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Circular for P & I Clubs

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Correspondents for:

Britannia, British Marine, Carina, Charterers P&I Club, China P&I Club, GARD, ITIC, Korea P&I Club, Navigators, Nordisk Defence Club (Through Sabatino Pizzolante), Lodestar Marine, North of England P&I Club, Raets Club, Shipowners P&I Club, Skuld, The Standard P&I Club, Steamship Mutual, The American Club, The London P&I Club, West of England and Through Transport Club (TTC)

Implementation of the SOLAS amendments on Verified Gross Mass (VGM)

Following the entry into force of the amendments to SOLAS related to the VGM of loaded containers, domestic public ports - mainly under the administration of the state-owned entity Bolivariana de Puertos, S.A. (Bolipuertos, S.A.) - have implemented it, although with some misinformation and uncertainty. The reason for the former is attributable to the late publication of the guidelines on the matter by the INEA, as the maritime and port authority in Venezuela.

In the absence of guidelines on the subject, in the previous weeks to the entry into force, it was public understanding that for the purposes of complying with the VGM, shippers could use any public or private weighting equipment (weightbridges). However, on 30th June 2016 Bolipuertos, S.A. published the Circular BP-PRE-00013, stating that the ports under its control (Puerto Cabello, La Guaira, Maracaibo, Guanta, El Guamache and La Ceiba) had all weight equipment, calibrated and certified by the competent national governmental entity SENCAMER, also having a Compliance Certification issued by the INEA. The Circular caused surprise taking into account that by that time, no official information was known about the fact that weighting equipment would need another certification, apart from the one of SENCAMER. Since then, a great deal of confusion was created among exporters as to whether the VGM issued by Bolipuertos, S.A. was the only valid to proceed with the loading of containers. Consequently, there has been a significant degree of discretion by the public ports, in accepting the VGM issued by private weightbridges, usually located in the premises of exporters or yards outside the port area.

The INEA, on the other hand, has finally issued the Technical Norm and Guidelines for the implementation of VGM of loaded containers, through

Providencia Administrativa No. 910 published in the Official Gazette No. 40,952 dated 26th July 2016. According to these guidelines, it is stated that the VGM is compulsory not only for ocean going shipments but also for cabotage (Art. 2); that the INEA will certify the companies and/or port administrations authorized to verify the gross mass of the loaded containers, having the suitable weighting equipment and procedures (Art. 3); it is accepted both measurement methods as prescribed by SOLAS, provided the weighting equipment is calibrated and certified by SENCAMER and it is able to provide a weighting ticket (Arts. 6, 7 and 8); it is required that the VGM must be inserted in the shipment declaration whose standard wording is included in Annex "A" (Art. 13); and also are listed the requisites for the port administration to be authorized by the INEA for the purposes of issuing the VGM, in which case a certification is issued by the former in the wording of Annex "B" (Art. 16). It is important to point out that the regulations in question do not mention anything about weight discrepancies nor the requisites for entities different than port administrations (for example, weightbridges at the exporters' premises or yards outside port areas), to be certified by the INEA to issue the VGM, that it should presumably be the same prescribed by article 16. Finally, the INEA as the port authority will monitor and ask from shippers, carriers and port administrations for the procedures/documentation related to the VGM (Art. 17).

As per our last flash survey made among the main container lines serving Venezuela, it has been leaned that implementation of the VGM is advancing without complications and delays. Exportations are currently receiving from the governmental authorities utmost attention in terms of simplification of procedures, so that it is being accepted both the VGM issued by Bolipuertos, S.A. and any other private entity, provided the weighting equipment is certified by SENCAMER, it does not matter if it has the INEA's certification. Additionally, shipping lines verify the compliance of the VGM, through the declaration made by the shipper to the carrier via its electronic systems in place.

Should you need any assistance or further information regarding the topic stated above, please feel free to contact:

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