



Notification Number: 2016/618/UK

## Draft Freight container examination schemes or programmes - Conditions for approval (the Yellow guide)

Date received : 28/11/2016

End of Standstill : 01/03/2017

### Message

Message 001

Communication from the Commission - TRIS/(2016) 03601

Directive (EU) 2015/1535

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification -  
Notifica - Pieteikums - Pranešimas - Bejelerítés - Notifika - Kennisgeving - Zawiadomienie - Notificação -  
Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2016/0618/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 késéket - 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: 201603601.EN)

#### 1. Structured Information Line

MSG 001 IND 2016 0618 UK EN 28-11-2016 UK NOTIF

#### 2. Member State

UK

#### 3. Department Responsible

Department for Business, Energy & Industrial Strategy  
Europe Directorate  
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London, SW1H 0ET

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

#### 3. Originating Department

Health and Safety Executive  
Engagement and Policy Division



Redgrave Court  
Bootle  
L20 7 HS  
FCSCRegulationsreview@hse.gov.uk

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

2016/0618/UK - I40

#### **5. Title**

Draft Freight container examination schemes or programmes - Conditions for approval (the Yellow guide)

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

The draft Guidance applies to the great majority of containers that are used for international freight except for those specifically designed for carriage by air.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This draft Guidance along with the Draft Freight Containers (Safety Convention) Regulations 2017 and Draft Approval of freight containers -Arrangements in Great Britain (the Green 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.").

Regulations 4 and 7 of the Draft Freight Containers (Safety Convention) Regulations 2017 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.

This draft Guidance sets out the provisions for approved examination programmes. Containers must be examined periodically or as part of a continuous examination programme. The competent person carrying out the examinations may require the use of any appropriate method of non-destructive testing including the application of appropriate tests in accordance with Annex II of the International Convention for Safe Containers (C.S.C.) or, if applicable, International Standard ISO 1496.

The approved examination programmes will be audited at least every five years to ensure they are complying with the conditions of an approved programme. Approved programmes are subject to a further 10 year audit to ensure the programmes remain viable.

In accordance with the C.S.C. Containers operated in the GB area may be subject to restrictions where there is significant evidence for believing that the condition of the container is such as to create an obvious risk to safety. Restrictions might include an immediate out of service determination. Such restrictions may only be imposed by an authorised Health and Safety Executive officer.

#### **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. 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. (2016/616/UK)  
Basic Texts have been forwarded within the framework of a previous notification: 2016/616/UK

#### 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



**EUROPEAN COMMISSION**  
GROWTH DIRECTORATE-GENERAL

**Single Market for goods**  
Prevention of Technical Barriers

No - The draft is not a sanitary or phytosanitary measure

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European Commission

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