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MEMORANDUM

TO: Clients
FROM: David P. Street
DATE: December 9, 2015
RE: **Additional Information on SOLAS Container Weight Verification Requirements**

As we indicated in an advisory that was sent on July 13, 2015 the SOLAS Container Weight Verification Requirements go into effect on July 1, 2016. At that time, the shipper listed on the carrier's master bill of lading will be required to provide the vessel operator with a certified gross weight sufficiently in advance of vessel loading so it can be used in the preparation of the ship's stowage plan. This means that NVOCCs will be responsible for providing that certified weight to the carriers when they are the shipper on the master bill of lading.

In order to provide some additional guidance on this issue, the World Shipping Council – acting in conjunction with several other international organizations – has just issued a document entitled Verified Gross Mass Industry FAQs. This document, which is attached, raises and then answers some of the questions that have been circulating for the past several months and, accordingly, is worth reviewing. In general, there are no great surprises, as the FAQs essentially reiterate the guidance that both the World Shipping Council and we have already provided on this matter. Nonetheless, it is useful background to review the document, as it may answer some additional questions you may have had.

Without going through the entire document at this time, it is probably worth highlighting several of the issues that the FAQs discuss, such as:

- Not surprisingly, the SOLAS rules do not provide for anyone to assume there is some margin of error that is acceptable with respect to the certified weight that is supplied. Instead, the FAQs make it clear that the shipper is to use a scale calibrated in accordance with state regulations. If that is done correctly, the shipper need not be concerned that the actual weight at some point may vary, as

they can safely assume that the certified weight provided to the carrier will fall within whatever government enforcement tolerances may be in effect.

- The FAQs reiterate that all shipments must be the result of reliable, certified weights, and there is to be no estimating.
- In determining the tare weight of the container, shippers can and should rely on the weight printed on the container and not be concerned about the condition or age of the box.
- An NVOCC can properly rely on the certified weight provided by the underlying customer, although it would be then be necessary to add its own signature to that certification since the NVOCC is the shipper on the Master Bill of Lading. As noted in the July 13th advisory, I do suggest that you have a procedure in place to have the customer authorize you to essentially re-endorse that certified weight. That can be done by having an appropriate provision added into the house bill of lading, the company's standard terms of conditions, any power or attorney or other form of authorization. If you have any questions concerning this, please do not hesitate to contact us.