



Notification Number: 2017/515/UK

## Draft Freight Containers (Safety Convention) Regulations (Northern Ireland) 2018

Date received : 09/11/2017

End of Standstill : 12/02/2018

Issue of comments by : Italy

### Message

Message 001

Communication from the Commission - TRIS/(2017) 02919

Directive (EU) 2015/1535

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2017/0515/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201702919.EN)

#### 1. Structured Information Line

MSG 001 IND 2017 0515 UK EN 09-11-2017 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Energy and Industrial Strategy  
Europe Directorate  
1 Victoria Street  
London, SW1H 0ET

Email: [technicalregulations@beis.gov.uk](mailto:technicalregulations@beis.gov.uk)

#### 3. Originating Department



Health and Safety Executive for Northern Ireland  
83 Ladas Drive  
Belfast  
BT6 9FR

Email: [FCSCregulationsreview@hseni.gov.uk](mailto:FCSCregulationsreview@hseni.gov.uk)

#### **4. Notification Number**

2017/0515/UK - I40

#### **5. Title**

Draft Freight Containers (Safety Convention) Regulations (Northern Ireland) 2018

#### **6. Products Concerned**

The draft Regulations apply to the great majority of containers that are used for international freight except for those specifically designed for carriage by air. The scope is limited to containers of a minimum prescribed size having corner fittings.

#### **7. Notification Under Another Act**

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#### **8. Main Content**

This draft Regulations along with the Approval of freight containers - Arrangements in Great Britain (the Green Guide notified in 2016, notification: 2016/0617/UK ) and the Freight container examination schemes or programmes - Conditions for approval (the Yellow Guide notified in 2016, notification: 2016/0618/UK), which are separately notified, implement the UK (in Northern Ireland) obligations under the International Convention for Safe Containers, 1972, as amended by resolutions MSC.310 (88) and resolution MSC.355(92) ("C.S.C.").

The draft Regulations apply to containers which have top corner fittings and a bottom area of at least 7 square metres or, if they do not have top corner fittings, a bottom area of at least 14 square metres. Container is defined in Regulation 2.

These Regulations require owners and lessees and others in control of freight containers used at work or supplied for use at work to comply with conditions of use.

##### **Approval of containers design**

Regulations 4 and 5 impose a condition that a container must have a valid approval issued by the Health and Safety Executive for Northern Ireland or by a person or an organisation which it has appointed for that purpose or under and in accordance with regulation 5 of the Freight Containers (Safety Convention) Regulations 2017 (SI 2017/325), or by or under the authority of a foreign Government which has acceded to the C.S.C.

Guidance on the arrangements for the approval of containers in Great Britain is set out in a document entitled "Approval of freight containers - Arrangements in Great Britain (the Green Guide)". This guidance has been adopted for use in Northern Ireland.

Approved containers are required to display a valid safety approval plate.



## Safety approval plate

Regulations 4 and 6 impose a condition that all containers must display a valid, properly displayed safety approval plate as described in regulation 6. The detailed requirements about content and form of the safety approval plate are set out in Schedule 1. Schedule 1 paragraphs describe the safety approval plate specifications including that the plate must be made out of non-corroding material and how and where on the container it should be displayed. Paragraph 2 describes the dimensions and information that must be included on the safety approval plate. Regulation 7 provides transitional arrangements for containers constructed before 1st July 2014. Safety approval plates that complied with the 1992 Regulations prior to 1st July 2014 may be retained unless any structural modifications have been or are made to that container.

Paragraph 3 of Schedule 1 defines technical provisions relevant to the Schedule.

## Maintenance and examination

Regulations 4 and 8 impose a condition that containers must be properly maintained and meet the examination requirements set out in regulation 8. For examination requirements to be met, periodic examination schemes or continuous examination programmes must be approved by the Health and Safety Executive for Northern Ireland or by the Health and Safety Executive for the purposes of regulation 8 of the Freight Containers (Safety Convention) Regulations 2017 (SI 2017/325).

The provisions for approved examination programmes are set out in "Freight container examination schemes or programmes - Conditions for approval (the Yellow guide)".

Under these Regulations it is a defence to criminal proceedings if responsibility for maintenance and examination has passed to another person under express terms set out in a lease, sublease or bailment (regulation 4).

## Conspicuous marking

Regulations 4 and 9 require containers with limited stacking or racking capacity to be marked under British Standard, Freight Containers – Coding, identification and marking BS EN ISO 6346: 1995.

## 9. Brief Statement of Grounds

The draft Regulations and new Guidance are required to implement the UK obligations (in Northern Ireland) under the International Convention for Safe Containers, 1972, as amended by resolutions MSC.310 (88) and resolution MSC.355(92) ("the C.S.C.").

The CSC, introduced by the International Maritime Organisation (IMO) is aimed at preventing maritime incidents involving containers through test procedures and strength requirements. It sets a framework within which shipping firms can safely operate their container fleets internationally.

The CSC is an international treaty that the UK ratified in 1978.

The UK employs secondary legislation in the form of Regulations to implement the CSC. The Guidance sets out the arrangements for container approvals and for ongoing examinations.

The original implementing Regulations, the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992, are now considerably out of date and need to be replaced to implement time critical updates to the C.S.C.



Without the proposed Regulations and Guidance the UK will not meet their international treaty obligations under the C.S.C.

#### 10. Reference Documents - Basic Texts

References of the Basic Texts: References of the Basic Texts: International Convention for Safe Containers 1972, as amended. Relevant amending resolutions; MSC.310(88) which came into force on 1st January 2012, and resolution MSC.355 (92) which came into force on 1st July 2014.

<http://www.legislation.gov.uk/nisr/1992/2/contents/made>

Green Guide: <http://www.hse.gov.uk/pubns/dis8-draft.pdf>

Yellow Guide: <http://www.hse.gov.uk/pubns/dis9-draft.pdf>

#### 11. Invocation of the Emergency Procedure

No

#### 12. Grounds for the Emergency

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#### 13. Confidentiality

No

#### 14. Fiscal measures

No

#### 15. Impact assessment

Yes

#### 16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

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European Commission

Contact point Directive (EU) 2015/1535

Fax: +32 229 98043

email: [grow-dir2015-1535-central@ec.europa.eu](mailto:grow-dir2015-1535-central@ec.europa.eu)