

(Translation. Only the Faroese version has legal validity.)

## **Executive Order No. 77 of 29 June 2016 on verification of the weight of packed containers**

Under the provisions in section 2 subsection 2, section 11 and section 49 in Parliamentary Act No. 165 of 21 December 2001 on Safety at Sea, as last amended by Parliamentary Act No. 71 of 30 May 2011 and by Parliamentary Act No. 122 of 15 December 2014, the following shall be laid down:

### **Application**

**Section 1.** This executive order shall apply to shippers of goods packed in containers in the Faroe Islands in order to be transported on international voyages by sea.

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

*Subsection 3.* This executive 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.** In this executive order, the following definitions shall apply:

1) "Shipper" means a person or a legal entity mentioned as shipper in the bill of lading, seaway bill or in the corresponding multimodal transport document (e.g. a through bill of lading) who (or in whose name or on whose behalf) has made a contract of carriage with a shipping company.

2) "Container" means a transport unit as defined in the International Convention for Safe Containers (CSC) from 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 from 1972, as amended, CSC.1/Circ.138/Rev.1.

3) "A certified method" means a quality management system ensuring that the verified weight is determined in accordance with annex 1 to this executive order and which has been drawn up, implemented and maintained in accordance with a recognised standard, for example DS/EN ISO 9001:2008: 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 in executive order on metrological control provisions for:

a) non-automatic weights i.e. weights requiring the participation of an operator during the weighing in accuracy class IV or better, cf Executive Order for the Faroe Islands on metrological control provisions for non-automatic weight, or;

b) automatic weights i.e. an instrument used to determine the mass of a product without the interference of an operator in accuracy class Y or better, cf Executive Order for the Faroe Islands on metrological control provisions for non-automatic weights.

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 in connection with the ship concerned.

9) "Verified weight" means the total gross mass of a packed container, as determined in:

- a) method 1: by weighing the packed container on a suitable weight in accordance with provisions laid down by the competent authority in the country where the container was packed, or
- b) method 2: 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 approved by the competent authority of the country where the container was packed. See annex 1.

### **Administrative conditions**

**Section 3.** The Faroese Maritime Authority may perform checks of shippers and ships to ensure that the provisions of this executive order are met.

*Subsection 2.* The Faroese 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 executive 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 the Faroe Islands in order to subsequently be transported as international transport 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.

*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 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 Faroe Islands with a view to subsequently be transported as international transport by sea who determines the verified weight in accordance with a certified method shall, upon request, be able to present documentation hereof to the Faroese Maritime Authority.

### **Precaution in connection with loading**

**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, entry into force etc.**

**Section 7.** Violation of sections 4,5 and 6 shall be punished by fine.

*Subsection 2.* Companies and other legal persons shall incur criminal liability under the regulations in chapter 5 of the Faroese Penal Code.

**Section 8.** This executive order enters into force 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 in the period until 30 June 2017.

Uttanríkis- og Vinnumálaráðið, 29. June 2016

Poul Michelsen

Minister of Foreign Affairs and Trade

/Pól E. Egholm

## Annex 1

### **Determining the verified weight of packages, cargo items, etc. in the packed container**

#### **Method 2.**

#### **1. Calculation of the gross mass of a packed container**

##### 1.1. 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.

##### 1.2. 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 or forwarder, as verified and registered in its quality management system or the like.

##### 1.3. 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 or forwarder or by using weight data registered in the shipper's or forwarder's quality management system or the like. The shipper shall be responsible for considering the validity of this information.

##### 1.4. Step 4 – the tare weight of the empty container

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

##### 1.5. 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.

## **2. Accuracy of the calculation of the verified gross mass of a packed container**

2.1. When using method 2 for calculation, 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 contribute to these variations.

2.2. 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.

2.3. 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.