

Subject: (RVS) EGLV-601 Rule filing Confirmation-Rule: 002-C15 Verified Gross Mass Under SOLAS Rule

Date: Jun. 17, 2016

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Dear Valued Evergreen Customer:

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Please be advised of the following changes being filed in Evergreen's tariff.

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EGLV-601 General Rules Tariff For All Trades (Rules + B/L + Equipment)

Rule: 002-C15 Verified Gross Mass Under SOLAS Rule

Effective: July 01, 2016 (New Filing)

#### 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 [Option #1: the cutoff time communicated by Carrier at the time of booking][Option #2: 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.

##### 2. Form of VGM

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

[INSERT FORMAT IN WHICH CARRIER WILL ACCEPT VGM, SUCH AS:

- (i) EDI message (VERMAS, 304 message, IFTMIN)
- (ii) Portal Service (Nexus, CargoSmart, other)
- (iii) Through Carrier's web portal]: <http://www.shipmentlink.com/>
- (iv) Mobile APP
- (v) Via Fax or E-mail

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:

- (i) 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
- (ii) 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.

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.

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Thank you for your continued support. If you have any questions, kindly contact your representative or Evergreen local office.

Respectfully,

Evergreen Shipping Agency (America) Corporation As Agent for Evergreen Line

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IMPORTANT EMAIL NOTICE See <http://www.evergreen-shipping.us/disclaimer.html>

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