



Mandatory Container Loss Reporting (SOLAS 2026)

Since 1st January 2026, the international maritime regulatory landscape has undergone a significant shift regarding the reporting of lost containers. Following the adoption of IMO Resolution MSC.550(108), new ship-to-ship data reporting requirements under SOLAS Regulation V entered into force. This revision tackles a persistent industry challenge: an annual average of 1,000-1,200 containers lost at sea (measured over the past decade). The industry mostly relied on non-harmonized reporting mechanisms. The new framework, however, imposes strict legal obligations on the Master of any vessel carrying containers, regardless of size or flag.

New Reporting Framework: SOLAS V/31-32

The core of the revision lies in the amendment of SOLAS Chapter V, Regulation 31 (Carriage of Cargo Containers), and the introduction of Regulation 32 (Reporting of Lost or Found Containers). The regulations apply to all cargo ships regardless of tonnage that are carrying containers on board. This broad scope ensures that smaller feeder vessels and general cargo ships are not exempt, closing a previous regulatory gap. The new rules establish a two-tier reporting system with immediate reporting duties, as well as a duty of final reporting.

For fulfilling the duty of immediate reporting, the Master must report as soon as possible if a container is lost or likely lost overboard. The same goes if a drifting container is spotted by a vessel, irrespective of whether the containers have been lost from their own vessel or not. The report must be transmitted to ships in the vicinity (via VHF or other appropriate means), the coastal State of the nearest coast as well as the flag State of the vessel.

A final report must be filed, once the final verified number of lost containers is known. The information is submitted to the flag State, which is responsible for entering the data into the IMO's Global Integrated Shipping Information System (GISIS).

Impacts & Legal Exposure

A major consequence of the 2026 revision is however not operational, but legal. The mandatory creation of a standardized loss report creates a permanent, accessible record that can significantly impact liability defenses under the Hague-Visby Rules. If the carrier is required to file a final report confirming the loss, this document becomes a contemporaneous record of the event.

In cargo claims, claimants (cargo owners) will increasingly demand disclosure of the SOLAS report filed with the Flag State or entered in GISIS. If the report lacks specific details regarding "perils of the sea" (e.g., if the weather was reported as moderate), it may inadvertently weaken the carrier's defense under Article IV(2)(c) Hague-Visby Rules. The report effectively serves as an admission of the facts at the time of the loss. Unlike internal logs, its public status and flag-state verification reduce hearsay challenges. The burden of proof, traditionally heavy on the claimant, is inadvertently lightened by the carrier's own mandatory disclosures.

Liability Limitation Risks under Hague-Visby Rules

A critical risk area concerns the limitation of liability. Under Article IV(5) of the Hague-Visby Rules, the carrier's liability is generally limited to a specific amount per package or kilogram. However, this right is lost according Article IV(5)(e) Hague-Visby rules, if the loss or damage resulted from an act or omission of the carrier done with the intent to cause damage, or recklessly and with knowledge that damage would probably result.

More practically for carriers, the right to limit is often challenged under the concept of "unreasonable deviation." If a deviation is not "reasonable or necessary," the carrier may lose the protection of the Hague-Visby Rules entirely. For example: If a container is lost due to a navigational decision that deviates from standard practice (e.g., entering a known storm zone to save time), the SOLAS report documenting the position and time could serve as evidence to rebut the carrier's defense of "reasonable navigation".



Conclusion

The new container loss reporting regime marks a pivotal shift from voluntary to mandatory disclosures, creating standardized contemporaneous records with significant evidentiary weight in Hague-Visby litigation. Carriers face heightened risks to traditional defenses like “perils of the sea” and “reasonable deviation”. Operational procedures must evolve alongside legal strategies. Forward-thinking counsels will treat these mandatory disclosures as a new battleground in cargo claims and FD&D disputes.

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