

“2016 – Year of the Bicentennial of Argentina’s Declaration of Independence”

PREFECTURA NAVAL ARGENTINA
Maritime Authority

No.18/16.
Letter: RPOL,008.

BUENOS AIRES, March 8th 2016

CONSIDERING the information provided by the Navigation Regulations Department (Departamento Reglamentación de la Navegación) through File: CUDAP No. S02:0056188/2015, and

WHEREAS:

By Ordinance No. 5/02 (DPSN – Book 1) “SAFETY MEASURES FOR THE CARRIAGE OF CARGOES”, Prefectura implemented the provisions of Regulation 2, Chapter VI of the International Convention for the Safety of Life at Sea (SOLAS) establishing the obligation for the shipper to provide the master with appropriate information relating to the cargo;

The amendments to SOLAS Regulation VI/2 which come into force 1st July 2016 were adopted by the International Maritime Organization through Resolution MSC.380(94). These amendments place a requirement on the shipper to verify the gross mass of containers;

These amendments are intended to ensure that calculations of stability and structural strength on board are based on actual loading conditions;

The SOLAS Convention and its 1988 Protocol were ratified by Argentina by Laws No. 22.079 and 24.213, respectively;

Prefectura Naval Argentina, as a security force responsible for safety of navigation and protection of human life and goods at sea, is the authority charged with enforcing the technical requirements of relevant international conventions, according to the provisions of article 5, a) 3 of Law No. 18,398;

Prefectura, in its capacity as Maritime Authority, is authorized to issue the administrative order to implement the aforementioned amendment to the SOLAS Convention in accordance with the provisions of article 5, a) 2 of Law No. 18,398;

Even though there are national standards that require weight control on containers, these standards are not related to proper compliance with SOLAS but to control over tax obligations;

Until Ordinance No. 5/02 is amended and sufficient experience in compliance with the international standards is obtained, it is appropriate to adopt the measures to ensure the necessary preparation of the maritime sector and a proper implementation of regulations;

The appropriate action has been taken by the Legal and Technical Division of this Directorate;

Therefore,

THE HEAD OF THE NAVIGATION SAFETY POLICE DIRECTORATE

ORDERS AS FOLLOWS:

ARTICLE 1: That measures relating to verification of the gross mass of packed containers, which are attached as Addendum No. 1 to this Regulation, be approved.

ARTICLE 2: This Regulation shall enter into force THIRTY (30) calendar days from the date of publication in the Official Gazette of the Argentine Republic.

ARTICLE 3: Be it notified to the Operations Directorate, which in turn shall bring it to the attention of the Jurisdictional Units and the Departments pertaining to this Directorate; be it published in the Official Gazette of the Argentine Republic, the Official Site on the INTERNET and INTRANET, and in the Informative Bulletin for the Merchant Marine. Subsequently, be it filed in the originating Department as background information.

Buenos Aires, March 8th 2016



MARIO ENRIQUE EICHHORN
PREFECTO MAYOR
HEAD, NAVIGATION REGULATIONS DEPARTMENT



MARTÍN PABLO RUIZ
PREFECTO GENERAL
HEAD, SAFETY OF NAVIGATION POLICE DIRECTORATE

File: CUDAP, No. 56188/15
Regulation RPOL, 008 No. 01/16

**MEASURES REGARDING THE VERIFICATION OF THE GROSS MASS
OF A PACKED CONTAINER**

1. PURPOSE

These measures are intended to implement and enforce the provisions of Regulation VI/2 of the Convention for the Safety of Life at Sea (SOLAS) (Law No 22,079) and its 1988 Protocol (Law No. 24,213).

2. DEFINITIONS

For the purpose of the present Regulation, the following definitions shall apply.

- 2.1. *Package*: one or more cargo items that are tied together, packed, wrapped, boxed or parceled for transportation. Examples of packages include; but are not limited to, parcels, boxes, packets and cartons.
- 2.2. *Ship*: any vessel to which SOLAS chapter VI applies. Excluded from this definition are roll-on/roll-off (ro-ro) ships engaged on short international voyages¹ where the containers are carried on a chassis or trailer and are loaded and unloaded by being driven on and off such a ship.
- 2.3. *Container*: 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 the 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.
- 2.4. *Packed container*: 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.
- 2.5. *Contract of carriage*: 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 a sea waybill, a bill of lading, or multi-modal transport document.
- 2.6. *Shipping document*: a document issued 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).
- 2.7. *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,

¹ SOLAS regulation III/2 defines "short international voyage" as an international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety. Neither the distance between the last port of call in the country in which the voyage begins and the final port of destination nor the return voyage shall exceed 600 miles. The final port of destination is the last port of call of the regular voyage scheduled in which the return voyage begins to the country in which the voyage began.

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gases, solids and articles of every kind whatsoever carried in containers pursuant to a contract of carriage. However, ship's equipment and ship's supplies², including ship's spare parts and stores, carried in containers are not regarded as cargo.

- 2.8. *Calibrated and certified equipment*: 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 standards and requirements established by the Instituto Nacional de Tecnología Industrial (INTI) (*National Institute of Industrial Technology*).
- 2.9. *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.
- 2.10. *Gross mass*: 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
- 2.11. *Verified gross mass*: the total gross mass of a packed container as obtained by one of the methods described in paragraph 6 of the present Regulation.
- 2.12. *Packing Material*: 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.
- 2.13. *Tare mass*: the mass of an empty container that does not contain any packages, cargo items, pallets, dunnage, or any other packing material or securing material³.
- 2.14. *Securing material*: all dunnage, lashing or other equipment used to block, brace, and secure packed cargo items in a container.
- 2.15. *Terminal representative*: the 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.
- 2.16. *Shipping company*: the company with which the shipper signed the contract of carriage. In the case of foreign-flagged ships, the shipping company is represented by the maritime agent appointed before Prefectura.

3. SCOPE

Unless otherwise specified, this Addendum applies to all packed containers which, from 1st July 2016, are to be stowed onto a ship subject to SOLAS Chapter VI⁴.

4. EXEMPTIONS

This Regulation does not apply to:

² Refer to "Revised recommendations on the safe transport of dangerous cargoes and related activities in port areas" (MSC.1/Circ.1216).

³ The shipper does not need to verify the container tare mass.

⁴ Cargo ships of more than 500 gross tonnage or carrying cargoes which, according to the Administration, involve special risks to the ship or persons carried.

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- 4.1. containers carried on a chassis or trailer when such containers are driven on or off a ro-ro ship engaged in short international voyages, according to the definitions in Regulation III/3 of the SOLAS Convention 1974, as amended;
- 4.2. packed containers with verified gross mass when delivered to the port terminal facility by a ship covered by the SOLAS Convention for transfer to another ship also covered by the SOLAS Convention.

5. MAIN PRINCIPLES

- 5.1 The responsibility for obtaining the verified gross mass of a packed container lies with the shipper.
- 5.2 As of 1st July 2016, a packed container shall not be loaded aboard a ship unless the verified gross mass is indicated in the packed container document, and the master or his representative and the terminal representative have obtained the verified gross mass of the packed container.

6. METHODS FOR OBTAINING THE VERIFIED GROSS MASS OF A PACKED CONTAINER

- 6.1. The shipper shall verify, by using one of the following methods, the gross mass of a packed container:
 - .1 Method No. 1: upon the conclusion of packing and sealing a container, the shipper weighs, or has arranged that a third party weighs, the packed container.
 - .2 Method No. 2: the shipper or, by arrangement of the shipper, a third party weighs all packages and cargo items, including the mass of pallets, dunnage, and other packing and securing material and finally the tare mass marked on the container.
- 6.2. If a container is packed by multiple parties or contains cargo from multiple parties, the shipper, as defined herein, is responsible for obtaining and documenting the verified gross mass of the packed container.

7. WEIGHING SYSTEMS ACCEPTED FOR METHOD 1:

Shippers who wish to obtain the verified gross mass under Method No. 1 shall use calibrated and certified equipment which automatically produces a weight ticket or similar showing the gross mass of the packed container, in kilograms, or allows for its calculation from the vehicle tare and/or container tare and which further includes at least the following data:

- .1 Name and CUIT (Tax ID) of weighing facility;
- .2 Date and time of weighing;
- .3 Identification number of the weight ticket or similar;
- .4 Chassis and trailer identification nameplate of the carrier vehicle (if the container was weighed along with the vehicle). If the weighing does not include the vehicle untare, the ticket shall include the vehicle tare⁵;

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- .5 Container number and tare⁵; and
- .6 Scale/weighbridge calibration certificate number and expiry date⁵.

8. WEIGHING SYSTEMS ACCEPTED FOR METHOD 2:

8.1. Shippers who wish to obtain the verified gross mass under Method No. 2 shall meet the following conditions:

- .1 Be registered with the Register of Companies of Prefectura Naval Argentina. The requirements for registration and re-registration are attached as Annex I to this Regulation.
- .2 Weigh with calibrated and certified equipment.
- .3 Maintain a quality management system of the weighing process certified by a nationally and/or internationally recognized organization.
- .4 In order to maintain the validity of the registration in the mentioned Register, Prefectura may carry out inspections in cases where it deems it necessary, at the expense of the shipper.

8.2. Shippers fulfilling the conditions of paragraph 8.1 above will be issued by Prefectura a registration certificate with a validity period of up to five years, the model of which is attached as Annex II to the present Regulation. Prefectura shall keep on its website the list of registered shippers who have their re-registration up to date. Shippers who do not have a management system as indicated in paragraph 8.1.3 may apply for a certificate of limited validity as of 31 December 2016, provided they submit a weighing procedure to the satisfaction of Prefectura. After that date, these shippers shall satisfy the requirements of paragraph 8.1.3 to keep their registration in the Register of Prefectura.

8.3. Any third party who carried out all or part of the packing of the containers shall inform the shipper about the mass of the cargo items and of the packing and securing material that said party has packed in the container, in order to facilitate the shipper's verification of the gross mass of the packed container.

8.4. When packed in the container, it will not be necessary to reweigh the different packages with the original stamp which surfaces indicate clearly and indelibly the exact mass of packages and cargo items (including any other material, as packaging material and refrigerants of the packages).

8.5. Cargoes such as scrap, grain not transported in sacks and other bulk cargoes will not be verified under Method No. 2.

9. DOCUMENTATION OF THE VERIFIED GROSS MASS OF CONTAINERS AND RELATED PROCEDURES

9.1. The shipper shall verify the gross mass of packed containers using Method No. 1 or Method No. 2 and communicate the verified gross mass in the relevant document. A model of this document is provided in Annex III to this Regulation.

⁵ Alternatively this information may be contained in a separate document signed by the shipper or a person duly authorized by him/her.

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This document can be part of the shipping instructions to the shipping company or a separate communication. In either case, the document should clearly highlight that the gross mass provided is the "verified gross mass" as defined in this document. This document constitutes a sworn statement.

- 9.2. Irrespective of its form, the document declaring the verified gross mass of the packed container shall be signed by the shipper or a person duly authorized by the shipper. The signature may be an electronic signature or may be replaced by the name in capitals and signature of the person authorized to sign it.⁶
- 9.3. It is a condition for loading onto a ship to which the SOLAS regulations apply that the verified gross mass of a packed container be provided, preferably by electronic means such as Electronic Data Interchange (EDI), to the ship's master or his representative and to the terminal representative sufficiently in advance of ship loading to ensure that information is used in the preparation and implementation of the ship stowage plan. It is the responsibility of the shipping company, after deliberation with the port terminal, to inform the shipper on the minimum period for submission of such information.
 - 9.3.1. The shipping company shall be responsible for providing information regarding the verified gross mass of the packed container to the terminal representative in advance of loading. At the time the packed container is delivered to such port terminal facility before loading, the shipper may also provide the verified gross mass to the terminal representative.
- 9.4. When the shipper has used Method No. 1, the shipping document, along with the weight ticket, shall be submitted to the shipping company which shall keep it for a period not less than six (6) months, and shall be available to Prefectura Naval Argentina when required.
- 9.5. Port terminals shall not load containers the verified gross mass of which, provided by the shipper, has not been informed or differs from the gross mass informed by the shipping company in a margin greater than the discrepancy accepted in this Regulation.
- 9.6. Port terminals shall have procedures in place to act if they receive a container the verified gross mass of which has not been previously informed.

10. DISCREPANCIES IN GROSS MASS

- 10.1. Any discrepancy that may exist 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.
- 10.2. Any discrepancy that may exist 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. The maximum permitted discrepancy shall be of $\pm 5\%$.

⁶ For example, the signature used in the INTTRA system.

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10.3. If there were clear grounds for believing that the information declared does not match the actual gross mass of the packed container, the terminal may weigh the container. This weighing shall be the responsibility of the shipper only if the verification results in a difference that is greater than the allowed tolerance. The terminals shall inform Prefectura –through the procedure it may establish- about detected discrepancy cases.

11. SUPERVISION OF THE VERIFIED GROSS MASS

Prefectura shall supervise compliance with the present Regulation through Port State Control inspections at port terminals, shipping companies and shipper facilities registered before this Maritime Authority.

REQUIREMENTS FOR REGISTRATION AND/OR RE-REGISTRATION IN THE REGISTER OF SHIPPERS WHO VERIFY THE GROSS MASS OF CONTAINERS USING METHOD No. 2

1. NOTE ADDRESSED TO THE COMPANIES REGISTRATION DIVISION signed by shipowner/manager or legal representative including: Name, Address, Telephone and E-Mail of Shipper;
2. COPY OF CERTIFICATE SHOWING THAT THE WEIGHING SYSTEM COMPLIES WITH A QUALITY MANAGEMENT STANDARD⁷;
3. DESCRIPTION OF THE WEIGHING METHOD;
4. PAYMENT OF FEES (Registration/re-registration).

⁷ Excepting shippers requesting a Certificate of limited validity in accordance with paragraph 8.2 of Addendum No. 1 until 31 December 2016.

Annex II to Addendum No. 1 to Regulation No. 01/16



Argentine Republic
Prefectura Naval Argentina
Maritime Authority



**MODEL CERTIFICATE OF REGISTRATION IN THE REGISTER OF SHIPPERS WHO VERIFY
THE GROSS MASS OF CONTAINERS USING METHOD No. 2**

No.

This is to certify that^(*), domiciled at
..... (File:
.....) has complied with the requirements of Annex I to Addendum No. 1
to Regulation No. 01/16 RPOL,008 for his/her registration as SHIPPER WHO OBTAINS
THE VERIFIED GROSS MASS USING METHOD No. 2.

Valid until:

Issued in the Autonomous City of Buenos Aires, 201.....

.....
(Name and signature of officer in charge)

^{*} Indicate name of shipper

Annex III to Addendum No. 1 to Regulation No. 01/16

(Letterhead of Shipper)

SHIPPING DOCUMENT

This document is a sworn statement and is issued in accordance with the provisions in Regulation RPOL No. 01/16 of Prefectura Naval Argentina to indicate that the undersigned has verified the gross mass of the containers listed below following Method No. 1/Method No. 2⁸.

Container No.	Verified Gross Mass (kg)	No. of Weighing Ticket attached to Statement ⁹

.....
(Date and Place of Issue)

.....
(Shipper's name and signature)

.....
(No. of Registration with Prefectura Naval Argentina)¹⁰

⁸ Delete as appropriate.

⁹ Only if Method No. 1 was used.

¹⁰ Only if Method No. 2 was used.