

Rule: 002-C15 Verified Gross Mass Under SOLAS Rule

Effective date : July 1, 2016

A. SOLAS REQUIREMENTS

Effective July 1, 2016, the Safety of Life at Sea Convention of 1974 (“SOLAS”) requires that the person named as shipper on the ocean carrier bill of lading or equivalent document and/or who has concluded a contract of carriage with Carrier (hereinafter, the “Shipper”) provide Carrier with the verified gross mass (“VGM”) of containers to be transported by vessel. Under SOLAS, the Shipper may obtain the VGM by either (1) weighing the packed container using calibrated and certified equipment; or (2) 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 tare mass of the container to the sum of the single masses, using a certified scale approved by the competent authority of the jurisdiction in which packing of the container was completed. In certain jurisdictions, authorities may also determine alternative methods of determining the VGM to be compliant with SOLAS. SOLAS requires the VGM be submitted to the Carrier sufficiently in advance to be used in preparation of the vessel stowage plan. SOLAS prohibits Carrier from loading containers for which no VGM is provided.

B. PROVISION OF VGM

1. Time for Submitting VGM

In order to enable Carrier to comply with the requirements of SOLAS described above, Shipper or its authorized agent must provide Carrier with the VGM of cargo tendered to Carrier, calculated in accordance with applicable legal requirements, no later than the following deadlines:

- (a) For cargo tendered to Carrier or its agent/contractor at loading port CY, no later than: The cut-off time published on Evergreen's Website as well as in Booking Confirmation which is based on local practice.
- (b) For cargo tendered to Carrier or its agent/contractor at an inland facility (including Shipper's facility), no later than: The cut-off time published on Evergreen's Website as well as in Booking Confirmation which is based on local practice.
- (c) **In the event of any conflict between the VGM cut off dates in Evergreen's website and the VGM cut off dates in the Evergreen booking confirmations, the booking confirmation VGM cut off dates shall apply.**
- (d) **Notwithstanding the provisions of Rules B.1.(a)-(c) above, in lieu of Shipper providing a certified VGM before Loading in accordance with the aforesaid rules, the loaded container weight calculated by on terminal scaling at the load port terminal in the United States will constitute the VGM for all SOLAS purposes. When a loaded container cannot**

be, or is not, weight scaled at the load port Terminal e.g. IPI cargo, Shipper shall provide a certified VGM in accordance with the provisions of B.1. (a)-(c) above.

2. Form of VGM

Shipper or its authorized agent shall submit VGM in any one of the following formats:

- (i) EDI message (VERMAS, 304 message, IFTMIN)
- (ii) Portal Service (GTNexus, CargoSmart, other)
- (iii) Through Carrier's web portal: <http://www.shipmentlink.com/>
- (iv) Mobile APP
- (v) Via Fax or Email subject to **Rule: 002-C16 Manual Verified Gross Mass (VGM) Transmission Fee.**

SOLAS requires that the VGM data submitted by Shipper indicate that the weight provided is the VGM and that it be signed by a person duly authorized by Shipper. Shipper or its agent may fulfill this signature requirement as follows:

- (a) In the case of VGM provided via EDI, by including the name of the duly authorized person in CAPITAL LETTERS in the EDI information; or
- (b) In the case of VGM provided via electronic or hard copy document, by including a physical signature of the duly authorized person in the document or by including an electronic signature of the duly authorized person in the document (e.g., "signed by NAME IN CAPITAL LETTERS").

The foregoing signature shall constitute a warranty by the individual that it is authorized to sign such document on behalf of Shipper.

C. DISCREPANCIES BETWEEN VGM AND SUBSEQUENTLY DETERMINED WEIGHT

Carrier (including its agents/contractors) may weigh cargo for which a VGM has been received. If the weight determined by Carrier differs from the VGM received from the Shipper or its agent, Carrier shall replace the VGM on all shipping documents with the weight determined by Carrier.

D. FAILURE TO TIMELY SUBMIT VGM

If a loaded container is received without a VGM or if the VGM is not received by the deadline established under this rule, Carrier shall have the option to either:

- (i) Refuse to load the container until a VGM is supplied by Shipper, in which case any and all costs, fees, expenses, damages and/or penalties of every and any type, nature or source shall be for the account of the cargo; or
- (ii) Weigh the cargo upon available facility in terminal and use that weight in lieu of the VGM, in which case the related cost shall be applied for the account of the cargo.

If a loaded container is denied admission to a marine terminal facility due to the lack of a VGM, all costs and consequences of such denial shall be for the account of the Shipper and/or cargo.

If a loaded container is allowed to enter a marine terminal without a certified VGM and such container is subject to additional fees, charges, fines or penalties being assessed either by the terminal or local authorities, all such fees, charges, penalties or fines shall be for Shipper's account.

E. CONTAINER TARE WEIGHT

Carrier agrees to release Shipper from liability for any injuries, damages, losses or claims which result from Shipper's use of an inaccurate container tare weight either (a) printed on a carrier container provided to Shipper, or (b) otherwise provided by Carrier to Shipper in writing or electronically for a specific Carrier container, for use by Shipper in its calculation and submission of a VGM.