

Order on verification of the weight of packed containers

In pursuance of section 1(3), section 3(1)(i), (ii), (vi) and (x), section 4(2), section 24(2) and section 32(8) of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 72 of 17 January 2014, and in pursuance of section 1(3), section 3(1)(i), (ii), (vi) and (x), section 4(2), section 24(2) and section 32(2) of the decree on the entry into force for Greenland of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated decree no. 1674 of 16 December 2015, the following provisions are laid down by authority:

Application, etc.

Section 1. This order shall apply to shippers of goods packed in containers in Denmark and in Greenland in order to be transported on international voyages by sea.

Subsection 2. This order shall also apply to the masters of Danish and Greenland ships as well as of foreign ships in Danish and Greenland ports loading packed containers in order to subsequently be transported on international voyages by sea.

Subsection 3. This order shall not cover containers transported on a chassis frame or a trailer when such containers are driven on to or from ro-ro ships engaged on short international voyages.

Definitions

Section 2. For the purposes of this order, the following definitions shall apply:

- 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) "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 recommendations for a harmonised understanding and implementation of the Convention for Safe Containers, 1972, as amended (CSC.1/Circ.138/Rev.1).
- 3) "Certified method" means a quality management system ensuring that the verified weight is determined in accordance with the annex to this order and which has been drawn up, implemented and maintained in accordance with a recognised standard, for example DS/EN ISO 2001:2008: Quality management systems – Requirements, as well as DS/EN ISO 19011:2012: Auditing of management systems – Guidelines.
- 4) "A suitable weight" means a measuring instrument meeting the provisions of the order on metrological control provisions for
 - a) non-automatic weights (weights requiring the participation of an operator during the weighing), accuracy class IV or better,¹ or;

¹ At the date of issue: Order no. 1143 of 15 December 2003 on metrological control provisions for non-automatic weights issued by the Danish Safety Technology Authority.

- b) automatic weights (an instrument used to determine the mass of a product without the interference of an operator), accuracy class Y(b) or better.²
- 5) "Short international voyage" means an international voyage during which a ship is not more than 200 nautical miles from a port or a place where the passengers and the crew could be brought in safety. Neither the distance between the recent port of call in the country where the voyage started and the final port of destination nor the return voyage shall exceed 600 nautical miles. The final port of destination means the last port of call on the planned sea voyage from where the ship starts its return voyage to the country where the voyage started.
- 6) "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.
- 7) "Transport document" means the document in which the shipper or a person authorised by this declares and confirms, by his signature, information about the verified weight of the packed container.
- 8) "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.
- 9) "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 a certified method (method 2) approved by the competent authority of the State where the container was packed.

Administrative conditions

Section 3. The Danish Maritime Authority may perform checks of shippers and ships with a view to ensuring that the provisions of this order are met.

Subsection 2. The Danish Maritime Authority shall accept tests carried out by recognised test institutes, including test institutes in other EU member States, in EFTA States that are contracting Parties to the EEA agreement and in Turkey, providing appropriate and satisfactory guarantees of a technical, professional and impartial nature.

Subsection 3. When this order requires documentation of the verified weight, copies of these documents on electronic media shall also be accepted.

Obligations of the shipper

Section 4. Shippers of goods packed in containers in Denmark and in Greenland in order to subsequently be transported by sea shall determine the verified weight by using "a suitable weight" or "in accordance with a certified method" and incorporate data on the thus established weight in the transport document associated with the container.

² At the date of issue: Order no. 1033 of 17 October 2006 on metrological control with measuring equipment used to measure a mass ("weight") issued by the Danish Safety Technology Authority.

Subsection 2. The transport document shall be forwarded to the master of the ship or to his representative and to the representative of the terminal in the first port of loading sufficiently early – as required by the master or his representative – for it to be used in the drawing up of the ship's stowage plan.

Section 5. A shipper of goods packed in containers in Denmark and in Greenland with a view to subsequently be transported by sea who determines the verified weight in accordance with a certified method shall, upon request, be able to present documentation hereof to the Danish Maritime Authority.

Loading measures

Section 6. A packed container shall not be loaded onto the ship unless the master of the ship or his representative and the representative of the terminal have information about the verified weight.

Subsection 2. 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 it.

Penalty and entry into force provisions

Section 7. Violations of this order shall be liable to punishment by fine.

Subsection 2. If the proceeds gained through the violation are not confiscated, the size of the financial advantage gained or sought shall be particularly taken into consideration when setting any fine, including any supplementary fine.

Subsection 3. Companies, etc. (legal personalities) may be liable to punishment pursuant to the provisions of part 5 of the penal code (*straffeloven*).

Section 8. If the condition is covered by the decree on the entry into force for Greenland of acts amending the act on safety at sea (*lov om sikkerhed til søs*), measures may be determined in accordance with the penal code (*kriminalloven*) for Greenland.

Subsection 2. If the proceeds gained through the violation are not confiscated, cf. part 37 of the penal code (*kriminalloven*), the size of the financial advantage gained or sought shall be particularly taken into consideration when setting any fine, including any supplementary fine.

Subsection 3. If the violator is a company, etc. (legal personalities), the legal personality may be liable to punishment by fine. If the violator is the State, the Government of Greenland, a municipality, an inter-municipal enterprise covered by section 64 of the act of the Landsting (Greenland Parliament) on municipal councils and village councils, etc. or a village council, the relevant public authority may be liable to punishment by fine.

Subsection 4. If the person in question does not live in Greenland, or if his tie to Greenland society is of such a rather loose nature that the preconditions for the application of the measures are not present, legal proceedings may be instituted in Denmark or the case may be sent for trial in Denmark.

Section 9. This order shall enter into force on 1 July 2016.

Subsection 2. Packed containers which have started their transportation by sea before 1 July 2016 may be transported to their final destination without being furnished with a verified weight.

Subsection 3. As an alternative to a suitable weight (method 1), measuring equipment ensuring that the weight of the packed container is established within an accuracy of +/- 1,000 kg may be used during the period until 30 June 2017.

Danish Maritime Authority, [day month] 2016

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Annex 1
Determining the verified weight of all packages, cargo items, etc.
in the packed container (method 2)

Calculation of the gross mass of packed containers

Step 1 – the weight of the cargo

The weight of the cargo items to be shipped shall be determined by adding together the weight of each individual item. As regards bulk products, the weight may be determined in connection with the production process either by metering by means of calibrated filling devices or by weighing the product.

Step 2 – the weight of the packaging

The weight of the packaging shall be determined either by using information from the manufacturer of the packaging or by using information from the shipper/forwarder, as verified and captured in its quality management system or the like.

Step 3 – the weight of pallets, securing materials and dunnage

The weight of pallets, packaging and securing devices, such as shoring poles and dunnage, shall be determined, either by using information from the manufacturer or by using information from the shipper/forwarder or, preferably, by using weight data captured in the quality management system or the like. In any circumstance, the shipper shall be responsible for considering the validity of this information.

Step 4 – the tare weight of the empty container

The shipper should use the tare weight indicated on the container.

Step 5 – the gross weight of the packed container

The weights obtained in steps 1 to 4 above should then be added to obtain the gross mass of the packed container.

Accuracy of the calculation of the verified gross mass of a packed container

When using this calculation method, the different weights added together to determine the gross weight could vary. For example, the weight of wooden pallets, dunnage and blocking bars depends on the humidity. Also weighing devices used to determine the weight of the individual components and some minor differences in the tare weight of empty containers and cargo items contribute to these variations.

Thus, it is recognised that there may be deviations when this method is used to determine the verified gross mass of a packed container. Such deviations shall be documented and handled as a part of the shipper's quality management system. In this connection, it shall be ensured that the sum of these deviations is inconsiderable compared to the actual weight.

Similarly, these potential deviations in the gross mass of a packed container shall not limit the shipper's responsibility for determining accurately the verified gross mass of the packed container in accordance with the provisions stipulated in the SOLAS Convention, chapter VI, regulation 2.