

Regulation No. 360/2018 on the verification of gross mass of packed containers on board ships

Article 1

Application

This regulation lays down the procedures to be followed when verifying the gross mass of containers packed in Iceland and transported by vessels sailing from Icelandic ports.

Article 2

Definitions

For the purposes of this Regulation:

1. Shipper: means the legal entity or person mentioned in the bill of lading or in the seaway bill or similar multimodal transport document (for example a through bill of lading) as the shipper and/or who has concluded a contract of carriage (or in whose name or on whose behalf a contract of carriage has been concluded) with a shipping company.
2. Terminal representative: means a person designated by the terminal or another facility where the ship is loading or unloading who is responsible for the operations carried out at that terminal or facility in connection with the ship concerned.
3. Container: means a transport unit as defined in the Convention for Safe Containers (CSC), 1972, as amended. In this connection, account shall be taken of the revised for revised proposals understanding and implementation of the Convention for Safe Containers, 1972, as amended (CSC.1/Circ.138/Rev.1).
4. Packed container: means a container packed or filled with liquids, gases, solids or cargo items, including pallets, packing and securing material such as lashings, shoring poles and dunnage.
5. Verified weight: means the total gross mass of a packed container, as determined:
 - a) by weighing the packed container on a suitable weight in accordance with provisions laid down by the competent authority in the State where the container was loaded (method 1), or
 - b) by weighing all packages and cargo items, including the mass of pallets, dunnage and other securing material to be packed in the container, and adding the container tare mass to the sum of the individual masses by means of an approved method (method 2) approved by the competent authority of the State where the container was packed.
6. VGM-registration: a document and/or electronic registration where the shipper or a person authorized pursuant to it submits and, by his signature, confirms the verified weight of the loaded container.
7. A suitable weights: a measuring instrument which meets either the provisions of Directive 2014/32/EU of the European Parliament and of the Council, or the provisions of Directive 2014/31/EU of the European Parliament and of the Council on the approximation of the laws of the Member States to provide measuring instruments on the market, as amended, as implemented in Icelandic law.

a) non-automatic weights (weights requiring the participation of an operator during the weighing), accuracy class IV or better, or

b) automatic weights (an instrument used to determine the weight of a product without the interference of an operator), accuracy class Y(b) or better.

8. Approved method: the application of a certified quality management system to ensure that verified weight is determined in accordance with the Annex to this Regulation and has been set up and used and maintained in accordance with approved standards. The quality management system referred to in this Article shall be certified by an accredited certification service provider. The accreditation of the certification service provider is subject to the Accreditation Act no. 24/2006.

Article 3

Verified gross mass of containers.

The Icelandic Transport Authority may while carrying out ship surveys verify that the provisions of this Regulation are fulfilled.

When this Regulation provides for documentation of the verified mass, copies of these documents on electronic media shall also be accepted.

Article 4

Obligations on the shipper

Goods loaded by shippers into containers in Iceland for the purpose of transporting them by sea shall confirm that the weight of containers checked has been verified in accordance with this Regulation.

The VGM registration shall be submitted to the master of the ship or his representative and to the representative of the container terminal in the first loading port with sufficient notice to facilitate the preparation of the ship's loading plan.

Article 5

Loading.

If the verified gross weight of a packed container cannot be submitted to the master, his representative or a representative of a container terminal, the master shall refuse loading of the container on board his/her ship.

In order to determine the verified weight of a packed container, the master of the ship or his representative and the representative of the terminal may choose to determine the weight of a packed container.

Article 6

Penalties

Violations of the provisions of this Regulation shall be liable to fines under section VII of Act No. 47/2003 on Ship Survey, cf. Paragraph 2 of Article 1 of the Act.

In the absence of a violation of the proceeds, the determination of a fine shall take into account the amount or intended financial gain.

Article 7

Entry into force and legal basis.

This Regulation, which is issued with the authority of Art. Act No. 47/2003 on Ship Survey, as amended, shall enter into force immediately. At the same time, Regulation no. 1066/2016 on the Verification of the Weight of Packed containers on board ships is revoked.

This Regulation is set in accordance with the requirements of regulation of Regulation 2 of Chapter VI of the International Convention for the Safety of Life at Sea (SOLAS) as amended by Resolution MCS.380(94).

The Ministry of Transport 3 April 2018.

Sigurður Ingi Jóhannsson Minister