



FACT SHEET 03/99

September 1999

OVERWEIGHT CONTAINERS

There have been reports of increased surveillance and imposition of fines for overweight containers in Japan and South Korea. For your information and guidance appended below are the maximum weight limitations applicable in Japan and South Korea:

Japan	20'	24.00 tonnes (Gross weight including tare weight of container)
	40'	30.48 tonnes (Gross weight including tare weight of container)

It has been intimated that some chassis are unable to sustain the above weights, and may only be capable of carrying a Gross weight of 20.3 tonnes for 20' and 24.0 tonnes for 40'. It is the shippers responsibility to establish the weight limitations at the port of discharge and it is recommended that the type of chassis used by the transporter are ascertained prior to stowage of cargo in the container.

South Korea

The *Korean Road Act* regulates the gross weight of vehicles and the surface pressure of vehicle axle on the roads. The **gross vehicle weight** (including vehicle tare weight, gross container weight, fuel other fittings etc.) should **not exceed 40 metric tonnes** and the **load weight for each axle** should not exceed **10 metric tonnes**. The regulations do not specify the maximum gross container weight (container tare weight plus weight of cargo including all dunnage and packing).

The Korean Truckers Association has worked out the maximum **weight of the cargo** (including dunnage and packaging) that can be packed into containers as follows:

20' Dry	17.5 tonnes	40' Dry	20.0 tonnes (<i>NB. this is cargo weight only</i>)
20' Reefer	16.0 tonnes	40' Reefer	17.5 tonnes (<i>NB. this is cargo weight only</i>)

There are some lightweight chassis in use, which may be able to accommodate more cargo in 40' containers (40' dry - 22.5 tonnes and 40' Reefer – 20.0 tonnes). It is the shippers responsibility to establish the weight limitations at the port of discharge and it is recommended that the type of chassis used by the transporter are ascertained prior to stowage of cargo in the container.

The above maximum weights are based on even distribution of cargo in the container to achieve even pressure on the road surface for vehicle axles and assuming standard weights for Container Trailer, Chassis, other equipment and container tare weight. The Korean Truckers association has **recommended** the above maximum cargo weights as a general guideline to meet the requirements of the Act.

General

Any container moved internationally should have its gross weight determined and such weight, inclusive of packaging and dunnage, must be declared in accompanying documentation. The responsibility for accurate determination and declaration of weight rests with the organisation that packed the container and the shipper should have a contractual arrangement with the packer/consolidator, to ensure this.

The problem of container weights that exceed those allowed by various jurisdictions has been an on-going problem within the transport industry since the inception of containerisation.

An overweight container can be defined as being a container, the weight of which is greater than the gross weight shown on the accompanying documentation. I.e. the where the actual weight exceeds the declared weight, irrespective of whether the gross weight of cargo and container are less than the maximum permissible weight shown on the International Convention for Safe Containers (CSC) UN/IMO Safety Approval Plate, fixed to each container.

In general, Shipping Lines are guided by the Maximum Gross and tare masses shown on the CSC Safety Approval Plate and which are marked on each container. Presently there are no international laws governing the maximum permissible weights of containers. Each country has its individual legislation both National and provincial, setting their own standards for allowable weights of containers, depending on local conditions.

Australia is currently looking at strategies of addressing the problem of overweight containers and legislation is likely to be introduced to deal with this issue. Proposals have been made for a *Chain of Responsibility* in Mass and Loading Compliance and Enforcement Legislation.

It has been proposed that it would be the consignor's duty to ensure the accuracy of mass details on the transportation documentation accompanying the container. However, those involved in consigning, packing, loading and receiving the container, in addition to the driver, would all have legal responsibilities with respect to mass limit compliance.

The legislation under the US Intermodal Safe Container Transportation Act 1992 (Amended) ISCTA, which came into effect on 9 April 1997 was designed to overcome this problem. It requires that all Intermodal containers be accompanied by documentation at the beginning of a domestic or international movement. For any container with an actual gross cargo weight (including pallets and packaging) of 29,000 pounds (13.165 kg) or more, the person tendering the container must provide a certificate to the first carrier in the Intermodal chain, showing the following information; the actual gross cargo weight; a reasonable description of the cargo; container or trailer identification number, identity of party certifying these details and the date of certification or transfer of data. Heavy fines for violations of the Act of up to \$ 11,000 have been indicated. Federal fines ranging from \$ 500 to \$ 2,500 plus court costs and legal fees can be levied in addition to State fines.

Significant safety risks both to the driver and to the public (as the vehicle handling and breaking performance is compromised) are involved in overloading. Reduction in incidence of overweight containers will lead to safer road transport and better occupational health and safety.

It has been stated that, carriers who are carrying loads in breach of mass limits, either knowingly or otherwise, are gaining an unfair competitive advantage over those who are abiding by limits.

Various countries are now endeavouring to bring in legislation to ensure that responsible parties are held accountable. Those involved in consigning, packing loading; carrying, driving and receiving all will have specific legal obligations.

Those who try to gain unfair advantage by overloading offences or exceeding legal dimensions face the risk of penalties ranging from traffic infringement notices to a requirement that vehicles be off-loaded. Authorities can impose fines or require a bond to be posted. The monetary penalties, which may be imposed for overweight violations, will vary depending on the type of violation. In addition, a commercial benefits penalty may be imposed by a court over and above the above penalties imposed. Wide-ranging penalties are being proposed to ensure that they are commensurate with the risk to safety, the infrastructure wear and damage and the commercial benefits available. Those who violate National/Provincial legislation may be liable to any fines, penalties, trans-loading and return shipping costs, legal fees and other incurred expenses at origin or destination as a result of illegally overloading equipment or providing incomplete or false documentation.

Shipping Lines must ensure that container masses are recorded on all shipping documents (Manifests and Delivery Orders). It has been said that inaccuracy in documentation may be as a result of poor awareness of the consequences and its effect on truck drivers and operators' ability to make informed loading decisions. Considering that legal liability, punitive action and heavier penalties for deliberate falsifying of documents may be imposed on all in the transport chain, it is important that Shipping Lines give due consideration to the accuracy of transferring the information provided by the Shipper to all supporting documentation.

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