents = Mass of Container

The following, but not limited to, may influence the accuracy of obtaining the verified gross mass of a container when using a weighbridge:

- .1 fuel onboard;
- .2 whether the driver or passengers remain in or out of the truck during the weighing process;
- .3 distribution of the load on the weighbridge;
- .4 tyre pressure; and
- .5 additions made to the vehicle, subsequent to registration, e.g. Bull bars etc.

Note: If two packed containers on a road vehicle are to be weighed, their gross mass should be determined by weighing each container separately. Dividing the total gross mass of the two containers by two after subtracting the mass of the road vehicle and the tractor, where applicable, would not produce an accurate verified gross mass for each container and is not acceptable.

- .6 The weighing equipment at a weighbridge shall be:
 - .1 type approved by National Regulator for Compulsory Specifications (NRCS); and
 - .2 verified, calibrated and maintained as per manufacturer's instructions.
- .7 Weighbridge tickets that are produced by the Authorised Weighing Facility shall contain the following information as a minimum:
 - .1 name and physical address of the weighbridge facility;
 - .2 weigh bridge facility SAMSA authorization number;
 - .3 container number;
 - .4 container seal number;
 - .5 date and time the container was weighed;
 - .6 the name of the shipper; and
 - .7 gross mass of the container.
- .8 The weigh bridge ticket is used to support the verified gross mass declaration that is sent to the shipping line using the options mentioned in section 7 above.
- .9 **Lifting Equipment (i.e. Reach Stacker)**
Lifting equipment to ascertain the gross mass of the container shall:
 - .1 be type approved by National Regulator for Compulsory Specifications (NRCS);
 - .2 have a certified safe working load above that of the container to be weighed; and
 - .3 be operated by an Authorised Equipment Operator.
- .10 Prior to carrying out any weighing using a lifting equipment, the Authorised Equipment Operator shall ensure that:
 - .1 the surface where weighing is undertaken is uniformly level;
 - .2 a test lift is conducted before each shift as part of the standard operating procedure;
 - .3 the indicator identifying that all weighing points connecting to the container is tested;
 - .4 the cabin monitor or display providing real time weighing results and the transfer of weighing data for remote access and storage is tested;
 - .5 the overload warning function is tested; and
 - .6 the weighing slip/ticket is correctly printing all the necessary information.
- .11 Weighing ticket/slip that is produced by the lifting equipment should contain the following information as a minimum:
 - .1 name and physical address of where the lifting equipment is operated;
 - .2 identification number of the lifting equipment;

- .3 weighing facility SAMSA authorisation number;
 - .4 container number;
 - .5 container seal number;
 - .6 date and time the container was weighed;
 - .7 name of the shipper; and
 - .8 Verified Gross Mass of the container.
- .12 The weighing ticket/slip is used to declare the verified gross mass of the container.
- .13 Mobile Weighing Equipment**
- Mobile weighing equipment such as load cell jacks used to ascertain the gross mass of the container shall:
- .1 be type approved by National Regulator for Compulsory Specifications (NRCS);
 - .2 have a certified safe working load above that of the container to be weighed; and
 - .3 be operated by an Authorised Equipment Operator.
- .14 Prior to carrying out any weighing using a lifting equipment, the Authorised Equipment Operator shall ensure that:
- .1 the surface where weighing is undertaken is even;
 - .2 all weighing points are aligned and synced (weight distributed evenly).
 - .3 the display device provides real time weighing results and the transfer of weighing data for remote access and storage is tested;
 - .4 the overload warning function is tested; and
 - .5 the weighing slip/ticket is correctly printing all the necessary information.
- .15 Weighing ticket/slip that is produced by the lifting equipment should contain the following information as a minimum:
- .1 name and physical address of where the lifting equipment is operated;
 - .2 identification number of the lifting equipment;
 - .3 weighing facility SAMSA authorisation number;
 - .4 container number;
 - .5 container seal number;
 - .6 date and time the container was weighed
 - .7 name of the shipper; and
 - .8 Verified Gross Mass of the container.
- .16 The weighing ticket/slip is used to declare the verified gross mass of the container.

.2 Declaration when utilising Method No. 2

- .1 A Shipper may only declare the verified gross mass of a container under Method No. 2 if the shipper holds a certificate as an Authorised Shipper.
- .2 The Shipper is to ensure that containers are packed in accordance with IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code) and maintain documentary evidence in accordance with its procedures; additionally, the Shipper is to ensure that staff involved in packing, weighing, loading and securing of containers are trained in the CTU Code. SAMSA reserves the right to conduct additional inspections at Shippers premises where containers are packed for export utilising Method No. 2 and where applicable, at their nominated packing facilities. The inspection may involve observation of the packing, weighing, loading and securing of the container, as well as inspection of documents related to the process.
- .3 A Shipper that utilises the services of a packing facility to pack, weigh, load and secure may only declare the verified gross mass of a container under Method No. 2 if, the facility has been assessed for compliance by an SAE or holds a certificate as a Recognised Packing Facility. The Shipper may declare the VGM of the packed container or may authorise in writing that a Packing Facility declare the VGM on the Shipper's behalf.
- .4 The Shipper to ensure CSC safety approvals are valid, and that containers are not overloaded.

10 Process for obtaining a certificate as a SAMSA Accredited VGM Entity (SAE)

- .1 SAMSA will accredit an SAE to conduct the assessments, which will involve a preliminary assessment in the form of a desk top audit as well as physical on-site assessment for one or more of the following:
 - .1 a Weighing Facility for competency in verifying and issuing the gross mass of a container using Method No. 1;
 - .2 a Shipper's documented processes for verifying the gross mass of a container utilising Method No. 2;
 - .3 a Packing Facility for recognition as a facility utilized by a Shipper for obtaining or declaring the VGM on behalf of the Shipper when authorised, utilising documented processes for verifying the gross mass of a container using Method No. 2,
- .2 The following is the process for obtaining accreditation as a SAE:
 - .1 Parties interested in becoming accredited as a SAE for verification of gross mass of packed containers under either Method No. 1 or Method No. 2 or both shall complete an application form issued by SAMSA.
 - .2 SAMSA will review the submitted application and assess if it meets the minimum requirements.
 - .3 SAMSA will then conduct a site assessment of the applicant that meets the minimum requirements which will involve but not limited to; inspect the facility, document management system, verify documentation, and interview the inspectors/auditors.
 - .4 The applicant shall enter into a service level agreement with SAMSA.
 - .5 Qualification criteria
For Method 1 or Method 2, the experience and competency of inspectors/auditors should include;
 - .1 at least 3 years' experience with respect to packing, loading, sealing of containers including handling and processing of shipping documentation or at least 3 years seagoing experience as a Deck Officer on a container vessel or 3 years relevant technical experience as a Marine Cargo Surveyor working with containerized cargo.
 - .2 experience in working with weighing equipment;
 - .3 an appropriate training in Quality Management System;
 - .4 knowledge of the CTU Code;
 - .5 basic knowledge of Metrology Act requirements; and
 - .6 experience in inspection and auditing.However, for Method 2 the inspectors/auditors should have training in the CTU Code.
- .3 The time spent assessing the application and to inspect the applicant's premises by the Authority will result in a charge in terms of Regulation 50 (3) of the Determination of Charges. In addition, all travel costs including accommodation, flights, road transport, travel and subsistence allowance will be borne by the applicant in accordance with Regulation 67 (Travel and subsistence) of the Determination of Charges. Should the application process involve more than one site visit, additional charges will apply.
- .4 The accreditation shall be valid for a period of three (3) years and will be subject to one audit during the validity of the certificate by SAMSA at the SAE's premises and will include a site visit to a Shipper, Recognised Packing Facility and Weighing Facility, as may be applicable.
- .5 SAMSA reserves the right to conduct additional ad hoc inspections and/or audits on SAE's to ensure a continued high standard of compliance is maintained.
- .6 Neither SAMSA nor the SAE is responsible for declaring the verified gross mass of the container. It is the process utilised for obtaining the verified gross mass that is assessed and authorised.
- .7 The SAE shall enter into a service level agreement with the Recognised weighing facility; or the Shipper, and if applicable, the Recognised Packing Facility. The agreement, including commercial arrangements will be governed by individual service level agreements between the parties. These agreements, including any commercial contracts are to be formulated between the parties concerned. SAMSA may not be party to such agreements.
- .8 SAMSA will provide checklists for conducting any assessments under this Marine Notice.

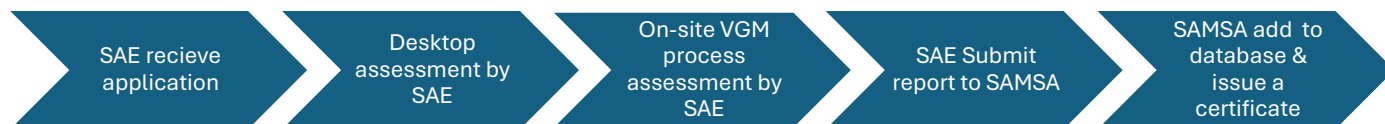


Figure 1: Process followed by SAE to assess a client for either method 1 or 2 authorization/recognition

11 Process for obtaining certification as an authorised Weighing Facility utilising Method 1

.1 The following is the process for a facility utilising a weigh bridge:

- .1 All weighbridges utilised for weighing packed containers under SOLAS Method No. 1 must hold a Certificate as an Authorised Weighing Facility issued by SAMSA.
- .2 Application to obtain certificate as an Authorised Weighing Facility utilising Method No. 1 must be done through an accredited SAE.
- .3 The link to the list of SAEs is found at the bottom of this document and on the SAMSA website.
- .4 The conduct and commercial arrangement between the SAE and the Authorised Weighing Facility will be governed by individual service level agreements. These agreements including any commercial contracts are to be formulated between the parties concerned. SAMSA may not be party to such agreements.
- .5 The following information/documentation should be submitted to the SAE:
 - .1 physical address of the Weighing Facility;
 - .2 name of Authorised Weighing Facility Appointee(s) operating the weighing equipment, together with letter of appointment;
 - .3 verification certificate for the weighing equipment from a SANAS accredited Verification Laboratory designated for that purpose by NRCS;
 - .4 evidence that Verification Officers are appointed by the Verification Laboratory and are competent;
 - .5 evidence that the weighbridge is type-approved by NRCS;
 - .6 training records of operators of weighing equipment;
 - .7 servicing and maintenance records of weighing equipment;
 - .8 records of weight tickets issued;
 - .9 documented weighing procedure; and
 - .10 procedure for dealing with weight discrepancies and equipment malfunction.
- .6 The Authorised Weighing Facility shall ensure that the weighing equipment is calibrated and verified at intervals as required and is accurate at all times.
- .7 The Authorised Weighing Facility shall not issue any weighing tickets when the Verification Certificate or SAMSA Authorisation has expired for the purposes of declaration of the gross mass of a container.
- .8 The SAE is responsible for submitting the documentation for the issue of the Certificate of Authorisation to SAMSA. SAMSA will charge the SAE as per Regulation 50 (1) "Verified Gross Mass Certification and Accreditation" as specified in the latest gazette of the Determination of Charges.
- .9 Weighing Facilities will be entered into the SAMSA Database of Authorised Weighing Facilities.
- .10 If any amendments are required to the Certificate of Authorisation, SAMSA will charge the SAE as per Regulation 8 (10) "Certificates and other documents" as specified in the latest gazette of the Determination of Charges.
- .11 The Authorisation shall be valid for three (3) years and will be subject to one audit during the validity of the certificate conducted by the SAE;
- .12 SAMSA reserves the right to conduct additional inspections. The inspection may involve observation of the weighing, as well as inspection of documents related to the process.

.2 The process to obtain Authorisation as a weighing facility for utilising Lifting Equipment (i.e. Reach Stacker):

- .1 Application to obtain certificate as an Authorised Weighing Facility utilising Method No. 1 must be done through an accredited SAE.
- .2 The link to the list of SAEs is found at the bottom of this document and on the SAMSA website.
- .3 The conduct and commercial arrangement between the SAE and the Authorised Weighing Facility will be governed by individual service level agreements. These agreements including any commercial contracts

are to be formulated between the parties concerned. SAMSA may not be party to such agreements.

- .4 The following information/documentation should be submitted to the SAE:
 - .1 physical address of the Weighing Facility;
 - .2 name, model and manufacture of the Lifting Equipment;
 - .3 identification number of the Lifting Equipment;
 - .4 manufacturers manual of the Lifting Equipment;
 - .5 manufacturers manual for any weighing devices fitted;
 - .6 name of Weighing Facility Appointee(s) or Authorised Equipment Operator together with letter of appointment;
 - .7 evidence that the Lifting Equipment and its weighing instrument is type-approved by NRCS;
 - .8 verification certificate from a SANAS accredited Verification Laboratory designated for that purpose by NRCS;
 - .9 evidence that Verification Officers are appointed by the Verification Laboratory and are competent;
 - .10 training records of operators of Lifting Equipment; and
 - .11 servicing and maintenance records of Lifting Equipment and any associated weighing device;
 - .12 records of weight tickets issued;
 - .13 documented weighing procedure; and
 - .14 procedure for dealing with weight discrepancies and equipment malfunction.
 - .5 The Weighing Facility shall ensure that the Lifting Equipment is calibrated and verified at intervals as required and is accurate at all times.
 - .6 The Weighing Facility shall not issue any weighing tickets when the Verification Certificate or SAMSA Authorisation has expired for the purposes of declaration of the gross mass of a container.
 - .7 The SAE is responsible for submitting the documentation for the issue of the Certificate of Authorisation to SAMSA. SAMSA will charge the SAE as per Regulation 50 (1) "Verified Gross Mass Certification and Accreditation" as specified in the latest gazette of the Determination of Charges.
 - .8 Weighing Facilities will be entered into the SAMSA Database of Authorised Weighing Facilities.
 - .9 If any amendments are required to the Certificate of Authorisation, SAMSA will charge the SAE as per Regulation 8 (10) "Certificates and other documents" as specified in the latest gazette of the Determination of Charges.
 - .10 The Authorisation shall be valid for three (3) years and will be subject to one audit during the validity of the certificate conducted by the SAE;
 - .11 SAMSA reserves the right to conduct additional inspections. The inspection may involve observation of the weighing, as well as inspection of documents related to the process.
- .3 The process to obtain Authorisation as an Authorised Weighing Facility for utilizing Mobile Weighing Equipment (i.e. Load Cell Jacks):**
- .1 Application to obtain certificate as an Authorised Weighing Facility utilising Method No. 1 must be done through an accredited SAE.
 - .2 The link to the list of SAEs is found at the bottom of this document and on the SAMSA website.
 - .3 The conduct and commercial arrangement between the SAE and the Authorised Weighing Facility will be governed by individual service level agreements. These agreements including any commercial contracts are to be formulated between the parties concerned. SAMSA may not be party to such agreements.
 - .4 The following information/documentation should be submitted to the SAE:
 - .1 permanent physical address of the Weighing Facility;
 - .2 name, model and manufacture of the Weighing Equipment;
 - .3 identification number of the Weighing Equipment;
 - .4 manufacturers manual of the Weighing Equipment;
 - .5 manufacturers manual for any weighing devices fitted;
 - .6 name of Weighing Facility Appointee(s) or Authorised Equipment Operator together with letter of appointment;

- .7 evidence that the Weighing Equipment and its weighing instrument is type-approved by NRCS;
 - .8 verification certificate from a SANAS accredited Verification Laboratory designated for that purpose by NRCS;
 - .9 evidence that Verification Officers are appointed by the Verification Laboratory and are competent;
 - .10 training records of operators of Weighing Equipment; and
 - .11 servicing and maintenance records of Weighing Equipment and any associated weighing device;
 - .12 records of weight tickets issued;
 - .13 documented weighing procedure; and
 - .14 procedure for dealing with weight discrepancies and equipment malfunction.
- .5 The Weighing Facility shall ensure that the Weighing Equipment is calibrated and verified at intervals as required and is accurate at all times.
 - .6 The Weighing Facility shall not issue any weighing tickets when the Verification Certificate or SAMSAs Authorisation has expired for the purposes of declaration of the gross mass of a container.
 - .7 The SAE is responsible for submitting the documentation for the issue of the Certificate of Authorisation to SAMSAs. SAMSAs will charge the SAE as per Regulation 50 (1) "Verified Gross Mass Certification and Accreditation" as specified in the latest gazette of the Determination of Charges.
 - .8 Weighing Facilities will be entered into the SAMSAs Database of Authorised Weighing Facilities.
 - .9 If any amendments are required to the Certificate of Authorisation, SAMSAs will charge the SAE as per Regulation 8 (10) "Certificates and other documents" as specified in the latest gazette of the Determination of Charges.
 - .10 The Authorisation shall be valid for three (3) years and will be subject to one audit during the validity of the certificate conducted by the SAE;
 - .11 SAMSAs reserves the right to conduct additional inspections. The inspection may involve observation of the weighing, as well as inspection of documents related to the process.

12 Process for obtaining certification as an Authorised Shipper utilising Method 2

- .1 The Shipper intending to declare the verified gross mass of packed containers utilising Method No. 2 shall apply through an accredited SAE. The link to the list of SAEs is found at the bottom of this document and on the SAMSAs website.
- .2 The conduct and commercial arrangement between the SAE and the Shipper will be governed by individual service level agreements. These agreements including any commercial contracts are to be formulated between the parties concerned. SAMSAs will not be involved in drawing up of such agreements.
- .3 The SAE will assess the Shippers' documented processes for verifying the gross mass of packed containers.
- .4 The following listed documentation, including but not limited to, will need to be provided:
 - .1 the Shippers full entity name and head office address;
 - .2 commodity that is packed;
 - .3 name of Authorised Person(s) of the Shipper and letter of appointment;
 - .4 addresses where container packing and weight verification will be undertaken, inclusive of any Packing Facility used to pack containers on their behalf;
 - .5 where Packing Facilities are utilised, letter of appointment, appointing each Packing Facility to pack, load, secure, seal and verify gross mass of packed cargo on behalf of the Shipper.
 - .6 if the Shipper intends to have the packing facility declare the VGM, then a Letter of Authorisation delegating the and Appointee at the Authorised Packing Facility to declare the verified gross mass of a packed container on their behalf;
 - .7 Quality Management System certification e.g. ISO9001 or other; and
 - .8 following procedure/documentation to be provided with regards to packing of the container:
 - .1 method used for verifying the gross mass of a packed container;
 - .2 procedure pertaining to the packing of a container in accordance with IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code) and documented evidence;
 - .3 description of weighing equipment to be used which includes:

- .1 a Verification Certificate;
- .2 evidence that the Verification Laboratory is SANAS approved and designated by NRCS;
- .3 evidence that Verification Officers are approved and competent;
- .4 evidence that the weighing equipment is type-approved by NRCS;
- .5 training records of operators of weighing equipment; and
- .6 servicing and maintenance records of weighing equipment.
- .4 management of weight discrepancies;
- .5 evidence that containers are inspected prior to packing to ensure they are in sound condition; and
- .6 ensuring CSC safety approvals are valid, and containers are not overloaded.
- .5 The approval process for Authorised Shippers will entail a desktop audit of the procedures and a site visit to ensure compliance with the requirements and site visit both to the head office and packing facility.
- .6 Upon the successful completion of an assessment, The SAE will submit a report and all documentation in support of a Shipper's Authorisation to SAMSA. SAMSA will verify the submitted documents and if satisfied will issue a Shipper Authorisation Certificate.
- .7 The Shippers Certificate of Authorisation will include an addendum listing all the Packing Facilities that have been appointed by the shipper to pack and weigh containers on their behalf and who have been assessed for that purpose by an SAE.
- .8 The Shipper will be entered into the SAMSA Database of Authorised Shippers.
- .9 SAMSA will charge the SAE a charge as per Regulation 50 (2) "Verified Gross Mass Certification and Accreditation" as specified in the latest gazette of the Determination of Charges.
- .10 For any amendments to the Authorisation Certificate and the addendum, SAMSA will charge the SAE as per Regulation 8 (10) "Certificates and other documents" as specified in the latest gazette of the Determination of Charges.
- .11 The Shippers Authorisation Certificate shall be valid for a period not exceeding three (3) years and will be subject to one audit during the validity of the certificate by the SAE and/or by SAMSA. SAMSA may at its discretion choose to accompany the SAE for any audit or inspection of the Authorised Shipper.
- .12 In addition to the audits, the SAE and/or SAMSA may also conduct ad hoc inspections of the Shipper's operations informed by any of the following;
 - .1 Audit findings;
 - .2 Previous inspection findings;
 - .3 Type of product packed and shipped;
 - .4 Complexity of the packing operation; or
 - .5 Number of containers shipped per month.
- .13 Should a Shipper choose to delegate the weighing, packing, securing and verification of VGM to a Packing Facility or a Recognised Packing Facility, this does not in any way absolve the Shipper of the responsibility to provide the verified gross mass of a container or of obtaining approval to use Method No. 2. They will be responsible for ensuring that due diligence checks are performed on the contracted facility.
- .14 If, at any time during the three (3) year validity period, the Shipper no longer utilises the services of a Packing Facility or a Recognised Packing Facility, the Shipper must notify the SAE within 14 days of such termination coming into effect so that the relevant facility can be removed from the SAMSA database and the addendum to the Shippers Certificate of Authorisation amended accordingly.
- .15 Similarly, at any time during the three (3) year validity period, should the Shipper decide to make use of an additional Packing Facility or a Recognised Packing Facility, the SAE must follow due process and immediately notify SAMSA so that the Facility can be assessed and included in the SAMSA Shipper database and amend the addendum to the Shippers Certificate of Authorisation.
- .16 A Shipper who decides to no longer use Method 2 as the means for verifying and declare the gross mass of a container is to inform the SAE that conducted the approval process of such in writing within 14 days of ceasing to utilise method 2.
- .17 SAMSA Authorisation number is issued provincially. A change in the Shipper address from one province to another will require a new application for a Certificate of Authorisation.

Note: It is the Shipper that is provided with Authorisation to verify and declare the gross mass of a packed container and not the Packing Facility or the Recognised Packing Facility, unless an appointee is nominated at the contracted

Facility and that appointee is delegated in writing by the Shipper to declare the VGM on behalf of the Shipper. However, the ultimate responsibility for declaring the VGM remains with the Shipper.

13 Process for obtaining a Certificate of Recognition as a Recognised Packing Facility.

- .1 All Packing Facilities contracted to pack, weigh, secure, and seal containers on behalf of 3 or more Shippers shall apply for a Certificate of Recognition. Packing Facilities contracted to less than 3 Shippers may apply for a Certificate of Recognition voluntarily.
- .2 The SOLAS regulations place the responsibility for providing the verified gross mass of a container on the shipper. It is accepted that a Shipper may decide to outsource the packing, weighing, securing and sealing of containers to a packing facility.
- .3 A Packing Facility or a Recognised Packing Facility is an entity nominated by a Shipper to conduct the verification of the gross mass of a packed container including packing, weighing, securing, and sealing. The initial process for a Shipper to obtain a Certificate of Authorisation as an Authorised Shipper, will include an inspection and documentation verification of the nominated packing facility concerned.
- .4 The Facility mentioned in 13.3 above, must be appointed in writing by the Shipper. During the assessment of a Shipper for obtaining the Authorisation Certificate, the SAE will confirm that the Packing Facility has been formally appointed and include the Packing Facility(s) in the assessment.
- .5 The conduct and commercial arrangement between the SAE and the Packing Facility and the Recognised weighing facility will be governed by individual service level agreements. These agreements including any commercial contracts are to be formulated between the parties concerned. SAMSA will not be involved in drawing up of such agreements.
- .6 The packing facility intending to pack, weigh, secure, and seal containers on behalf of Shippers shall apply to an accredited SAE to be assessed as a Recognised Packing Facility, which will entail a desktop audit of the procedures and a site visit to ensure compliance with the requirements. The fees and costs involved will be for the account of the Packing facility as specified in 13.14 below.
- .7 SAMSA recognises that the Packing Facility may weigh and pack containers on behalf of several shippers, if the Recognised Packing Facility has already been assessed for packing, weighing, securing, and sealing the containers for one Shipper, then the SAE is not required to carry out a site assessment of the Recognised Packing Facility. The onus is on the Recognised Packing Facility to provide the SAE with documented evidence of having been assessed for the commodity being handled. Should the commodities handled differ significantly in ways of packing, weighing, securing then an assessment might be required. However, the cost of amending the certificate as specified in 13.14 below will be borne by the Recognised Packing Facility.
- .8 A Recognised Packing Facility can pack for any number of Shippers, provided the addendum to the certificate specifies the name of the Shipper for whom the container is being packed.
- .9 The packing facility shall submit to the SAE the following documents/information, but not limited to:
 - .1 The Packing Facility's full name and head office address (where head office is not located on the same premises as the Packing Facility);
 - .2 Physical address where verification of a gross mass of a packed container including securing, packing, weighing, and sealing will be undertaken (if not undertaken at the Head Office);
 - .3 Name of the person appointed by the Shipper at the Recognised Packing Facility as the Authorised Packing Facility Appointee;
 - .4 Letter of Delegation from the Shipper authorising the Recognised Packing Facility Appointee to declare the verified gross mass of a packed container, if applicable;
 - .5 Quality Management System e.g. ISO9001 or equivalent;
 - .6 Following procedure/document to be provided:
 - .1 Method used for verifying the gross mass of a packed container;
 - .2 Safe packing of a container in accordance with IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units;
 - .3 Description of weighing equipment to be used which includes:
 - .1 A Verification Certificate;
 - .2 Evidence that the Verification Laboratory is SANAS approved and designated by NRCS;
 - .3 Evidence that Verification Officers are approved and competent;
 - .4 Training records of operators of weighing equipment;

- .5 Servicing and maintenance records of weighing equipment; and
 - .4 Management of weight discrepancies;
 - .5 Inspection of containers prior to packing to ensure they are in sound condition;
 - .6 Ensuring CSC safety approvals are valid, and containers are not overloaded;
 - .7 A list of all commodities handled at the facility; and
 - .8 Specific procedures for weighing, sorting, securing, and packing the various commodities handled at the Facility.
- .10 Approval will not be granted until proof of all the above-mentioned documentation is provided and an on-site inspection, if applicable has been conducted to verify the weighing processes to the satisfaction of the SAE.
 - .11 Upon the successful completion of the assessment, the SAE will submit a report and all documentation in support of a Recognition as Recognised Packing Facility. SAMSA will verify the submitted documents and if satisfied will issue a Certificate of Recognition as a Recognised Packing Facility.
 - .12 The Certificate of Recognition as a Recognised Packing Facility will include an addendum listing all the shippers the packing facility is recognised to pack, weigh, secure and seal containers; including declaration of verified gross mass of the packed container, if authorised by the Shipper.
 - .13 The Recognised Packing Facility will be entered into the SAMSA Database of Recognised Packing Facilities.
 - .14 SAMSA will charge the SAE as per Regulation 50 (2) "Verified Gross Mass Certification and Accreditation" as specified in the latest gazette of the Determination of Charges.
 - .15 For any amendments to the Certificate of Recognition as a Recognised Packing Facility, SAMSA will charge the SAE as per Regulation 8 (10) "Certificates and other documents" as specified in the latest gazette of the Determination of Charges.
 - .16 The Certificate of Recognition shall be valid for a period not exceeding three (3) years and will be subject to one audit during the validity of the certificate by the SAE and/or by SAMSA. SAMSA may at its discretion choose to accompany the SAE for any audit or inspection of the Recognised Packing Facility.
 - .17 If the Recognised Packing Facility is utilised by more than one Shipper and has been audited during the validity of the existing certificate by any one SAE, then no further audits are required by other SAE's.
 - .18 The Recognised Packing Facility is responsible for informing the SAE of any changes to commodities, procedures and/or weighing equipment.

14 Shippers Domiciled in Countries Outside South Africa that are Signatories to the SOLAS Convention

- .1 Since many containers from neighbouring countries are transported by road and shipped from a South African port, the following means of verifying the gross mass of a container carrying cargo are provided below:
 - .1 Method 1: Weighing the Packed & Sealed Container**
 - .1 If the cargo is packed and weighed using Method No. 1 in the country of origin which is a signatory to the SOLAS Convention, prior to it being transported to a South African port, the Shipper is to comply with SOLAS requirements of Chapter VI, Reg 2 and the 'Guidelines Regarding the Verified Gross Mass of a Container Carrying Cargo' (MSC.1/Circ.1475) dated 9 June 2014 in declaring verified gross mass of the container. The weighing facility, used to verify the gross mass of the packed container should meet the applicable accuracy standards and requirements of the State in which the weighing is done. The Shipper must have an approval from the competent authority of the State in which the packing, sealing and weighing of the container is completed and will be accepted as complying with this Marine Notice.
 - .2 If the cargo is transported into South Africa and stored in a local warehouse and/or subsequently packed or repacked into a container for shipment, the entire packed and sealed container is to be weighed at an Authorised Weighing Facility.
 - .3 The declaration of the verified gross mass of such weighed container at an Authorised Weighing Facility shall comply by a Delegation of authority as follows:
 - .1 The Shipper (domiciled outside of South Africa) shall nominate a local representative in writing, to assist with obtaining the verified gross mass of the container in South Africa.
 - .2 The Shipper shall also authorise the local representative to declare the VGM on the shippers behalf.
 - .4 In the event of a dispute, SAMSA will address the matter with the appointed local representative.

.2 Method 2: Certification and approval as determined by the competent Authority.

- .1 If the cargo is packed and weighed using Method No. 2 in the country of origin which is a signatory to the SOLAS Convention, prior to it being transported to a South African port, then the Shipper must have an approval from the competent authority of the State in which the packing and sealing of the container is completed and will be accepted as complying with this Marine Notice.
- .2 If the cargo is transported into South Africa and stored at a local warehouse and/or subsequently packed or repacked into a container for shipment, then the following applies:
 - .1 The container must be packed, weighed, secured and sealed in accordance with section 9. 2 and 12 of this Marine Notice.
 - .2 In addition, the following Delegation of Authority must be issued to include:
 - .1 A formal written appointment by the Shipper (domiciled outside of South Africa) nominating a 'Local Representative' to assist with obtaining the verified gross mass of the container.
 - .2 Provisions that empower the Local Representative, to appoint a packing facility that is required to comply with section 13 of this Marine Notice and to appoint an Authorised Packing Facility Appointee at the Recognised Packing Facility.
- .3 In the event of a dispute, SAMSA will address the matter with the appointed local representative.
- .4 The following must be followed by the appointed Local Representative to obtain a Certificate of Authorisation as a Local Representative:
 - .1 Apply for Certification of Authorisation as a Shipper in accordance with Section 12 to an SAE, the Local Representative assumes the responsibilities of the shipper in so far as declaring the verified gross mass of the containers is concerned.
 - .2 The Local Representative when issued a Certificate of Authorisation as a Local Representative will be entered into the SAMSA Database of Authorised Shippers.
 - .3 The Local Representative will only use the unique SAMSA number for the specific Shipper for which the Certificate of Authorisation as a Local Representative is granted and not for other Shippers.
 - .4 Should there be more than one shipper domiciled outside of South Africa, utilising the services of the same Local Representative, the Local Representative will have to follow the above process for each Shipper and obtain a SAMSA number for each of the Shipper for whom he has Delegation of Authority.
 - .5 The charges and costs associated with issuing the Certificate of Authorisation as a Local Representative shall be as detailed in Section 11 & 12 of this Marine Notice.

15 Shippers Domiciled in Countries Outside South Africa that are not Signatories to the SOLAS Convention

- .1 Shippers that are domiciled in countries that are not signatories to the SOLAS convention, that ship cargo through South African ports, will have to comply with this Marine Notice by declaring the verified gross mass of the container using either Method No. 1 or Method No. 2 in South Africa.
- .2 The Shipper will have to appoint a local representative as detailed in Section 14.2 of this Marine Notice.

16 Transshipments

- .1 Packed containers which are delivered to a port terminal facility by a ship to which the SOLAS regulations apply for transshipment onto a ship to which the SOLAS regulations also apply, each container so being delivered is required by the SOLAS regulations to have a verified gross mass before loading onto the delivering ship. All packed containers discharged in the transshipment port should therefore already have a verified gross mass and further weighing in the transshipment port facility is not required.
- .2 The delivering ship should inform the port terminal facility in the transshipment port of the verified gross mass of each delivered packed container. The master of the ship onto which the transshipped, packed containers are to be loaded and the port terminal facility in the transshipment port may rely on the information provided by the delivering vessel. Existing ship-port communication systems may be used for the provision of such information in agreement between the commercial parties involved.

17 Weighing Equipment

- .1 The process for the verification of the gross mass of containers is dependent on accurate weighing equipment. The scale, weighbridge, lifting equipment or other devices used to verify the gross mass of the container, should meet the applicable accuracy standards and requirements of the State in which the equipment is being used.
- .2 Within the Republic of South Africa there are two regulatory bodies involved with weighing equipment, namely the National Regulator for Compulsory Specifications (NRCS) and South African National Accreditation System (SANAS) both these regulatory bodies fall under the Department of Trade and Industry:
 - .1 NRCS governs the Legal Metrology Act and Regulations, which ensures that consumers receive the quantity of goods, as declared by an importer, manufacturer or retailer. It also ensures that instrument measurements remain accurate, within prescribed limits of error, where measuring instruments are used to conclude a transaction. This ensures that both industry and consumers are protected. NRCS approve weighing equipment, for commercial purposes, to ensure that it is fit for its intended purpose. All weighing equipment that is type approved can be found on a database on the NRCS website.
 - .2 SANAS is the national body responsible for carrying out accreditations in respect of conformity assessment, as mandated through the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act (Act 19 of 2006). This includes the accreditation of calibration, testing and verification laboratories amongst other accreditations.
 - .3 SANAS accredits verification laboratories. The verification laboratories are responsible for verifying weighing equipment periodically in accordance with the regulations pertaining to the type of equipment being used.
 - .4 The SANAS website lists all the accredited verification laboratories. Verification Laboratories, may be suppliers or manufacturers of weighing equipment, must be accredited by the South African National Accreditation System (SANAS) according to SANS 10378.
 - .5 Verification Laboratories must be accredited by SANAS and designated by NRCS to conduct the verification of weighing equipment.
 - .6 The following are mandatory requirements for weighing equipment:
 - .1 All weighing equipment must have a Verification Certificate, issued by a Verification Laboratory designated by NRCS and endorsed with a Type Approval Number obtained from NRCS.
 - .2 Verification Laboratories must verify the weighing equipment periodically in accordance with the Regulations.
 - .3 Verification Officers conducting verifications for the Verification Laboratories must be appointed in writing, must be competent to conduct the required tasks and be able to work within the ambits of their listed scope.

18 Tolerances

- .1 A 2% enforcement tolerance will be implemented strictly for guidance purposes only. It will be used and considered on a case-by-case basis. The enforcement threshold should not be confused with the issue of accuracy and the underlying issue that the verified gross mass of the container, arrived at by using either Method No. 1 or Method No. 2, should be accurate. As stated in section 4, SAMSA will not be liable nor involved in disputes arising out of infringements related legislation administered by the South African Revenue Services (Customs Division). Road Traffic Management Corporation (RTMC) and any other applicable legislation.

19 Non-Conformances and Contingencies

- .1 **Discrepancies in gross mass.**
 - .1 Any discrepancy between a packed container's gross mass declared prior to the verification of its gross mass and its verified gross mass should be resolved by use of the verified gross mass.
 - .2 Any discrepancy between a verified gross mass of a packed container obtained prior to the container's delivery to the port terminal facility and a verified gross mass of that container obtained by that port facility's weighing of the container should be resolved by use of the latter verified gross mass obtained by the port terminal facility.

.2 Containers exceeding their maximum gross mass.

SOLAS regulation VI/5 requires that a container not be packed to more than the maximum gross mass indicated on the Safety Approval Plate under the International Convention for Safe Containers (CSC), as amended. A container with a gross mass exceeding its maximum permitted gross mass may not be loaded onto a ship.

.3 Contingencies for containers received without a verified gross mass.

- .1 Should a packed container be delivered to a port terminal facility without the shipper providing the verified gross mass of the container, the container should not be loaded onto the ship until the verified gross mass has been obtained.
- .2 In order to prevent potential delays and congestion in the port, the Master or his representative and the terminal representative may obtain the verified gross mass of the packed container on behalf of the shipper. The verified gross mass so obtained should be used in the preparation of the ship loading plan. Whether and how to do this should be agreed between the commercial parties, including the apportionment of the costs involved. This infringement must be reported to SAMSA by the terminal operator or the Master.

20 Masters Ultimate Decision Whether to Stow a Packed Container

- .1 Ultimately, and in conformance with the Code of Safe Practice for Cargo Stowage and Securing, the ship's Master should accept the cargo on board the ship only if he/she is satisfied that it can be safely transported. There is no provision in the SOLAS regulations that limits the principle that the Master retains the ultimate discretion in deciding whether to accept a packed container for loading onto the ship. The availability of the verified gross mass of a packed container, to both the terminal representative and to the Master or his/her representative, must be provided sufficiently in advance by the shipper and/or his/her representative, for the verified gross mass to be used in the ship stowage plan. It should be noted that this is a prerequisite for a container to be loaded onto a ship to which the SOLAS regulations apply. It does not, however, constitute an entitlement for loading.

21 Enforcement and Penalties for Non-Compliance

.1 Enforcement

SAMSA will enforce the SOLAS requirements on verified gross mass of packed containers and Merchant Shipping Carriage of Cargo Regulations through:

- .1 Port State Control Inspections;
- .2 Auditing of SAE's;
- .3 Auditing of weighing facilities, Shipper's and packing facilities by SAE's and/or SAMSA; and
- .4 Reporting of non-conforming containers and/or cargo information.

.2 Penalties

The Merchant Shipping Carriage of Cargoes Regulations, 2004 states the following:

Cargo information

- "5. (6) Every shipper or forwarder commits an offence who—*
- (a) fails to provide appropriate cargo information as required by this regulation;*
 - (b) furnishes cargo information that he or she knows to be false; or*
 - (c) recklessly furnishes cargo information that is false"*

Penalties and Defences (as amended)

- 15. (1) A person who commits an offence in terms of these regulations is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months*
- (2) In proceedings for an offence in terms of these regulations it is a defence to prove that the accused took reasonable precautions and exercised due diligence to avoid the commission of the offence.*

- .1 If SAMSA or one of the SAE's identifies that a shipper has mis-declared the gross mass of a packed container, SAMSA may:

- .1 Require that the SAE or SAMSA may suspend or revoke the shipper's approval. It will then be necessary for the shipper to use Method 1 to verify the gross mass of a packed container; and/or
- .2 Require an Admission of Contravention to be signed and paid, failing which, the alleged contravention will be prosecuted.
- .2 If SAMSA or one of the SAE's identifies that an Authorised Weighing Facility or Recognised Packing Facility has mis-declared the gross mass of a packed container, SAMSA may:
 - .1 Require that the SAE or SAMSA may suspend or revoke the facility's approval; and/or
 - .2 Require an Admission of Contravention to be signed and paid, failing which, the alleged contravention will be prosecuted.

22 Reference Documents

- .1 SOLAS Convention;
- .2 Merchant Shipping Act, 1951;
- .3 Merchant Shipping Carriage of Cargoes Regulations, 2004;
- .4 Legal Metrology Act, 2014;
- .5 IMO Guidelines Regarding the Verified Gross Mass of a Container Carrying Cargo (MSC.1/Circ.1475);
- .6 Merchant Shipping Safe Containers Convention Act, 2011;
- .7 South African Maritime Safety Act, 1998;
- .8 IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units;
- .9 Code of Safe Practice for Cargo Stowage and Securing.

23 List of SAMSA accredited VGM Entities and Authorised Shippers

- .1 A list of valid SAMSA accredited VGM entities approved to Authorise Shippers under Method 2 and those Approved to Authorise Recognised Weighing Facilities under Method 1 can be found in the following link:

[List of SAMSA Accredited VGM Entities](#)

- .2 A list of Authorised Weighing Facilities approved to obtain the VGM using Method No. 1 can be found in the following link:

[List of Authorised Weighing Facilities for use of VGM Method 1](#)

- .3 A list of Authorised Shippers approved to use VGM Method No. 2 can be found in the following link:

[List of Authorised Shippers for VGM Method 2](#)

- .4 A list of Recognised Packing Facilities approved to use VGM Method No. 2 for specific Shippers can be found in the following link:

[List of Recognised Packing Facilities for VGM Method 2](#)

24 Related Documents

- .1 The MSC.1/Circ.1475 - Guidelines Regarding the Verified Gross Mass of a Container Carrying Cargo can be found in the link below:

[MSC.1 Circ.1475.pdf](#)

25 Enquiries

- .1 All enquires related to VGM must be addressed to vgm@samsa.org.za.

26 Effective date for Method 1 implementation

- .1 Implementation of the requirements pertaining to the authorization required for Method 1 will come into effect on 1 July 2026.
- .2 Interested parties wishing to provide services for Method 1 are advised to ensure that they comply with requirements and receive a Certificate of Authorisation prior to the effective date.

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