



भारत सरकार / GOVERNMENT OF INDIA

पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय / DIRECTORATE GENERAL OF SHIPPING

"बिटा बिल्डिंग", 9 वी मंजिल / "BETA BUILDING", 9<sup>th</sup> FLOOR

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F. No. - 75-NT(4)/2015-Vol-II

Dated - 23.08.16

MS Notice No. 08 of 2016

Sub.: Reported levy of charges for weighing containers and levy of charges for variation in container weights by terminals and intermediaries pursuant to the issue of the MS Notice No. 4 of 2016 dated 11.05.16 – clarifications - reg.

1. This office had issued the MS Notice No. 4 of 2016 [F. No. 75-NT(4)/2015] dated 11.05.16 setting out guidelines for implementing the amendments to Regulation 2 of Chapter – VI of the SOLAS Convention concerning the verified gross mass [VGM] of containers. Further, a supplementary/clarificatory MS Notice No. 7 of 2016 dated 24.06.16 was issued thereon by this office.
2. This office has subsequently been informed that additional procedural burden by way of different gate entry forms for different Ports (e.g. form no. 13/6, or equipment interchange report etc.), as well as incremental financial burden by way of compulsory weighing charges are being imposed on shippers by terminals and certain intermediaries, even though shippers are submitting VGM certificates, in accordance with the said MS Notices issued by this office. The latter has also been informed that certain terminals have issued trade notices to the levy of additional charges with regard to variances in the declared verified gross mass of the containers, concerned, even though the weight of the containers remain within the permissible limits as per the marking on the CSC plate. Such restrictive practices are neither mandated, nor are in the spirit of facilitating an ease of doing business in India.
3. The guidelines for implementing the said amendments in the SOLAS Convention were issued after extensive consultations with all stake-holders concerned and noting the fact that documents related to the processes in the trade are migrating from the paper form to an electronic mode, thus, bringing in transparency, accountability, and facilitating trade.

4. Prior to the issue of the said guidelines, mandatory requirements of the SOLAS Convention, as well as the recommendatory guidelines issued by the International Maritime Organization were carefully considered during the said detailed deliberations with the stakeholders. It is, therefore, clarified that neither the amendments to Regulation 2 of Chapter-VI of the SOLAS Convention, nor the said MS Notice No. 4 of 2016 dated 11.05.2016 & MS Notice No. 7 of 2016 dated 24.06.2016 of this office envisage the requirement for ports/terminals to weigh containers to re-verify the gross mass of the containers, nor do the same mandate additional procedural methods of forms such as form no. 13/6, or equipment interchange report etc. It is further clarified that the said MS Notices of this office, at no stage, encourage such additional weighing of containers by terminals with the attendant imposition of costs on shippers, or restricted provision for an entry through various forms, thereby constraining trade movements. This office hereby re-iterates that the stated additional process or additional charges by the terminals are not mandated & may undermine free trade practices.

5. This office is of the considered view that these amendments to the SOLAS Convention pertaining to safety aspects should not be unfairly & unreasonably leveraged by intermediaries between shipper and ship to impose an additional burden/cost on the exporter of cargo from India, thereby hindering the export trade of India.

6. This issues with the approval of the Director General of Shipping & Additional Secretary to the Govt. of India.



(Capt. K. P. Jayakumar)

Deputy Nautical Adviser to the Govt. of India