



Notification Number: 2016/616/UK

## Draft Freight Containers (Safety Convention) Regulations 2017

Date received : 28/11/2016

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### Message

Message 001

Communication from the Commission - TRIS/(2016) 03595

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 : 2016/0616/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία 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: 201603595.EN)

#### 1. Structured Information Line

MSG 001 IND 2016 0616 UK EN 28-11-2016 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

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#### 3. Originating Department

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#### 4. Notification Number

2016/0616/UK - I40

#### 5. Title

Draft Freight Containers (Safety Convention) Regulations 2017

#### 6. Products Concerned

The draft Regulations applies 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 Regulation along with the and Draft Approval of freight containers -Arrangements in Great Britain (the Green Guide) and the Draft Freight container examination schemes or programmes - Conditions for approval (the Yellow guide), which are separately notified, implement the UK (in GB) 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(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 or by a person or an organisation which it has appointed for that purpose, or by or under the authority of a foreign Government which has acceded to the C.S.C.

Draft 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)".

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

Safety approval plate

Regulation 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 the Schedule. The Schedule 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. Paragraph 3 of the Schedule provides transitional arrangements for containers constructed before 1st July 2014. Safety approval plates that complied with the 1984 Regulations prior to 1st July 2014 may be retained unless any structural modifications have been or are made to that container.

Paragraph 4 of the Schedule defines technical provisions relevant to the Schedule.

#### Maintenance and examination

Regulation 4 and 7 impose a condition that containers must be properly maintained and meet the examination requirements set out in regulation 7. For examination requirements to be met, periodic examination schemes or continuous examination programmes must be approved by the Health and Safety Executive.

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

Regulation 4 and 8 requires 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 Great Britain) 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 1984 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: 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.



**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

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