



# Health and Safety Executive for Northern Ireland

## Proposals for the Freight Containers (Safety Convention) Regulations (Northern Ireland) 2018

### Consultative Document

August 2017

# Proposals for the Freight Containers (Safety Convention) Regulations (Northern Ireland) 2018.

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This Consultation Document is closely based on the Consultation Document entitled “*Consultation on the introduction of the Freight Containers (Safety Convention) Regulations 2017*” issued by the Health and Safety Executive in Great Britain (HSEGB), whose assistance is greatly acknowledged. If you would prefer a printed version, it can be obtained on request. Furthermore, if you require a more accessible format, executive summaries are available in Braille or large print, on disc or audio-cassette, or in Irish, Ulster Scots and other languages of the minority ethnic communities in Northern Ireland. To obtain a summary in one of these formats, please contact Robert Greer at the address shown at paragraph 32.

## INTRODUCTION

1. This Consultative Document (CD) seeks views on proposals by the Health and Safety Executive for Northern Ireland (HSENI) for new Regulations entitled the Freight Containers (Safety Convention) Regulations (Northern Ireland) 2018. A draft copy of the proposed Regulations is shown at **Annex A**.
2. The proposed Regulations will replace the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 2) (“the 1992 Regulations”) and are required in order to give effect to the amendments to the International Convention for Safe Containers 1972, known as “the CSC” within the rest of this document. The CSC is an international treaty that was ratified by the UK in 1978. In ratifying the treaty the UK became bound by its terms in accordance with international law.
3. Following a previous public consultation, which ran from 18 March to 13 June 2016, HSENI has made changes to the original proposal. Rather than amend the 1992 Regulations it is now proposed to replace them with a new set of consolidated Regulations. These will provide for a meaningful and enforceable regime which fully meets the requirements of the CSC and does so in a clear, risk-based and proportionate way.
4. The Health and Safety Executive in Great Britain (HSEGB) has consulted on proposals for equivalent Regulations in England, Scotland and Wales – see [CD281 - Consultation on the introduction of the Freight Containers \(Safety Convention\) Regulations 2017](#).

## BACKGROUND

5. The law of treaties is articulated by the Vienna Convention on the Law of Treaties. This provides that ratification of a treaty signifies the State’s consent to be bound by the treaty and its terms in accordance with international law. In 1978 the UK ratified the International Convention for Safe Containers 1972 (CSC). By ratifying the CSC, the UK agreed to be bound by the treaty and its terms in accordance with international law. Northern Ireland implements the CSC domestically through the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 (“the 1992 Regulations”).
6. The Maritime Safety Committee (MSC), the highest technical body of the International Maritime Organization (IMO), has subsequently adopted a number of amendments to the CSC. These include key time-bound amendments, under resolutions MSC 310 (88) and MSC 355 (92), which came into force on 1 January 2012 and 1 July 2014 respectively. The terms of the CSC confirm that once an amendment has entered into force then unless a State expresses a different intention, the State will be bound by the CSC and subsequent amendments and should give effect to them in accordance with international law. These amendments are not yet implemented in Northern Ireland.

7. The purpose of the CSC is to maintain a high level of safety of human life in the transport and handling of containers by providing acceptable test procedures and related strength requirements and harmonised international regulation.
8. Under the CSC containers must be approved for safety by the Government or an organisation acting on its behalf. HSENI is authorised to make the necessary arrangements in Northern Ireland. Approved containers must then be inspected and examined in accordance with approved schemes. HSENI administers the arrangements in Northern Ireland. Procedures are set out for both Periodic Examination Schemes (PES) and for an Approved Continuous Examination Programme (ACEP). A Safety Approval Plate (SAP) must be fixed on each container to indicate compliance and to display relevant technical data, the identification number that references the original manufacturer, or unique identifier allotted by the authorising organisation. The ACEP number or the next examination date must also be indicated on the plate or displayed as required by the examination scheme or programme.
9. Current information indicates that there are no manufacturers of freight containers in NI and containers that are in use will have been approved in Great Britain or elsewhere. Approvals and examination schemes approved in Great Britain are acceptable in NI.
10. The International Convention for Safe Containers 1972 (2014 edition) (ISBN 978-92-801-1546-8) is owned and published by the IMO and can be purchased via [www.imo.org](http://www.imo.org). Alternatively, the resolutions adopting the changes set out in this edition can be found in Resolution MSC. 310 (88), Resolution MSC. 355 (92) and circular CSC.1/Circ.138/Rev.1 which sets out the harmonised interpretation and implementation provisions. The IMO circular referring to the amendments can be viewed at **Annex B**.

## **KEY CHANGES**

11. The CSC has been amended by the IMO in response to incidents or concerns raised by signatories to CSC. Four minor amendments were adopted by the IMO in 1981, 1983, 1991 and 1993. Key time-bound amendments to the CSC, adopted by the MSC under resolutions MSC 310 (88) and MSC 355 (92) came into force on 1 January 2012 and 1 July 2014 respectively. These introduce significant, physical changes to the SAP and additional safety tests. **Annex A** contains the draft consolidated Regulations, known as the Freight Containers (Safety Convention) Regulations (Northern Ireland) 2018 (the proposed Regulations) which reflect the amendments to the CSC.

### ***The key changes:***

#### *Changes to SAPs*

12. HSENI proposes adopting the CSC amendments which introduce new requirements that additional technical data should be indicated on the SAP. The new proposals also adopt changes to terminology to align physical

dimensions and units to the SI system (international system of units). For example, regulation 4 of the 1992 Regulations would need to be amended to replace “maximum gross weight” with “maximum operating gross mass”.

#### Changes to approved examination programmes

13. The requirements for approved programmes have been expanded to more clearly describe the validity of, and elements to be included in, such programmes and this will require updating guidance to reflect the amendments.

#### Review and audit of approved examination programmes

14. Under the changes to the CSC, PES and ACEP arrangements will have to be reviewed by the administration for the contracting parties (in NI this is HSENI) once every 10 years to ensure they remain viable. The approved programmes will also be evaluated every 5 years to show the provisions of the approved programmes are being followed.

#### Conspicuous marking of containers with limited stacking or racking capacity

15. Under the changes to the CSC, those containers considered to have limited stacking or racking capacity and which were constructed or commenced since entry into force of the CSC in 1984, will be required to be conspicuously marked in accordance with ISO 6346 standard. These containers are not currently required to be marked. ISO is the acronym for the International Organization for Standardization that develops voluntary International Standards. There is one member body per country (in the UK it is the British Standards Institution). The ISO standard is incorporated into the CSC which states that the standard must be adhered to. The standard covers the serial number, owner, country code, and size of any given shipping container.

#### Testing containers operating with one door removed

16. Under the changes to the CSC, containers with one door removed would have to undergo additional tests before being approved for operation under the CSC.

#### Authorised Control Officers (Annex III)

17. A new Annex III has been added to the CSC on control and verification. If there is significant evidence that the condition of a container creates an obvious risk to safety, Annex III provides the detail to enable Authorised Control Officers (ACOs) to assess the integrity of structurally sensitive components of containers and to decide whether a container is safe to continue in transportation. The control is limited to verifying that a container carries a valid SAP and is part of an ACEP or a valid Next Examination Date (NED) marking, unless there is significant evidence that the condition of the container is such as to create an obvious risk to safety. Under the CSC, the ACOs must belong to a government body, and be suitably trained. In NI,

HSENI will appoint suitably trained inspectors as ACOs to ensure the requirements of the CSC are met and that freight containers are safe to use.

18. HSEGB has updated its supporting guidance to ensure the CSC is followed. This includes:

- I. Introducing new Operational Guidance (OG) for HSEGB inspectors dealing with container ports and who will act as authorised officers. The OG will be based on the guidance in Annex III of the CSC which outlines the criteria that should be used when identifying remedial action up to and including making immediate out of service determinations for a container.
- II. Updating HSEGB's online guidance for container owners and operators to reflect the arrangements for damaged containers as required by Annex III; and
- III. Supplementing existing Industry / Trade Union guidance with information on dealing with damaged containers.

HSENI proposes to adopt the HSEGB guidance for use in Northern Ireland.

## THE PROPOSALS

19. Updating the 1992 Regulations provides an opportunity to bring all the amendments made to the CSC together in a new set of Regulations. The proposed Regulations ensure that Northern Ireland gives effect to the time-bound amendments required by all the changes to the CSC. Failing to implement these changes would be in contravention of the CSC.

20. For these reasons HSENI proposes to introduce the new, consolidated Freight Containers (Safety Convention) Regulations (Northern Ireland) 2018 to come into operation in early / mid 2018.

21. HSEGB's revised guidance has been published on its website<sup>1 2</sup>. HSENI proposes to adopt the GB guidance for use in Northern Ireland. **Your views on this would be appreciated.**

## WHAT WILL THE REVISED REGULATIONS MEAN FOR STAKEHOLDERS?

22. The main groups affected by the proposed changes will be container owners and operators. Initial engagement by HSEGB with the industry suggests a number of companies might have already have applied the changes in the CSC, as they are in force in other countries and the international nature of their work would have required them to become compliant.

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<sup>1</sup> <http://www.hse.gov.uk/pubns/dis8.htm>

<sup>2</sup> <http://www.hse.gov.uk/pubns/dis9.htm>

## **RELATIONSHIP WITH GREAT BRITAIN**

23. The proposals set out in this CD do not differ in any significant way from the proposals on corresponding GB Regulations (see the acknowledgement on page 1 of this CD). Such differences as do occur relate only to Northern Ireland legislation and institutions. As the GB and Northern Ireland proposals, taken together, are intended to comply with international law, it is essential that the same legal requirements apply throughout the United Kingdom.

## **COSTS AND BENEFITS**

### **Great Britain**

24. An impact assessment (IA) prepared for the corresponding GB proposals is attached at **Annex C**. This gives a best estimate cost to business of around £1.6 million in present values. All of this cost would be borne by industry.

### **Northern Ireland**

25. HSENI is of the opinion that the analysis and considerations as set out in the GB IA can be applied to Northern Ireland on a proportionate basis. Therefore HSENI estimates that the total cost to Northern Ireland business will be around £40 thousand in present values. This is mainly costs to container operators who have to “conspicuously mark” any container that has limited stacking and racking capabilities. They would also need to change Safety Approval Plates on containers manufactured from 1<sup>st</sup> July 2014 and respond to an audit on their approved examination programmes and review every 5 years and 10 years respectively.

26. Updating the Regulations will remove inconsistency with the implementation of the CSC in other countries and thereby remove a potential source of legal or business uncertainty for owners and operators. However HSENI’s current proportionate approach to the 1992 Regulations is expected to limit the present burden of uncertainty. It is not possible to quantify or monetise this benefit.

**27. Comments on these conclusions would be welcome.**

## **EQUALITY IMPACT**

28. The proposals have been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified. The proposed introduction of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 2018 will apply equally to all relevant businesses and there is no evidence to suggest that this will impact disproportionately upon any particular group. A copy of the screening document is at **Annex D**.

## HUMAN RIGHTS

29. The Department has considered the matter of Convention rights and is satisfied that there are no matters of concern.

## INVITATION TO COMMENT

30. HSENI would welcome your comments on the proposals in this CD. In particular, comment is invited on the assumption relating to costs relevant to Northern Ireland and the conclusion that the proposals would have no adverse effect on any section 75 groups.

31. Comments should be sent to: -

[FreightContainersConsultation@hseni.gov.uk](mailto:FreightContainersConsultation@hseni.gov.uk)

or by post to:-

Robert Greer  
Health and Safety Executive for Northern Ireland  
83 Ladas Drive, Belfast, BT6 9FR  
Tel: (028) 90 546 817;

so as to arrive no later than noon on **Friday 29 September 2017**.

32. HSENI tries to make its consultation procedures as thorough and open as possible. Responses to this consultation will be kept at the office of HSENI at the above address after the close of this consultation period, where they can be inspected by members of the public or be copied to them. HSENI can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of information given by you in response to this consultation.
33. The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, HSENI in this case. This right of access to information includes information provided in response to a consultation. HSENI cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or be treated as confidential. If you do not wish information about your identity to be made public, please include an explanation in your response.
34. This means that information provided in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

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 STATUTORY RULES OF NORTHERN IRELAND
 

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2018 No. 000

**HEALTH AND SAFETY**
**The Freight Containers (Safety Convention) Regulations  
(Northern Ireland) 2018**

*Made* - - - - *xth xxx 2018*

*Coming into operation* - *xth xxx 2018*

The Department for the Economy(**a**), being the Department concerned(**b**), makes the following Regulations in exercise of the powers conferred by Articles 17(1) to (6)(**c**), and 55(2) of, and paragraphs 1(1) to (3), 2, 3(1) and 5(1) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**d**) (“the 1978 Order”).

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**e**) of the 1978 Order after the Executive had carried out consultations in accordance with Article 46(3)(**f**).

**Citation and commencement**

1. These Regulations may be cited as the Freight Containers (Safety Convention) Regulations (Northern Ireland) 2018 and shall come into operation on xth xxx 2018.

**Interpretation**

2. In these Regulations—

“the 1992 Regulations” means the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992(**g**);

“approval” has the meaning assigned to it by regulation 4(1)(a);

“the Convention” means the International Convention for Safe Containers 1972, as amended(**h**);

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(a) Formerly the Department of Enterprise, Trade and Investment; *see* 2016 c. 5, section 1(3); that Department was formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, *see* S.I. 1982/846 (N.I. 11), Article 3

(b) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)

(c) Article 17 shall be read with S.I. 1992/1728 (N.I. 17), Articles 3(2) and 4(2)

(d) S.I. 1978/1039 (N.I. 9): the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1). Article 55(2) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraph 19

(e) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

(f) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18 and the Health Protection Agency Act 2004 (c. 17), section 11 and Schedule 3, paragraph 10(3)

(g) S.R. 1992 No. 2, as amended by S.R. 1999 No. 150 and revoked in part by S.R. 1998 No. 125

(h) The Convention was signed at Geneva on 2nd December 1972 and ratified by the United Kingdom on 8th March 1978. It has been amended by resolution MSC.310(88) which came into force on 1st January 2012, and by resolution MSC.355(92) which came into force on 1st July 2014; there are other amending resolutions but none are relevant. The 2014 edition (ISBN 97-801-1593-2) is published by the International Maritime Organisation.

“container” means—

- (a) an article of transport equipment, excluding a vehicle or packaging or any article of transport equipment designed solely for use in air transport, which is—
  - (i) of a permanent character and accordingly strong enough for repeated use;
  - (ii) designed to facilitate the transport of goods by one or more modes of transport without intermediate reloading;
  - (iii) designed to be secured or readily handled or both, having corner fittings for these purposes; and
  - (iv) of a size such that the area enclosed by the outer bottom corners is either—
    - (aa) if the container is fitted with top corner fittings, at least 7 square metres; or
    - (bb) in any other case, at least 14 square metres, and
- (b) includes—
  - (i) a container when carried on a chassis; and
  - (ii) a swap body that is carried by or on board a sea-going ship, and that is not mounted on a road vehicle or rail wagon;

“corner fittings” in relation to any container means an arrangement of apertures and faces at either the top or the bottom or both at the top and the bottom of the container for the purposes of handling, stacking and securing or any of those purposes;

“designated area” means any area designated by Order under section 1(7) of the Continental Shelf Act 1964(a) and “within a designated area” includes over and under it;

“the Executive” means the Health and Safety Executive for Northern Ireland;

“the Health and Safety Executive” means the Health and Safety Executive established under section 10 of the Health and Safety at Work etc. Act 1974(b);

“maintained” means maintained in an efficient state in efficient working order and in good repair;

“maximum operating gross mass” means the maximum allowable sum of the mass of the container and its cargo;

“safety approval plate” means a plate in the form and containing the information specified by Schedule 1;

“swap body” means a container which is specially designed for carriage by road only or by rail and road only and is without stacking capability and top lift facilities;

“territorial sea” means the territorial sea of the United Kingdom adjacent to Northern Ireland and “within the territorial sea” includes on, over and under it; and

“use” means use for the purpose for which the container is designed but does not include—

- (c) movement to a place for remedial action if—
  - (i) so far as is reasonably practicable the movement is without risk to the safety of any person; and
  - (ii) the remedial action is carried out before the container is repacked with goods; or
- (d) in the case of an empty container—
  - (i) transport to a place for testing to obtain approval; or
  - (ii) delivery to its purchaser by the vendor or their agent.

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(a) 1964 c. 29; section 1 was amended by the Oil and Gas (Enterprise) Act 1982 (1982 c. 23), Schedule 3, paragraph 1 and by the Energy Act 2011 (c. 16), section 103

(b) 1974 c. 37; section 10 was substituted by S.I. 2008/960, Article 4

### Application of Regulations

3. These Regulations apply to—

- (a) any container used at work, or supplied for use at work; and
- (b) any container so used or supplied and which is within the territorial sea or a designated area in circumstances in which any of paragraphs 2 to 9 of Schedule 2 apply.

### Conditions of use and enforcement

4.—(1) The owner or lessee of a container shall not use or permit that container to be used unless—

- (a) it has valid approval issued in accordance with regulation 5 (hereinafter referred to as “an approval”);
- (b) it has a valid safety approval plate fixed to it in accordance with regulation 6;
- (c) it is properly maintained;
- (d) the examination requirements in regulation 8 are met in respect of that container;
- (e) all markings on the container showing maximum operating gross mass are consistent with the maximum operating gross mass information on the safety approval plate; and
- (f) it meets the conspicuous marking requirements in regulation 9.

(2) Any person, other than the owner or lessee, using or permitting the use of a container shall, so far as is reasonably practicable, ensure that—

- (a) it has a valid safety approval plate is fixed to it in accordance with regulation 6;
- (b) all markings on the container showing maximum operating gross mass are consistent with the maximum operating gross mass information on the safety approval plate; and
- (c) it meets the conspicuous marking requirements in regulation 9.

(3) Where it is an express term of a bailment of a container that the bailee is responsible for ensuring that the container is maintained or examined, the bailee shall, in addition to any duty placed on them by paragraph (2), ensure that—

- (a) the container is properly maintained; and
- (b) the examination requirements in regulation 8 are met.

(4) In proceedings for an offence of using or permitting a container to be used which is not properly maintained or examined, it is a defence that at the time of the contravention a bailment or lease was in force in respect of the container and—

- (a) in the case of an owner, that it was an express term that the bailee or lessee was responsible for ensuring that the container is maintained or examined;
- (b) in the case of a lessee—
  - (i) that it was not an express term of the lease that the lessee was responsible for ensuring that the container is maintained or examined; or
  - (ii) under a further lease it was an express term that the further lessee was responsible for ensuring that the container is maintained or examined;
- (c) in the case of a bailee who is a bailor under a further bailment, that it was an express term of the further bailment that the further bailee was responsible for ensuring that the container is maintained or examined.

(5) In this regulation “owner” includes the owner’s agent.

### Approval of containers—either by design type or individually

5.—(1) An approval (whether relating to a design type or to an individual container) is, for the purposes of these Regulations, valid only if—

- (a) it has been issued—

- (i) by the Executive;
  - (ii) by a person or organisation appointed for the time being by the Executive in accordance with paragraph (2);
  - (iii) under and in accordance with regulation 5 of the Freight Containers (Safety Convention) Regulations 2017(a); or
  - (iv) by or under the authority of a Government which has ratified, accepted, approved or acceded to the Convention; and
- (b) it has not been withdrawn in writing by—
- (i) the person or organisation who issued the approval; or
  - (ii) the Executive, whether or not it was issued by the Executive.
- (2) An appointment by the Executive for the purpose of issuing approvals under paragraph (1)(a)(ii) shall be in writing and may be—
- (a) for a specified period;
  - (b) subject to conditions; and
  - (c) varied or revoked at any time by the Executive in writing.

### **Fixing of safety approval plate**

**6.** For the purposes of these Regulations a container has a valid safety approval plate fixed to it if—

- (a) the safety approval plate is marked and fixed to the container in accordance with—
  - (i) Schedule 1; or
  - (ii) where regulation 7 applies, the 1992 Regulations, and
- (b) the information on the safety approval plate is correct and relates to a valid approval.

### **Containers constructed before 1st July 2014**

**7.** A container constructed prior to 1st July 2014 may retain the safety approval plate required by the 1992 Regulations, provided that no structural modifications have been or are made to that container.

### **Examination of containers**

**8.—(1)** The examination [referred to] in regulation 4(1)(d) and (3)(b) shall be in accordance with an examination scheme or programme approved by the Executive for the purposes of this regulation or by the Health and Safety Executive for the purposes of regulation 8 of the Freight Containers (Safety Convention) Regulations 2017.

(2) There shall be clearly marked on the container either on or as close as practicable to the safety approval plate all matters which the examination scheme or programme referred to in paragraph (1) requires to be marked.

- (3) The examination requirements in paragraph (1) do not apply in the case of an owner if—
- (a) examinations comply with the procedure adopted by the State (other than the United Kingdom) for the examination of any container where the owner is permanently resident or incorporated;
  - (b) the procedure has been approved or prescribed by the Government of that State, or by any organisation authorised by such a Government to act on its behalf, for the purpose of the Convention; and
  - (c) the Government has ratified, accepted, approved or acceded to the Convention.

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(a) S.I. 2017/325

**Marking in accordance with British Standard**

**9.**—(1) Where the stacking or racking values are less than 192,000kg or 150kN, respectively, the container shall be conspicuously marked as required under British Standard Freight Containers – Coding, identification and marking(a), as revised or reissued from time to time, at or before the next scheduled examination.

(2) In this regulation “scheduled examination” means the next examination conducted in accordance with regulation 8.

**Revocation**

**10.** The 1992 Regulations are revoked.

Sealed with the Official Seal of the Department for the Economy on xxth xxx 2018



*Colin Jack*  
A senior officer of the Department for the Economy

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(a) BS EN ISO 6346:1995 + A3:2012 (ISBN 978 0 580 80120 4) is published by BSI Standards Limited 2013, under the authority of the Standards Board and came into effect on 15th April 1996.

## SCHEDULE 1

Regulations 2 and 6

## SAFETY APPROVAL PLATE SPECIFICATIONS

**Location**

1. The safety approval plate required by regulation 6 shall be permanently fixed to the container in such a position that it is—

- (a) readily visible;
- (b) adjacent to any other officially approved plate carried on the container; and
- (c) not likely to be easily damaged.

**Construction and content**

2. The safety approval plate shall—

- (a) be in the form prescribed by Figure 1;
- (b) consist of a permanent, non-corroding, fireproof, rectangular plate measuring at least 200mm by 100mm;
- (c) be marked in a permanent, clear and legible manner with—
  - (i) the legend “CSC Safety Approval” in letters of at least 8mm in height; and
  - (ii) the other legends and information prescribed by sub-paragraph (d) and by Figure 1 in letters of at least 5mm in height,

but nothing in this sub-paragraph prevents any markings for the purposes of an examination scheme or programme being by means of a decal;

- (d) contain the following information in at least the English or French language—
  - (i) line 1—the country of approval and approval reference;
  - (ii) line 2—the month and year of manufacture;
  - (iii) line 3—the manufacturer’s identification number in respect of the container, or in the case of containers for which that number is unknown the number allotted by the Government or organisation that has granted approval;
  - (iv) line 4—the maximum operating gross mass in kilograms and pounds;
  - (v) line 5—the allowable stacking load for 1.8g in kilograms and pounds (that is to say, the designed maximum superimposed static stacking load);
  - (vi) line 6—the transverse racking test force in newtons;
  - (vii) line 7—if the end-walls are designed to withstand a force of less or greater than 0.4 times the gravitational force by maximum permissible payload, i.e. 0.4Pg, the end-wall strength;
  - (viii) line 8 –if the side-walls are designed to withstand a force of less or greater than 0.6 times the gravitational force by maximum permissible payload, i.e. 0.6Pg, the side-wall strength;
  - (ix) line 9—if the approved examination scheme or programme so requires—
    - (aa) a legend indicating that the container is subject to a continuous examination programme; or
    - (bb) the date (expressed in month and year only) before which the container shall next be thoroughly examined;

Lines 7 and 8 may be used for the purposes (aa) and (bb) if they are not required to contain other information; and

(x) in the case of a container approved for one door off operation, the stacking and racking strengths, which shall be marked as follows—

(aa) ALLOWABLE STACKING LOAD ONE DOOR OFF FOR 1.8g (...KG...LBS);

This marking shall be displayed immediately near the stacking test value (see line 5); and

(bb) TRANSVERSE RACKING TEST FORCE ONE DOOR OFF (...newtons);

This marking shall be displayed immediately near the racking test value (see line 6).

Figure 1

| CSC SAFETY APPROVAL |  |
|---------------------|--|
| 1                   | .....  |
| 2                   | DATE MANUFACTURED.....                         |
| 3                   | IDENTIFICATION No.....                         |
| 4                   | MAXIMUM OPERATING GROSS MASS.....kg.....lb     |
| 5                   | ALLOWABLE STACKING LOAD FOR 1.8G.....kg.....lb |
| 6                   | TRANSVERSE RACKING TEST FORCE.....newtons      |
| 7                   | .....  |
| 8                   | .....  |
| 9                   | .....  |

**Interpretation**

3. In this Schedule—

“g” means the standard acceleration of gravity; g equals 9.8 m/s<sup>2</sup>;

“load” when used to describe a physical quantity to which units may be ascribed, signifies “mass”;

“Maximum permissible payload” means the difference between maximum operating gross mass or Rating and the mass of the empty container including permanently affixed ancillary equipment;

“P” means maximum permissible payload; and

“R” means “Rating” which has the same meaning as maximum operating gross mass.

## SCHEDULE 2

Regulation 3

PREMISES AND ACTIVITIES WITHIN THE TERRITORIAL SEA OR  
A DESIGNATED AREA**Interpretation**

1.—(1) In this Schedule—

“activity” includes a diving project and standing a vessel by;

“diving project” has the meaning assigned to it by regulation 2(1) of the Diving at Work Regulations (Northern Ireland) 2005(a) save that it includes an activity in which a person takes part as a diver wearing an atmospheric pressure suit and without breathing in air or other gas at a pressure greater than atmospheric pressure;

“offshore installation” shall be construed in accordance with paragraph 2(2) and (3);

“supplementary unit” means a fixed or floating structure, other than a vessel, for providing energy, information or substances to an offshore installation;

“vessel” includes a hovercraft and any floating structure which is capable of being navigated.

(2) For the purposes of this Schedule, any structures and devices on top of a well shall be treated as forming part of the well.

(3) Any reference in this Schedule to premises and activities includes a reference to any person, article or substance on those premises or engaged in, or, as the case may be, used or for use in connection with any such activity, but does not include a reference to an aircraft which is airborne.

**Offshore installations**

2.—(1) This paragraph shall apply within the territorial sea or a designated area to and in relation to—

- (a) any offshore installation and any activity on it;
- (b) any activity in connection with, or any activity immediately preparatory to an activity in connection with, an offshore installation, whether carried on from the installation itself, in or from a vessel or in any manner, other than an activity falling within sub-paragraph (4);
- (c) a diving project involving—
  - (i) the survey and preparation of the sea bed for an offshore installation;
  - (ii) the survey and restoration of the sea bed consequent on the removal of an offshore installation.

(2) Subject to sub-paragraph (3), in this Schedule, “offshore installation” means a structure which is, or is to be, or has been, used while standing or stationed in water, or on the foreshore or other land intermittently covered with water—

- (a) for the exploitation, or exploration with a view to exploitation, of mineral resources by means of a well;
- (b) for undertaking activities falling within paragraph 6(2);
- (c) for the conveyance of things by means of a pipe;
- (d) for undertaking activities that involve mechanically entering the pressure containment boundary of a well: or

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(a) S.R. 2005 No. 45, as amended by S.R. 2007 No. 247

- (e) primarily for the provision of accommodation for persons who work on or from a structure falling within any of the provisions of heads (a) to (d),

together with any supplementary unit which is ordinarily connected to it, and all the connections.

- (3) Any reference in sub-paragraph (2) to a structure or supplementary unit does not include—
  - (a) a structure which is connected with dry land by a permanent structure providing access at all times and for all purposes;
  - (b) a well;
  - (c) a mobile structure which has been taken out of use and is not yet being moved with a view to its being used for any of the purposes specified in sub-paragraph (2);
  - (d) any part of a pipeline; and
  - (e) a structure falling within paragraph 8(c).
- (4) Subject to sub-paragraph (5), the following activities fall within this paragraph—
  - (a) transporting, towing or navigating an installation;
  - (b) any of the following activities carried on in or from a vessel—
    - (i) giving assistance in the event of an emergency;
    - (ii) training in relation to the giving of assistance in the event of an emergency;
    - (iii) testing equipment for use in giving assistance in the event of an emergency.
    - (iv) putting or maintaining a vessel on stand-by ready for an activity referred to in any of sub-heads (i) to (iii).
- (5) Sub-paragraph (4)(b) does not apply in respect of a vessel in or from which an activity is carried on in connection with, or any activity that is immediately preparatory to an activity in connection with, an offshore installation other than an activity falling within sub-paragraph 4(b).

### **Wells**

- 3.—**(1) Subject to sub-paragraph (2), this paragraph applies within the territorial sea or a designated area to and in relation to—
  - (a) a well and any activity in connection with it; and
  - (b) an activity which is immediately preparatory to any activity in head (a).
- (2) Sub-paragraph (1) includes keeping a vessel on station for the purpose of working on a well but otherwise does not include navigation or an activity connected with navigation.

### **Pipelines**

- 4.—**(1) This paragraph applies within the territorial sea or a designated area to and in relation to—
  - (a) any pipeline;
  - (b) any pipeline works;
  - (c) the following activities in connection with pipeline works—
    - (i) the loading, unloading, fuelling or provisioning of a vessel;
    - (ii) the loading, unloading, fuelling, repair and maintenance of an aircraft on a vessel, being in either case a vessel which is engaged in pipeline works; or
    - (iii) the moving, supporting, laying or retrieving of anchors attached to a pipe-laying vessel including the supervision of those activities and giving of instruction in connection with them.
- (2) In this paragraph—
 

“pipeline” means a pipe or system of pipes for the conveyance of any thing, together with—

- (a) any apparatus for inducing or facilitating the flow of any thing through, or through part of, the pipe or system;
- (b) any apparatus for treating or cooling any thing which is to flow through, or through part of, the pipe or system;
- (c) valves, valve chambers and similar works which are annexed to, or incorporated in the course of, the pipe or system;
- (d) apparatus for supplying energy for the operation of any such apparatus or works as are mentioned in heads (a) to (c);
- (e) apparatus for the transmission of information for the operation of the pipe or system;
- (f) apparatus for the cathodic protection of the pipe or system; and
- (g) a structure used or to be used solely for the support of a part of the pipe or system;

but not including a pipeline of which no initial or terminal point is situated in the United Kingdom, within the territorial sea adjacent to the United Kingdom, or within a designated area;

“pipeline works” means—

- (a) assembling or placing a pipeline or length of pipeline including the provision of internal or external protection for it;
- (b) inspecting, testing, maintaining, adjusting, repairing, altering or renewing a pipeline or length of pipeline;
- (c) changing the position of or dismantling or removing a pipeline or length of pipeline;
- (d) opening the bed of the sea for the purposes of the works mentioned in heads (a) to (c), and tunnelling or boring for those purposes;
- (e) any activities incidental to the activities described in heads (a) to (d);
- (f) a diving project in connection with any of the works mentioned in heads (a) to (e) or for the purpose of determining whether a place is suitable as part of the site of a proposed pipeline and the carrying out of surveying operations for settling the route of a proposed pipeline.

### Mines

**5.**—(1) This paragraph applies to and in relation to a mine within the territorial sea, and any activity in connection with it, while it is being worked.

(2) In this paragraph “mine” has the same meaning as in the Mines Act (Northern Ireland) 1969(a).

### Gas Importation and Storage

**6.**—(1) Subject to sub-paragraph (3), this paragraph applies within the territorial sea to and in relation to any activities connected with or immediately preparatory to the activities set out in sub-paragraph (2).

(2) The activities are—

- (a) the unloading of gas to an installation or pipeline;
- (b) the storage of gas, whether temporary or permanent, in or under the shore or bed of any water;
- (c) the conversion of any natural feature for the purpose of storing gas, whether temporarily or permanently;
- (d) the recovery of gas stored;

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(a) 1969 c. 6 (N.I.)

(e) exploration with a view to, or in connection with, the carrying on of activities within heads (a) to (d).

(3) Sub-paragraph (1) does not apply to an activity falling within sub-paragraph (2) if the provisions of this Schedule apply to or in relation to that activity by virtue of paragraph 2(1).

(4) In this paragraph—

“gas” means any substance which is gaseous at a temperature of 15°C and a pressure of 101.325 kPa (1013.25 mb); and

“installation” includes any floating structure or device maintained on a station by whatever means.

(5) For the purposes of sub-paragraphs (2) and (4), references to gas include any substance which consists wholly or mainly of gas.

### **Production of Energy from Water or Wind**

**7.**—(1) This paragraph applies within the territorial sea to and in relation to any energy structure or activities connected with or preparatory to—

- (a) the exploitation of those areas for the production of energy from water or wind,
- (b) the exploration of such areas with a view to, or in connection with, the production of energy from water or wind, or
- (c) the operation of a cable for transmitting electricity from an energy structure.

(2) In this paragraph “energy structure” means a fixed or floating structure or machine, other than a vessel, which is, or is to be, or has been, used for producing energy from water or wind.

### **Underground Coal Gasification**

**8.** This paragraph applies within the territorial sea or a designated area to and in relation to—

- (a) underground coal gasification and any activity in connection with it;
- (b) any activity which is immediately preparatory to any activity in sub-paragraph (a); and
- (c) any fixed or floating structure which is, or is to be, or has been, used in connection with the carrying on of activities within sub-paragraphs (a) and (b).

### **Other activities**

**9.**—(1) Subject to sub-paragraph (2), this paragraph applies within the territorial sea to and in relation to—

- (a) the construction, reconstruction, alteration, repair, maintenance, cleaning, use, operation, demolition and dismantling of any building, or other structure, not being in any case a vessel, or any preparation for any such activity;
- (b) the transfer of people or goods between a vessel or aircraft and a structure (including a building) mentioned in head (a);
- (c) the loading, unloading, fuelling or provisioning of a vessel;
- (d) a diving project;
- (e) the laying, installation, inspection, maintenance, operation, recovery or repair of a cable;
- (f) the construction, reconstruction, finishing, refitting, repair, maintenance, cleaning or breaking up of a vessel except when carried out by the master or any officer or member of the crew of that vessel;
- (g) the maintaining on a station of a vessel which would be an offshore installation were it not a structure to which paragraph 2(3)(c) applies;
- (h) the transfer of people or goods between a vessel or aircraft and a structure mentioned in head (g).

- (2) This paragraph does not apply—
- (a) to a case where paragraph 2, 3, 4, 5, 6, 7 or 8 applies; or
  - (b) to vessels which are registered outside the United Kingdom and are on passage through the territorial sea.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

**1.** These Regulations revoke and replace the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 2) (“the 1992 Regulations”). These Regulations and new Guidance implement the UK obligations under the International Convention for Safe Containers, 1972, as amended by resolutions MSC.310(88) and resolution MSC.355(92) (“the Convention”).

**2.** The Regulations update and modernise the freight containers safety approvals regime established by the 1992 Regulations. The Regulations set out the new container marking requirements and align physical dimensions and units to the international system of units, the globally recognised SI system. The 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.

**3.** 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, in accordance with the Convention.

**4.** 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 (“the Executive”) or a person or organisation which it has appointed for that purpose, or under or in accordance with regulation 5 of the Freight Containers (Safety Convention) Regulations 2017, or by or under the authority of a foreign Government which has acceded to the Convention. Guidance on the arrangements for the approval of containers in Northern Ireland are set out in a document entitled “Approval of Freight Containers – Arrangements in Great Britain (The Green Guide)” obtainable from the Health and Safety Executive for Northern Ireland, 83 Ladas Drive, Belfast, BT6 9FR and is published with the Explanatory Memorandum alongside the Rule on [www.legislation.gov.uk](http://www.legislation.gov.uk).

**5.** Regulation 4 prohibits the use of containers unless the conditions set out in that regulation are met. All containers must display a valid 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.

**6.** Under regulation 4, 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 Executive or by the Health and Safety Executive in Great Britain under regulation 8 of the Freight Containers (Safety Convention) Regulations 2017. Guidance entitled “Freight Container Examination Schemes or Programmes – Conditions for Approval (The Yellow Guide)” is obtainable from the Executive.

**7.** 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).

**8.** 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 until any structural modifications are made to that container.

**9.** Regulation 9 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. This standard is published by British Standards Limited 2013, ISBN 978 0 580 80120 4 and is available from [www.bsigroup.com/shop](http://www.bsigroup.com/shop) or telephone +44 (0)20 8996 9001 or fax: +44 (0)20 8996 7001. Copies can also be obtained from The British Standards institute at Davy Avenue, Milton Keynes, Buckinghamshire, MK5 8PP.

**10.** Regulation 10 revokes the 1992 Regulations.

**11.** Schedule 1 provides that the safety approval plate must be in the form prescribed in Figure 1 which will be reproduced in the published printed copy of these Regulations. Figure 1 may not be

reproduced in online or electronic formats. The paragraphs in Schedule 1 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.

**12.** Paragraph 3 in Schedule 1 defines technical provisions relevant to that Schedule.

**13.** The Regulations and the two sets of guidance were notified in draft (Notification No. 2016/0616/UK, Notification No. 2016/0617/UK and Notification No. 2016/0618/UK) on 28th November 2016 to the European Commission in accordance with 2015/1535/EC of the European Parliament and of the Council (2015 O.J. L241/1).

**14.** In Great Britain the corresponding Regulations are the Freight Containers (Safety Convention) Regulations 2017 (S.I. 2017/325). The Great Britain Health and Safety Executive has prepared a full impact assessment in relation to those Regulations. A copy of that assessment together with the Northern Ireland supplement prepared by the Health and Safety Executive for Northern Ireland is held at the offices of that Executive at 83 Ladas Drive, Belfast, BT6 9FR, from where a copy may be obtained on request. A copy is also published with the Explanatory Memorandum which is available alongside these Regulations at [www.legislation.gov.uk](http://www.legislation.gov.uk).

**15.** A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) 1978 and is liable—

- (a) on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding £20,000, or both; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, or a fine, or both.

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CSC.1/Circ.138/Rev.1  
5 August 2013

**REVISED RECOMMENDATIONS ON HARMONIZED INTERPRETATION  
AND IMPLEMENTATION OF THE INTERNATIONAL CONVENTION  
FOR SAFE CONTAINERS, 1972, AS AMENDED**

1. The Maritime Safety Committee, at its sixty-second session (24 to 28 May 1993), approved Recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, (CSC/Circ.100).
2. The Committee, at its seventy-fifth session (15 to 24 May 2002), agreed that information on the implementation of the requirements for material characteristics of the CSC Safety Plates should be circulated to all Contracting Parties to the CSC Convention (CSC/Circ.123).
3. The Committee, at its seventy-fifth session (15 to 24 May 2002), approved CSC/Circ.124 on Amendments to the harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, (CSC/Circ.100).
4. The Committee, at its eightieth session (11 to 20 May 2005), recognizing the need for guidance to the officer exercising control under the provisions of article VI of the International Convention for Safe Containers, 1972, as amended, approved the *Guidance on serious structural deficiencies in containers* (CSC/Circ.134).
5. The Committee, at its eighty-sixth session (27 May to 5 June 2009), approved CSC.1/Circ.137 on *Amendments to the Guidance on serious structural deficiencies in containers* (CSC/Circ.134).
6. The Sub-Committee on Dangerous Goods, Solid Cargoes and Containers, at its fourteenth session (21 to 25 September 2009), reviewed the aforementioned circulars, in order to remove ambiguities on the maintenance and examination, and control requirements for containers, and prepared a consolidated document.
7. The Committee, at its eighty-seventh session (12 to 21 May 2010), after having considered the above proposal by the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers, at its fourteenth session, approved the Revised

Recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended (CSC.1/Circ.138), which superseded CSC/Circ.100, CSC/Circ.123, CSC/Circ.124, CSC/Circ.134 and CSC.1/Circ.137.

8. The Maritime Safety Committee, at its ninety-second session (12 to 21 June 2013), having considered the proposal by the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers, at its seventeenth session, agreed to the amendments to the Revised Recommendations (CSC.1/Circ.138) and approved the Revised Recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended, as set out in the annex.

9. Contracting Parties to the International Convention for Safe Containers, 1972, are invited to bring these Revised Recommendations to the attention of all parties concerned.

## ANNEX

**REVISED RECOMMENDATIONS ON HARMONIZED INTERPRETATION  
AND IMPLEMENTATION OF THE INTERNATIONAL CONVENTION  
FOR SAFE CONTAINERS, 1972, AS AMENDED****1 GENERAL**

The various points concerning harmonized interpretation and implementation of the International Convention for Safe Containers (CSC), 1972, as amended on which consensus has been reached are given below.

**2 DEFINITIONS** (article II, paragraphs 8 to 10)

2.1 *New container and existing container.* Where necessary, individual Administrations should determine the date on which the construction of a container shall be deemed to have commenced for purposes of determining whether a container should be considered as "new" or as "existing".

2.2 *Owner,* for the purpose of these Revised Recommendations also includes the owner's local representative.

2.3 For the purposes of these Revised Recommendations, the following definitions are used:

.1 *depot* means a repair or storage facility or location; and

.2 *structurally sensitive components* means those container components that are significant in allowing the container to be safely used in transportation; they are listed under paragraph 10.4 below and shown in figures 1 to 5.

**3 APPLICATION** (article III, paragraph 1)**3.1 Swap bodies/demountables**

3.1.1 It is agreed that the CSC does not have to be applied to containers known as swap bodies/demountables and designed and used for carriage by road only or by rail and road only and which are without stacking capability and top lift facilities.

3.1.2 It is also agreed that CSC does not have to be applied to such swap bodies/demountables transported by sea on condition that they are mounted on a road vehicle or rail wagon. However, CSC does apply to swap bodies/demountables used in transoceanic services.

### 3.2 Offshore containers

It is agreed that the CSC does not necessarily apply to offshore containers that are handled in open seas. Offshore containers are subject to different design, handling and testing parameters as determined by the Administration. Nonetheless offshore containers may be approved under the provisions of the CSC provided the containers meet all applicable provisions and requirements of the Convention<sup>1</sup>.

### 3.3 Ship's gear carriers and bins

3.3.1 It is agreed that the CSC does not necessarily apply to ship's gear carriers and bins, as skeletal platform based containers with fixed end posts and associated storage bins used for the storage of twist-locks, lashing bars, etc., are not used for international transport as defined by this Convention and so are not containers as defined. However, these specialist containers are carried aboard container and other ships and are handled in the same way as all other containers, and therefore present the same risks during loading and discharging from the ship.

3.3.2 Consequently, it is recommended that these units should be included in a maintenance and examination scheme and subject to periodic inspections.

## 4 ENTRY INTO FORCE

All containers should be inspected and affixed with Safety Approval Plates by the Administration of the Contracting Party not later than five years from the date of entry into force of the Convention for that Party.

## 5 TESTING, INSPECTION AND APPROVAL (article IV, paragraphs 1 and 2): SELECTION OF ORGANIZATIONS ENTRUSTED TO CARRY OUT THESE FUNCTIONS

Administrations will require a basic description of the organizations to be entrusted with testing, inspection and approval functions, together with evidence of their technical capability to carry this out, and will have to satisfy themselves as to the financial well-being of such organizations. The Administrations will, furthermore, have to satisfy themselves that the organizations are free from undue influence by any container owner, operator, manufacturer, lessor, repairer and other concerned party who may have a vested interest in obtaining container approval.

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<sup>1</sup> Refer to *Guidelines for the approval of offshore containers handled in open seas* (MSC/Circ.860)

## **6 APPROVAL OF CONTAINERS FOR FOREIGN OWNERS OR MANUFACTURERS (article IV, paragraph 3) AND RECIPROCITY**

6.1 Where possible, Contracting Parties should make every effort to provide facilities or means to grant approvals to foreign container owners or manufacturers seeking their approval of containers in accordance with the provisions of the Convention.

6.2 Approval of containers would be facilitated if classification societies or other organizations approved by one Contracting Party could be authorized to act for other contracting Parties under arrangements acceptable to the parties involved.

## **7 MAINTENANCE AND STRUCTURAL MODIFICATIONS (article IV)**

7.1 Development of detailed guidelines on standards of maintenance will create an unnecessary burden for Administrations attempting to implement the Convention as well as for owners. However, in order to ensure uniformity in the inspection of containers and their ongoing operational safety, the Contracting Party concerned should ensure the following elements are covered in each prescribed periodic or approved continuous examination programme:

- .1 methods, scope and criteria to be used during examinations;
- .2 frequency of examinations;
- .3 qualifications of personnel to carry out examinations;
- .4 system of keeping records and documents (see section 12 below);
- .5 a system for recording and updating the identification numbers for all containers covered by the appropriate examination scheme;
- .6 methods and systems for maintenance criteria that addresses the design characteristics of the specific containers;
- .7 provisions for maintaining leased containers if different than those used for owned containers; and
- .8 conditions and procedures for adding containers into an already approved programme.

7.2 All prescribed periodic or approved continuous examination programmes should be subject to a period of validity of the approval and shall be reviewed by the Administration not later than 10 years after approval or reapproval to ensure their continued viability.

7.3 Administrations should periodically evaluate, by audits or other equivalent means, that the provisions of the approved programme are being fully followed. Such evaluations should occur as determined by the Administration, but at least once every five years.

7.4 The interpretation of the provision "the owner of the container shall be responsible for maintaining it in safe condition" (annex I, regulation 2, paragraph 1 of the Convention) should be such that the owner of a container (as defined in article II, paragraph 10 of the Convention) should be held accountable to the Government of any territory on which the container is operated for the safe condition of that container.

7.5 The owner should be bound by the existing safety laws of such a territory and such law or regulation as may implement the control requirements of article VI of the Convention. Nevertheless the methods by which owners achieve, under the provisions of article IV, the safe condition of their containers, that is the appropriate combination of planned maintenance, procedures for refurbishment, refit and repair and the selection of organizations to perform this work, should be their own responsibility. If there is clear evidence for believing that an owner is repeatedly failing to achieve a satisfactory level of safety, the government of the territory in which the owner has his Head Office of domicile should be requested to ensure that appropriate corrective action is taken.

7.6 The responsibility of the owner to maintain his container in a safe condition includes the responsibility to ensure that any modifications carried out on an approved container do not adversely affect or render inaccurate the information recorded on the Safety Approval Plate. Under the provisions of annex I, chapter V, regulation 11, the owner of a container which has been modified in a manner resulting in structural changes shall notify the Administration or an approved organization duly authorized by it of those changes. The Administration or authorized organization may determine whether the results of the original tests conducted in accordance with annex II for the initial container approval remain valid for the modified container.

7.7 If an owner removes a container from service and it is no longer required to comply with the Convention or does not maintain that container in accordance with the provisions of the Convention, or makes structural modifications without following the procedures in paragraph 7.6 above, the owner must remove the Safety Approval Plate. CSC.1/Circ.138/Rev.1 Annex, page 4

## **8 WITHDRAWAL OF APPROVAL (article IV, paragraph 5)**

8.1 With regard to withdrawal of approval, the *Administration concerned* should be considered as the Administration that issued the approval. While any Contracting Party may exercise control over container movement pursuant to

article VI, only the Administration that approved the container has the right to withdraw its approval. When approval has been withdrawn, the Administration concerned should require the removal of the Safety Approval Plate.

## **9 ACCEPTANCE OF APPROVALS (article V)**

### **9.1 Records of approved Continuous Examination Programmes**

Administrations should maintain a list of approved Continuous Examination Programmes (ACEP) and make the list publicly available.

## **10 CONTROL (article VI)**

### **10.1 General**

10.1.1 This section concerns the control of containers under the Convention and does not address maintenance and examination issues.

10.1.2 For the purposes of effecting control (as envisaged in article VI of the Convention) Contracting Parties should only appoint authorized control officers of government bodies. Article VI requires that such control should be limited to verifying that the container carries a valid Safety Approval Plate, and an ACEP or a valid Next Examination Date (NED) marking, unless there is significant evidence for believing that the condition of the container is such as to create an obvious risk to safety.

### **10.2 Training of authorized control officers**

The Contracting Party exercising control should ensure that authorized control officers have received the necessary training. This training should involve both theoretical and practical instruction.

### **10.3 Unsafe containers**

10.3.1 Control officers who find a container that is in a condition that creates an obvious risk to safety should stop the container until it can be ensured that it is in a safe condition to continue in service.

10.3.2 All containers with serious structural deficiencies in structurally sensitive components (see section 10.4) should be considered to be in a condition that creates an obvious risk to safety.

10.3.3 Control officers should notify the container owner whenever a container is placed under control.

10.3.4 Control officers may permit the onward movement of a container that has been stopped to its ultimate destination providing that it is not lifted from its current means of transport.

10.3.5 Empty containers with serious structural deficiencies to structurally sensitive components are also deemed to place a person in danger. Empty containers are typically repositioned for repair at an owner-selected depot provided they can be safely moved; this can involve either a domestic or an international move. Any damaged

container being so repositioned should be handled and transported with due regard to its structural deficiency. Clear signage should be placed on all sides and the top of the damaged container to indicate it is being moved for repairs only.

10.3.6 Empty containers with severe damage that prevents safe lifting of the container, e.g. damaged, misplaced or missing corner fittings or a failure of the connection between side walls and bottom side rails, should only be moved when carried on a platform-based container, such as a flat rack.

10.3.7 Major damage may be the result of significant impact which could have been caused by improper handling of the container or other containers, or significant movement of the cargo within the container. Therefore, special attention should be given to signs of recent impact damage.

10.3.8 Damage to a container may appear serious without creating an obvious risk to safety. Some damage, such as holes, may infringe customs requirements but may not be structurally significant.

#### **10.4 Structurally sensitive components and definition of serious structural deficiencies for consideration by authorized control officers only**

10.4.1 The structurally sensitive components of a container that should be examined for serious deficiencies are the:

- .1 top rail;
- .2 bottom rail;
- .3 header;
- .4 sill;
- .5 corner posts;
- .6 corner and intermediate fittings;
- .7 understructure; and
- .8 locking rods.

10.4.2 The criteria shown below should be used by the authorized control officers to make immediate out-of-service determinations or impose transport restrictions. They should not be used as repair and in-service criteria under a CSC ACEP or a periodic examination scheme. Figure 5 is a flow chart that illustrates the actions to be taken by an authorized control officer.

| (i)                                     | (ii)   | (iii)  | (iv)  | (v)                | (vi)  | (vii)   |
|---|--|--|---|--------------------|---|---|
| <b>Structurally sensitive component</b> | <b>Serious deficiency requiring immediate out of service determination (see also section 10.5)</b>   | <b>Deficiency requiring advice to owner and restrictions for transport</b>   | <b>Restrictions to be applied in case of deficiencies according to column (iii)</b> |                    |   |   |
|   |  |  | <b>Empty container</b>  |                    | <b>Loaded container</b>   |   |
|   |  |  | <b>Sea transport</b>  | <b>Other modes</b> | <b>Sea transport</b>  | <b>Other modes</b>  |
| <b>Top rail</b>                         | Local deformation to the rail in excess of 60 mm or separation or cracks or tears in the rail material in excess of 45 mm in length (see Note 1)               | Local deformation to the rail in excess of 40 mm or separation or cracks or tears in the rail material in excess of 10 mm in length (see Note 1)   | No restriction  | No restriction     | Bottom lifting not allowed, Top lifting allowed only by use of spreaders without chains | Bottom lifting not allowed, Top lifting allowed only by use of spreaders without chains |
|   | Note 1<br>On some designs of tank containers the top rail is not a structurally significant component.   |  |   |                    |   |   |
| <b>Bottom rail</b>                      | Local deformation perpendicular to the rail in excess of 100 mm or separation cracks or tears in the rail's material in excess of 75 mm in length (see Note 2) | Local deformation perpendicular to the rail in excess of 60 mm or separation cracks or tears in the rail's material of the upper flange in excess of 25 mm in length; or of web in any length (see Note 2) | No restriction  | No restriction     | Lifting at (any) corner fitting not allowed   | Lifting at (any) corner fitting not allowed   |
|   | Note 2<br>The rails material does not include the rail's bottom flange.  |  |   |                    |   |   |
| <b>Header</b>                           | Local deformation to the header in   | Local deformation to the header in   | Container shall not be overstowed   | No restriction     | Container shall not be overstowed   | No restriction  |

| (i)                                     | (ii)  | (iii)  | (iv)   | (v)   | (vi)   | (vii)   |
|---|---|--|--|---|--|---|
| Structurally sensitive component        | Serious deficiency requiring immediate out of service determination (see also section 10.5)   | Deficiency requiring advice to owner and restrictions for transport                              | Restrictions to be applied in case of deficiencies according to column (iii)                           |   |  |   |
|   |   |  | Empty container  |   | Loaded container   |   |
|   |   |  | Sea transport  | Other modes   | Sea transport  | Other modes   |
|   | excess of 80 mm or cracks or tears in excess of 80 mm in length   | excess of 50 mm or cracks or tears in excess of 10 mm in length                                  |  |   |  |   |
| <b>Sill</b>                             | Local deformation to the sill in excess of 100 mm or cracks or tears in excess of 100 mm in length  | Local deformation to the sill in excess of 60 mm or cracks or tears in excess of 10 mm in length | Container shall not be overstowed  | No restrictions   | Container shall not be overstowed                        | No restrictions   |
| <b>Corner posts</b>                     | Local deformation to the post in excess of 50 mm or cracks or tears in excess of 50 mm in length  | Local deformation to the post in excess of 30 mm or cracks or tears of any length                | Container shall not be overstowed  | No restrictions   | Container shall not be overstowed                        | No restrictions   |
| <b>Corner and intermediate fittings</b> | Missing corner fittings, any through cracks or tears in the fitting, any deformation of the fitting that precludes full engagement of the | Weld separation of adjoining components of 50 mm or less   | Container shall not be lifted on board a ship if the damaged fittings prevent safe lifting or securing | Container shall be lifted and handled with special care | Container shall not be loaded on board a ship            | Container shall be lifted and handled with special care |
|   |   | Any reduction in the thickness of the plate containing the                                       | Container shall be lifted and handled with special care  | Container shall be lifted and handled with special care | Container shall not be lifted by the top corner fittings | Container shall be lifted and handled with special care |

| (i)                              | (ii)   | (iii)   | (iv)  | (v)  | (vi)  | (vii)   |
|----------------------------------|--|---|---|--|---|---|
| Structurally sensitive component | <b>Serious deficiency requiring immediate out of service determination (see also section 10.5)</b><br><br>securing or lifting fittings (see Note 3) or any weld separation of adjoining components in excess of 50 mm in length  | <b>Deficiency requiring advice to owner and restrictions for transport</b>                                  | <b>Restrictions to be applied in case of deficiencies according to column (iii)</b> |  |   |   |
|                                  |  |   | <b>Empty container</b>  |  | <b>Loaded container</b>                                 |   |
|                                  |  |   | <b>Sea transport</b>  | <b>Other modes</b>   | <b>Sea transport</b>                                    | <b>Other modes</b>  |
|                                  |  |   | Container shall not be overstowed when twistlocks have to be used                   | Container shall not be overstowed when fully automatic twistlocks are to be used | Container shall be lifted and handled with special care | Container shall not be used with fully automatic twistlocks |
|                                  |  | top aperture that makes it less than 25 mm thick  |   |  |   |   |
|                                  |  | Any reduction in the thickness of the plate containing the top aperture that makes it less than 26 mm thick |   |  |   |   |
|                                  | <b>Note 3</b><br>The full engagement of securing or lifting fittings is precluded if there is any deformation of the fitting beyond 5 mm from its original plane, any aperture width greater than 66 mm, any aperture length greater than 127 mm or any reduction in thickness of the plate containing the top aperture that makes it less than 23 mm thick. |   |   |  |   |   |
| Understructure                   | Two or more adjacent cross members missing or detached from the bottom rails. 20% or more of the total number of cross members missing or detached (see Note 4)  | One or two cross members missing or detached (see Note 4)   | No restrictions   | No restrictions  | No restrictions   | No restrictions   |
|                                  |  | More than two cross members missing or detached (see Notes 4 & 5)   | No restrictions   | No restrictions  | Maximum payload shall be restricted to 0.5 x P          | Maximum payload shall be restricted to 0.5 x P              |
|                                  | <b>Note 4</b>  |   |   |  |   |   |

| (i)  | (ii)   | (iii)  | (iv)  | (v)                | (vi)  | (vii)  |
|--|--|--|---|--------------------|---|--|
| <b>Structurally sensitive component</b>  | <b>Serious deficiency requiring immediate out of service determination (see also section 10.5)</b> | <b>Deficiency requiring advice to owner and restrictions for transport</b> | <b>Restrictions to be applied in case of deficiencies according to column (iii)</b> |                    |   |  |
|  |  |  | <b>Empty container</b>  |                    | <b>Loaded container</b>   |  |
|  |  |  | <b>Sea transport</b>  | <b>Other modes</b> | <b>Sea transport</b>  | <b>Other modes</b>   |
| If onward transport is permitted according to sections 10.5, it is essential that detached cross members are precluded from falling free. Note 5<br>Careful cargo discharge is required as forklift capability of the understructure might be limited. |  |  |   |                    |   |  |
| <b>Locking rods</b>  | One or more inner locking rods are non-functional (see Note 5)                                     | One or more outer locking rods are non-functional (see Note 6)             | Container shall not be overstowed   | No restriction     | Container shall not be overstowed<br><br>Cargo shall be secured against the container frame and the door shall not be used to absorb acceleration forces – otherwise maximum payload shall be restricted to 0.5 P | Cargo shall be secured against the container frame and the door shall not be used to absorb acceleration forces – otherwise maximum payload shall be restricted to 0.5 P |
| Note 6<br>Some containers are designed and approved (and so recorded on the CSC Plate) to operate with one door open or removed.   |  |  |   |                    |   |  |

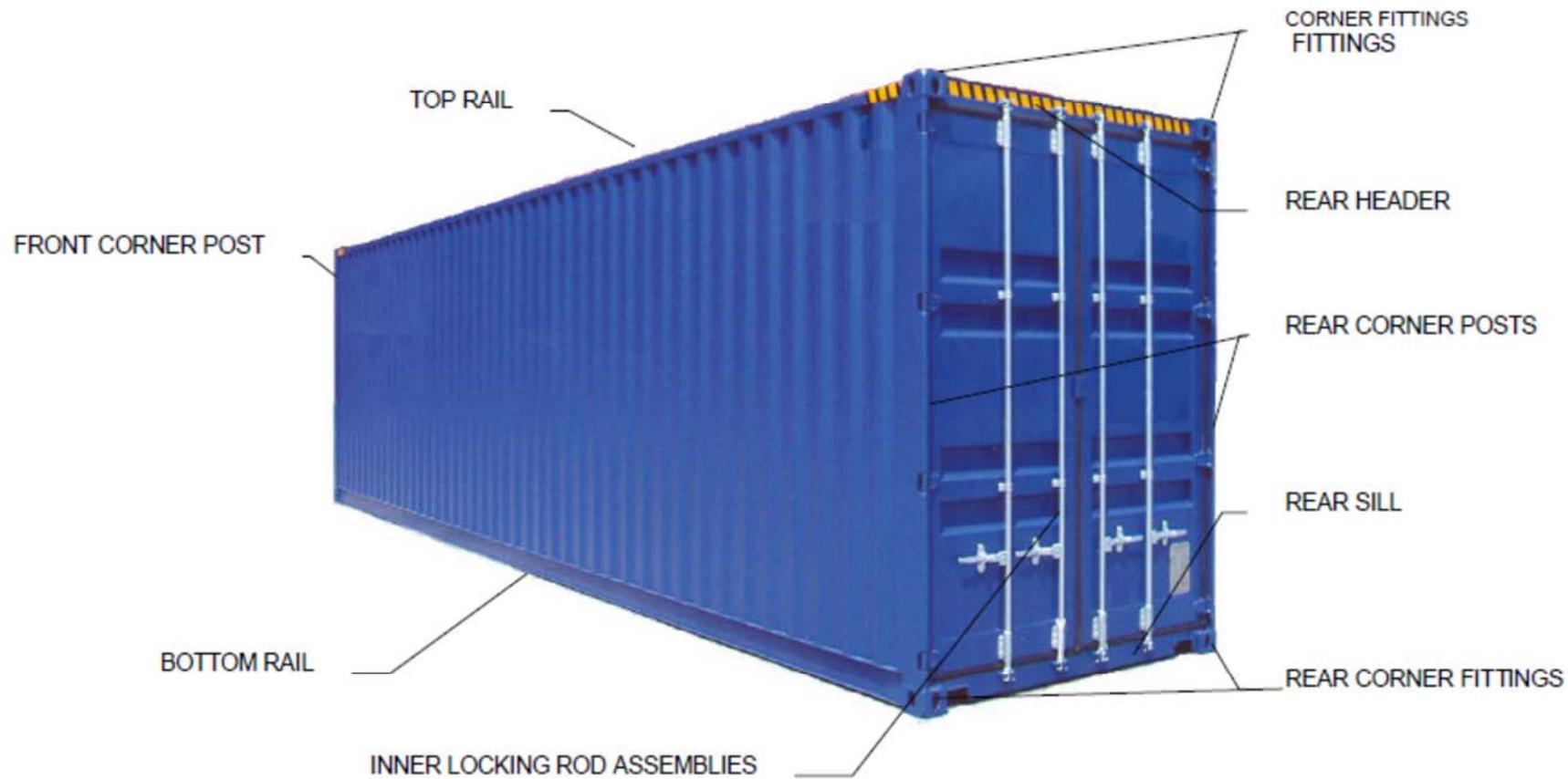


Figure 1

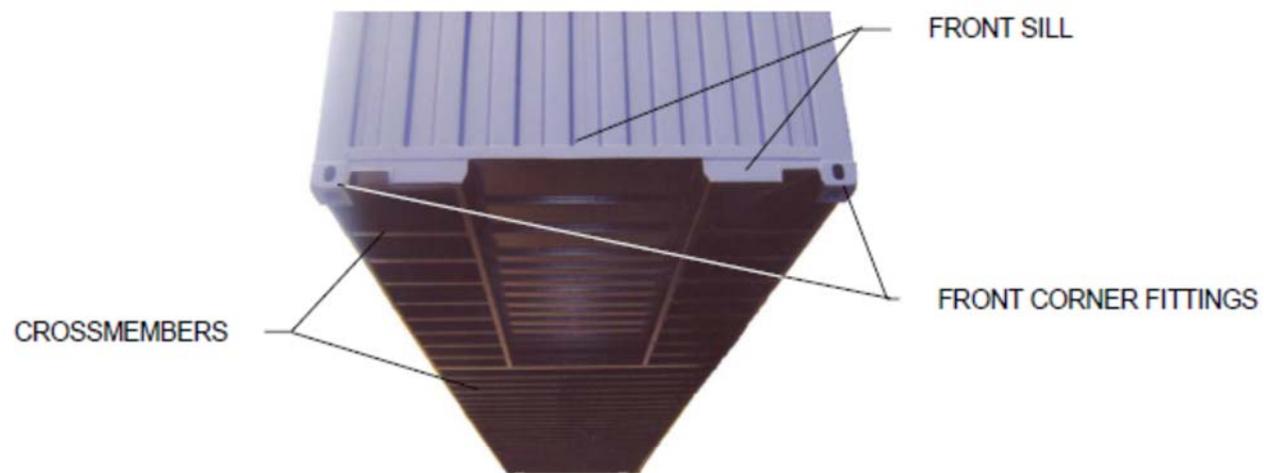


Figure 2

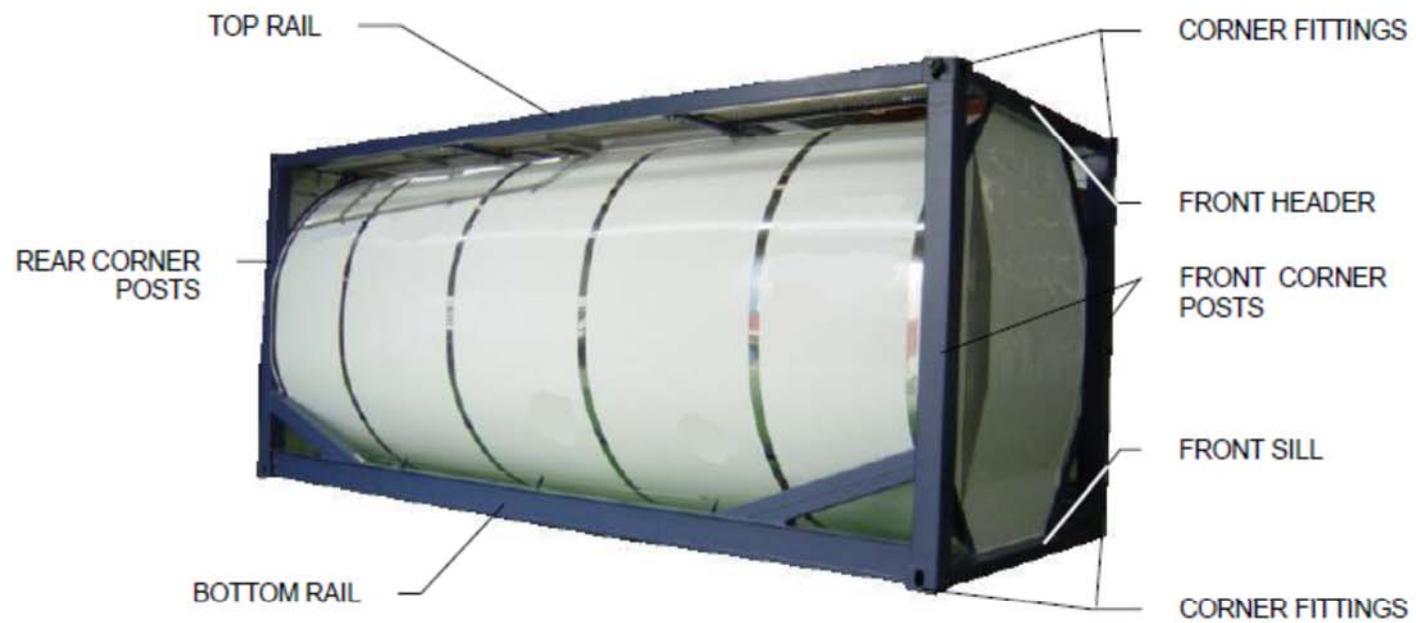
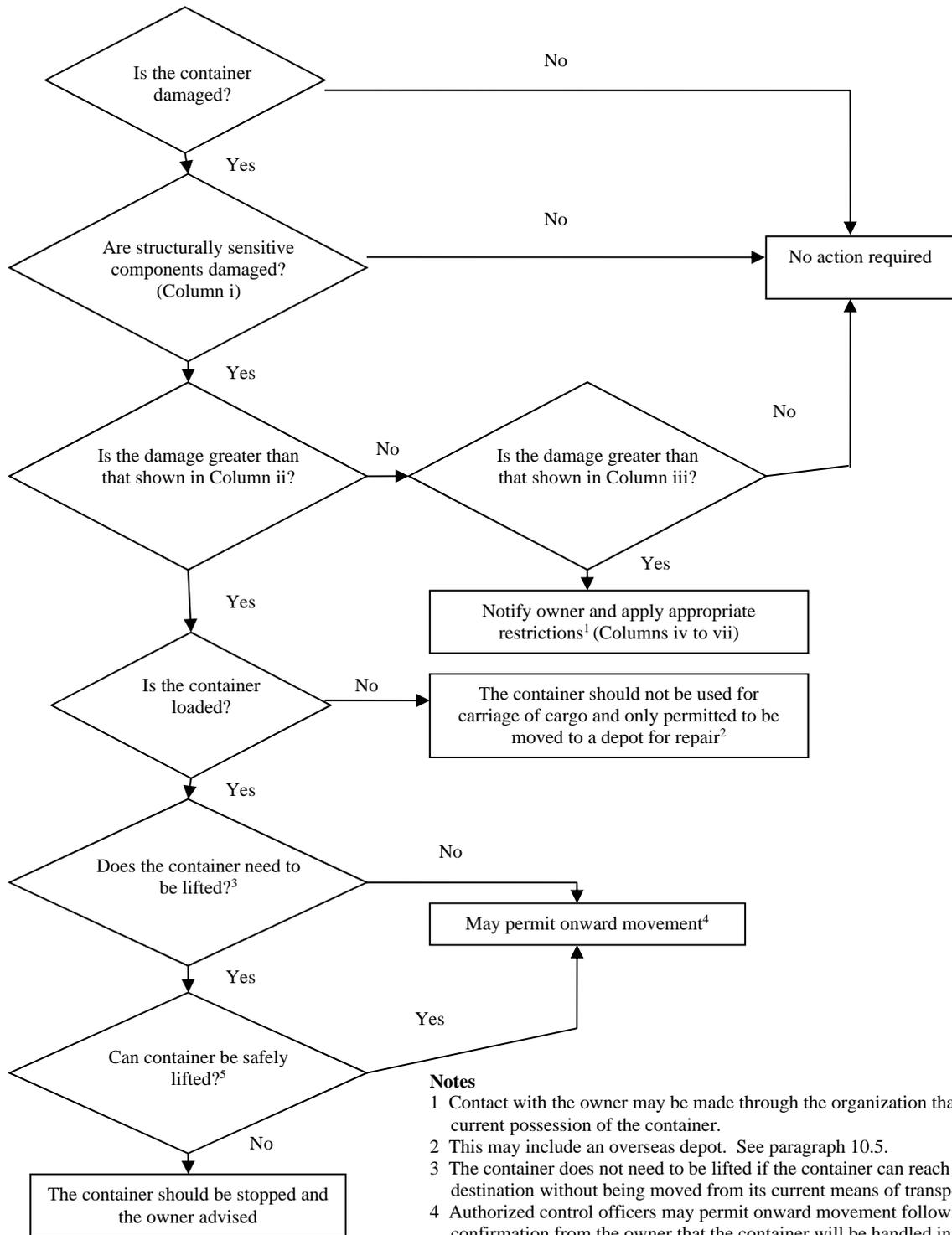


Figure 3



Figure 4



**Notes**

- 1 Contact with the owner may be made through the organization that has current possession of the container.
- 2 This may include an overseas depot. See paragraph 10.5.
- 3 The container does not need to be lifted if the container can reach its destination without being moved from its current means of transport.
- 4 Authorized control officers may permit onward movement following confirmation from the owner that the container will be handled in such a way that risk of injury is minimized and that the container will be repaired after unloading. Refer to paragraph 10.5.
- 5 The container that has damage to cross members, bottom rails or corner fittings should not be lifted.

**Figure 5**

10.4.3 The effect of two or more items of damage in the same structurally sensitive component, even though each is less than that specified in the above table, could be equal to, or greater than, the effect of a single item of damage listed in the table. In such circumstances, the control officer may stop the container and seek further guidance from the Contracting Party.

10.4.4 For tank containers, the attachment of the shell to the container frame should also be examined for any readily visible serious structural deficiency comparable to that specified in the table. If any such serious structural deficiency is found in any of these attachments, the control officer should stop the container.

10.4.5 The end frame locking mechanism of platform containers with folding end frames and the hinge pins about which the end frame rotates are structurally sensitive components and should also be inspected for significant damage. Containers with folding end walls that cannot be locked in the erect position should not be moved with the end walls erect.

10.4.6 The deficiencies listed in paragraph 10.4.1 are not exhaustive for all types of containers or all possible deficiencies or combination of deficiencies.

## **10.5 International movement of containers under control**

It is recognized that in any of the cases covered by this section the owner may wish to move a container to another territory where the appropriate corrective action can be more conveniently carried out. Control officers may permit such movements, but should take such measures as may be reasonably practicable to ensure that the movement is carried out safely and that the appropriate corrective action is indeed taken. In particular, the control officer permitting such a movement should consider whether it would be necessary to inform the control officer or officers in the other territory or countries through which the container is to be moved.

## **10.6 Notification concerning unsafe containers of a given approved series**

If a considerable number of containers in a given approved series is found to be unsafe as a result of defects which may have existed prior to approval (article VI, paragraph 2), Administrations should notify the Organization as well as the Contracting Party concerned.

## **10.7 Containers that are not defective but have no Safety Approval Plate or that have an incorrectly completed plate**

Containers that have no Safety Approval Plate or an incorrectly completed Safety Approval Plate should be stopped. However, where evidence can be produced either to the effect that such a container has been approved under the terms of the Convention or to the effect that such a container meets the standards of the Convention, the authority exercising control may permit the container to proceed to

its destination for unloading, with the proviso that it shall be plated as expeditiously as may be practicable and not reloaded before it has been correctly plated under the Convention.

#### **10.8 Containers that are "out of date"**

A container being maintained under a Periodic Examination Scheme (PES) that is found to have marked on or near to its Safety Approval Plate a next maintenance examination date that is in the past should be stopped. However, the competent authority exercising control may permit the container to proceed to its destination for unloading with the proviso that it should be examined and updated as expeditiously as may be practicable and not reloaded before this has been done.

#### **10.9 Containers that are missing their ACEP or NED marking**

When there is neither a NED nor an ACEP marking on or near the Safety Approval Plate, the container should be stopped until it can be proven that the container is being operated and maintained under a valid programme. If the container is being operated under an approved ACEP the container should be allowed to continue its journey and the operator should be notified. The missing marking should be applied after unloading the container at the final destination and prior to its next reloading or at its next interchange, whichever is earlier.

#### **10.10 Containers with defects when approved**

Where a container appears to have become unsafe as a result of a defect that may have existed when the design of the container was approved, the Contracting Party that detected the defect should inform the Administration responsible for that approval.

### **11 SAFETY APPROVAL PLATE (regulation 1)**

11.1 The following approaches to complying with certain aspects of the data requirements of the Convention, listed in this section, are deemed to be in conformity therewith.

11.2 A single approval number may be assigned to each owner for all existing containers in a single application for approval which could be entered on line 1 of the plate.

11.3 The example given in line 1 of the model Safety Approval Plate (see appendix to annex I of the Convention) should not be construed to require the inclusion of the date of approval in the approval reference.

11.4 The appendix to annex I of the Convention allows the use of the owner's ISO alphanumeric identification codes or manufacturer's serial numbers on existing containers. Only the manufacturer's serial number should be used as the identification number (line 3) on the Safety Approval Plate for containers approved on or after 14 May 2010. Where the Safety Approval Plate forms part of a larger grouped or consolidated plate (see paragraph 10.9) the manufacturer's serial number may be marked elsewhere on that plate. The owner's ISO alphanumeric identification code may also be shown elsewhere on a consolidated plate.

11.5 Where marking of the end-wall or side-wall strength on the plate is not required (e.g. a container with the end-wall or side-wall strength equal to 0.4P or 0.6P, respectively) a blank space need not be retained on the Safety Approval Plate for such marking but can be used instead to meet other data requirements of the Convention, e.g. subsequent date marks.

11.6 Where end-wall or side-wall strength is required to be marked on the Safety Approval Plate, this should be done as follows:

- in the English language:

**END-WALL STRENGTH**  
**SIDE-WALL STRENGTH**

- in the French language:

**RÉSISTANCE DE LA PAROI D'EXTRÉMITÉ**  
**RÉSISTANCE DE LA PAROI LATÉRALE**

11.7 In cases where a higher or lower wall strength is to be marked on the Safety Approval Plate, this can be done briefly by referring to the formula related to the payload P.

Example: **SIDE-WALL STRENGTH 0.5P**

11.8 With respect to the material characteristics of the Safety Approval Plate (see appendix to Annex I of the Convention), each Administration, for purposes of approving containers, may define *permanent*, *non-corrosive* and *fireproof* in its own way or simply require that Safety Approval Plates be of a material which it considers meets this definition (e.g. a suitable metal).

11.9 Regulation 1 of annex I requires that the Safety Approval Plate be affixed adjacent to any approval plate issued for official purposes. To comply with this requirement, when practicable, the CSC Safety Approval Plate may be grouped with the data plates required by other international conventions and national requirements on one base plate. The base plate should be conveniently located on the container.

## 12 MAINTENANCE AND EXAMINATION PROCEDURES (regulation 2)

12.1 The Convention allows owners the option of having containers examined at intervals specified in the Convention in accordance with an examination scheme prescribed or approved by the Administration concerned, as set out in regulation 2, paragraph 2, and hereinafter referred to as "PERIODIC EXAMINATION SCHEME", or under a continuous examination programme approved by the Administration concerned, as set out in regulation 2, paragraph 3, and hereinafter referred to as "CONTINUOUS EXAMINATION PROGRAMME".<sup>2</sup>

12.2 Both procedures are intended to ensure that the containers are maintained to the required level of safety and both should be considered equal, provided the Administration is satisfied with the examination scheme used by the owner.

12.3 The owner should be allowed the option of having part of his fleet covered by one examination procedure and the remaining part of his fleet covered by the other procedure, and provision should be made to allow an owner to change the procedure applicable to their containers.

### 12.4 Elements to be included in the examination

#### 12.4.1 *For containers covered by periodic examination schemes or continuous examination programmes*

12.4.1.1 While Administrations may specify factors to be taken into account in a container examination scheme, it should not be necessary at this time to agree on a specific list of factors or minimum listing of parts of a container which should be included in an examination. However, each examination should include a detailed visual inspection for defects or other safety-related deficiencies or damage which will render the container unsafe and include examination of all structurally significant components of the container, particularly the corner fittings.

12.4.1.2 It is accepted that a visual examination of the exterior of the container will normally be sufficient. However, an examination of the interior should also be performed if reasonably practicable (e.g. if the container is empty at the time). Furthermore, the top and underside of the container, including the underside of the lower corner fittings, should be examined. This may be done either with the container supported on a skeletal chassis or, if the examiner considers it necessary, after the container has been lifted on to other supports.

12.4.1.3 The examination of a container should be carried out by a person having such knowledge and experience of containers as will enable him to determine whether it has any defect that could place any person in danger.

12.4.1.4 The person performing the external examination should have the authority to require a more detailed examination of a container if the condition of the container appears to warrant such examination. If there is a possibility of serious structural

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<sup>2</sup> Refer to the *Guidelines for development of an approved continuous examination programme (ACEP)* (CSC.1/Circ.143).

deficiency in structurally sensitive components (see 10.4 above), measuring tools to fully assess the defects that are noted should be used.

#### 12.4.2 Additional requirements for containers under a continuous examination programme

12.4.2.1 Under an approved continuous examination programme a container is subject to examinations and inspections during the course of normal operations. These are:

.1 thorough examinations, which are examinations conducted in connection with a major repair, refurbishment, or on-hire/off-hire or depot interchange; and

.2 routine operating inspections, which are frequent inspections performed to detect any damage or deterioration that might necessitate corrective action.

12.4.2.2 Thorough examinations should be carried out in accordance with the requirements of the approved examination programme and care should be taken to ensure that any damaged parts or components have been adequately and safely repaired or replaced. Although Administrations may specify factors to be taken into account during routine operating inspections, normally a visual inspection of the exterior and the underside should be sufficient.

#### 12.4.3 Container markings for examinations

12.4.3.1 *Containers under a periodic examination scheme - next examination date (NED)*

12.4.3.1.1 The use of decals should be allowed to indicate the date of the first examination and subsequent re-examination of a container examined at intervals specified in the Convention provided that:

- .1 the relevant date (month and year) is shown in internationally recognizable words or figures on the decals or on the plate itself;
- .2 the date of the first examination for new containers is shown by decals or otherwise on the plate itself as regulation 2.2 of annex I of the CSC requires; and
- .3 the decals have a white background with lettering that may be coloured in accordance with the year of next examination as follows:

|        |      |      |      |
|--------|------|------|------|
| BROWN  | 2004 | 2010 | 2016 |
| BLUE   | 2005 | 2011 | 2017 |
| YELLOW | 2006 | 2012 | 2018 |
| RED    | 2007 | 2013 | etc  |
| BLACK  | 2008 | 2014 |      |
| GREEN  | 2009 | 2015 |      |

12.4.3.2 *Containers under a continuous examination programme*

12.4.3.2.1 A container examined under an approved continuous examination programme should bear a decal showing the letters ACEP and the identification of the Administration which has granted the approval, in a similar manner to that stated in annex I, appendix 1, paragraph 1. This decal should be placed on or as close as practicable to the Safety Approval Plate.

#### 12.4.4.3 *Containers operated by a lessee*

12.4.4.3.1 Containers marked with an NED but operated by a lessee with an approved continuous examination programme should be re-marked by the fitting of the lessee's ACEP reference decal and removal or covering of the next examination date.

12.4.4.3.2 Containers marked with an ACEP reference but operated by a lessee with a Periodic Examination Scheme (PES) should be re-marked by the removal or covering of the ACEP reference and the fitting of an NED decal following the first examination under the lessee's examination scheme.

#### 12.4.4.4 *For containers built with limited stacking or racking capacity*

Containers tested in accordance with annex II, chapter 2 (Stacking) with an allowable superimposed static stacking weight less than 192,000 kg for their outer most corner posts, or tested in accordance with annex II, chapter 4 (Transverse Racking) with forces less than 150 kN, should be conspicuously marked, as required under the relevant ISO standard.<sup>3</sup>

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<sup>3</sup> Refer to current standard ISO 6346, Freight containers - Coding, identification and marking.

#### 12.4.5 *Use of decals*

The use of decals for containers under a periodic examination scheme should remain optional and in no way derogate from the relevant provisions of the Convention to which reference is made above. The responsibility for developing and introducing a decal system should remain with the owners.

### 13 RECORDS OF EXAMINATIONS

13.1 The owner should ensure a system is maintained where examination records are kept, which should include the following:

- .1 the owner's unique serial number of the container;
- .2 the date on which the examination was carried out;
- .3 identification of the competent person who carried out the examination;
- .4 the name and location of the organization where the examination was carried out;
- .5 the results of the examination; and
- .6 in the case of a PES, the NED.

13.2 There is no need to standardize the method by which such records should be kept and existing record systems may be accepted. Such records should be auditable and made available within a reasonable time to the Administration on its request. There is no requirement to keep records of routine operating inspections.

### 14 FREQUENCY OF EXAMINATIONS

#### 14.1 Containers under a periodic examination scheme

14.1.1 The Convention recognizes that it may be necessary to examine containers more frequently than every 30 months when they are subject to frequent handling and transshipment. It should be borne in mind, however, that any significant reduction in the 30-month interval between examinations would create severe examination control problems. It should be noted that where containers are subjected to frequent handling and transshipment they are also liable to be subjected to frequent checking.

14.1.2 Therefore, in determining whether it is acceptable that the interval between examinations under the Convention should be the maximum of 30 months, proper account should be taken of intermediate examinations, having regard to their extent and to the technical competence of the persons by whom they are performed.

## 14.2 Containers under a continuous examination programme

14.2.1 Containers examined under an approved continuous examination programme are subject to a thorough examination in connection with a major repair, refurbishment or on-hire/off-hire or depot interchange and in no case less than once every 30 months.

## 15 MODIFICATIONS OF EXISTING CONTAINERS

15.1 Applicants for approval of existing containers may be required to certify that, to the best of their knowledge, any modifications previously carried out do not adversely affect safety or the relevance to those containers of the information presented with the application in accordance with annex I, regulation 9, paragraph 1(d)(ii) and (iii). Alternatively, applicants may submit details of the modification for consideration.

15.2 The removal of a door of a container to enable "one door operation" is considered to be a modification that may adversely affect the safety of the container. Consequently it requires specific approval by the Contracting Party and appropriate markings on the CSC Plate, which must remain on the container after the door has been removed.

15.3 Containers that have been subjected to a modification should retain the original date of manufacture on the Safety Approval Plate and add an additional line showing the date when the modification was carried out.

## 16 TEST METHODS AND REQUIREMENTS (annex II)

Containers tested in accordance with the methods described in the relevant ISO standard<sup>4</sup> should be deemed to have been fully and sufficiently tested for the purposes of the Convention, except that tank-containers provided with fork-lift pockets should be additionally tested in accordance with annex II, test 1(B)(i).

## 17 STACKING TEST (annex II, chapter 2)

17.1 The following can be used as guidance in interpreting paragraphs 1 and 2 of the stacking test:

For a 9-high stacking of 24-tonne (24,000 kg/52,915 lb) containers, the mass on the bottom container would be 8 x 24 tonnes (24,000 kg/52,915 lb), i.e. 192 tonnes (192,000 kg/423,320 lb). Thus, in the case of a 24-tonne container with 9-high stacking capability, the plate should indicate:  
**ALLOWABLE STACKING MASS FOR 1.8 G: 192,000 kg/423,320 lb.**

17.2 The following may be a useful guidance for determining allowable stacking mass:

The allowable stacking mass for 1.8 g may be calculated by assuming a uniform stack loading on the corner post. The stacking test load applied to

<sup>4</sup> Refer to current ISO 1496, Series 1 freight containers □ Specification and testing.

one corner of the container shall be multiplied by the factor 4/1.8 and the result expressed in appropriate units.

17.3 The following is a useful example of how the allowable stacking mass could be varied, as prescribed in paragraph 1 of the stacking test:

If on a particular journey the maximum vertical acceleration on a container can be reliably and effectively limited to 1.2 g, the allowable stacking mass permitted for that journey would be the allowable stacking mass stamped on the plate multiplied by the ratio of 1.8 to 1.2 (i.e. allowable stacking mass on the plate x 1.8/1.2 = stacking mass permitted for the journey).

## **18 LONGITUDINAL RESTRAINT TEST (STATIC TEST) (annex II, chapter 5)**

The acceleration of 2 g should be considered as the usual value for dynamic loads on containers in normal operation when carried by inland modes of transport. The externally applied test forces of 2 R prescribed for the static test for longitudinal restraint, together with the fulfilment of the criteria of the other prescribed tests, are to ensure that the structural strength of a container is sufficient to withstand the stresses resulting from normal operation.

## **19 VALIDITY OF APPROVALS**

Approvals remain valid if the Contracting Party issuing the approval changes provided the new entity agrees to maintain responsibility for the proper administration of the Convention and the existing approvals. Approvals also remain valid when container ownership changes provided the new owner continues to maintain the container to a standard and under procedures that are at least as effective as those originally approved.

|   |   |  |                                      |  |
|---|---|--|--------------------------------------|--|
| <b>Title:</b> Review of the Freight Container (Safety Convention) Regulations 1984<br><br><b>IA No:</b> HSE0098<br><br><b>RPC Reference No:</b> RPC-3118(3)-HSE<br><br><b>Lead department or agency:</b> Health and Safety Executive (HSE)<br><br><b>Other departments or agencies:</b> N/A | <b>Impact Assessment (IA)</b>                 |  |                                      |  |
|   | <b>Date:</b> 29/11/16                         |  |                                      |  |
|   | <b>Stage:</b> Final Stage                     |  |                                      |  |
|   | <b>Source of intervention:</b> International  |  |                                      |  |
|   | <b>Type of measure:</b> Secondary legislation |  |                                      |  |
| <b>Contact for enquiries:</b><br>Janice.Martin@hse.gov.uk;<br>Luisa.Tolu@hse.gov.uk   |   |  |                                      |  |
| <b>Summary: Intervention and Options</b>  |   |  | <b>RPC Opinion: Fit For Purposes</b> |  |

| Cost of Preferred (or more likely) Option |                            |   |                   |                               |
|---|----------------------------|---|-------------------|-------------------------------|
| Total Net Present Value                   | Business Net Present Value | Net cost to business per year (EANDCB in 2014 prices) | One-In, Three-Out | Business Impact Target Status |
| -£1.61m                                   | -£1.60m                    | £0.2m   | Not in scope      | Non qualifying provision      |

**What is the problem under consideration? Why is government intervention necessary?**

In 1978, the UK ratified the International Convention for Safe Containers 1972 (CSC). By ratifying it, the UK agreed to be bound by the treaty and its terms, in accordance with international law. Great Britain (GB) implements the CSC domestically through the Freight Containers (Safety Convention) Regulations 1984 (the Regulations). The Maritime Safety Committee (MSC), the highest technical body of the International Maritime Organization (IMO) has adopted a number of amendments to CSC. These amendments are not yet implemented in GB. The terms of the CSC mean the UK government should give effect to the amendments by updating the Regulations. If the Regulations were not updated in line with CSC then the UK government would not fulfil its international treaty obligations.

**What are the policy objectives and the intended effects?**

(i) To update the Regulations and supporting guidance to give effect to the changes to CSC in line with international treaty obligations (ii) To ensure the implementation of key time-bound amendments to the CSC, adopted by the MSC under resolutions MSC 310 (88) and MSC 355 (92) which came into force on 1 July 2012 and 1 July 2014 respectively (iii) The intended effect is to implement the amendments to CSC in a way that is proportionate to the risks, minimises the impact on businesses, and provides a level playing field and increased certainty for the logistics sector in GB

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

Option 1 - Update the Regulations, in the least burdensome way possible, to come into force in April 2017. The CSC is an international treaty that the UK ratified in 1978. The law of treaties is articulated by the Vienna Convention on the Law of Treaties that provides that ratification of a treaty signifies the State's consent to be bound by the treaty and its terms in accordance with international law. Since 1978, the UK has therefore agreed to be bound by the terms of the CSC and should give effect to its terms. For these reasons, Option 1 is the only viable option.

A "do nothing" option has not been considered as it would not comply with the UK's international treaty obligations, and is therefore not a viable option. However, the 'do nothing' scenario is used as the notional baseline against which Option 1 is appraised.

**Will the policy be reviewed? It will be reviewed. If applicable, set review date: 04/2022**

|  |                     |                       |                      |                           |
|--|---------------------|-----------------------|----------------------|---------------------------|
| Does implementation go beyond minimum EU requirements?   |                     | N/A                   |                      |                           |
| Are any of these organisations in scope?   | <b>Micro</b><br>Yes | <b>Small</b><br>Yes   | <b>Medium</b><br>Yes | <b>Large</b><br>Yes       |
| What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent) |                     | <b>Traded:</b><br>N/A |                      | <b>Non-traded:</b><br>N/A |

**I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.**

**Signed by the responsible Minister:**

  
Da

**te:** 09/03/2017

# Summary: Analysis & Evidence

## Policy Option 1

### Description:

#### FULL ECONOMIC ASSESSMENT

| Price Base<br>Year 2015 | PV Base<br>Year 2017 | Time Period<br>Years 10 | Net Benefit (Present Value (PV)) (£m) |             |                      |
|-------------------------|----------------------|-------------------------|---------------------------------------|-------------|----------------------|
|                         |                      |                         | Low: -3.44                            | High: -0.60 | Best Estimate: -1.61 |

| COSTS (£m)    | Total Transition<br>(Constant Price)<br>Years | Average Annual<br>(excl. Transition) (Constant Price) | Total Cost<br>(Present Value) |
|---------------|---|---|-------------------------------|
| Low           | 0.6   | 0.0   | 0.6                           |
| High          | 3.5   | 0.0   | 3.4                           |
| Best Estimate | 1.7   | 0.0   | 1.6                           |

#### Description and scale of key monetised costs by 'main affected groups'

Under the Best Estimate, 97% of the costs to business are to container operators who have to "conspicuously mark" any container that has limited racking and stacking capabilities. Around 75,000 containers would have to be marked in this way, leading to a transitional cost to the sector over the first three years of £1.5 million (in present value terms). The other costs are one-off costs due to familiarisation (2% of the total costs). Container operators would also need to change Safety Approval Plates on containers manufactured from 1st July 2014 and respond to an audit on their approved examination programmes and review every five years and 10 years respectively (1% of the total costs).

#### Other key non-monetised costs by 'main affected groups'

| BENEFITS (£m) | Total Transition<br>(Constant Price)<br>Years | Average Annual<br>(excl. Transition) (Constant Price) | Total Benefit<br>(Present Value) |
|---------------|---|---|----------------------------------|
| Low           | Nil   | Nil   | Nil                              |
| High          | Nil   | Nil   | Nil                              |
| Best Estimate | Nil   | Nil   | Nil                              |

#### Description and scale of key monetised benefits by 'main affected groups'

No benefits have been monetised

#### Other key non-monetised benefits by 'main affected groups'

Updating the Regulations would remove any inconsistency with the implementation of the CSC in other countries and thereby remove a potential source of legal or business uncertainty for owners and operators.

#### Key assumptions/sensitivities/risks

Discount rate (%) 3.5%

The assumptions driving the costs are (1) the number of containers that would require new Safety Approval Plates, and (2) the number of containers that would require conspicuous marking. The figures used are based on stakeholder engagement in July 2015 and January 2016. The figures for (2) are likely an overestimate but cannot be revised based on data available.

#### BUSINESS ASSESSMENT (Option 1)

|   |               |           |   |
|---|---------------|-----------|---|
| Direct impact on business (Equivalent Annual) £m: |               |           | Score for Business Impact Target (qualifying provisions only) £m: N/A |
| Costs: 0.2  | Benefits: Nil | Net: -0.2 |   |

## Evidence Base

### Glossary of abbreviations

ACEP - Approved Continuous Examination Programme

ASHE - Annual Survey of Hourly Earnings

BRFM - Better Regulation Framework Manual

CSC - International Convention for Safe Containers 1972

EANDCB - Equivalent Annual Net Direct Cost to Business

FCSC - Freight Container Safety Convention Regulations 1984

GB - Great Britain

GLD - Government Legal Department

HSE - Health & Safety Executive

IMO - International Maritime Organization

MSC - Maritime Safety Committee

NED - Next Examination Date

OG – Operational Guidance

PES – Periodic Examination Schemes

SAP - Safety Approval Plate

## Problem under consideration

1. The International Convention for Safe Containers 1972 (CSC), introduced by the International Maritime Organization (IMO), is aimed at maintaining a high level of safety of human life in the transport and handling of containers by providing generally acceptable test procedures and related strength requirements.
2. The UK implements the CSC in Great Britain (GB) via the Freight Containers (Safety Convention) (FCSC) Regulations 1984 and in Northern Ireland by way of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992. Any changes to Northern Irish regulations are out of scope of this IA.
3. CSC sets out procedures for approved programmes (either an Approved Continuous Examination Programme (ACEP) or a Periodic Examination Scheme (PES))<sup>1</sup>; this means containers used in international transport must be approved for safety by the Administration of a contracting party. HSE administers this in GB. A Safety Approval Plate (SAP), attached to each container, is required to indicate compliance and display relevant data. The next examination date (NED) and the ACEP details should be marked on the container on, or as close to the SAP as possible. The IMO has amended the CSC in response to incidents or concerns raised by signatories to CSC. The Maritime Safety Committee (MSC), the highest technical body of the International Maritime Organization (IMO), adopted these amendments. Four minor amendments were adopted in 1981, 1983, 1991 and 1993. Two further amendments in 2012 and 2014 introduce more significant physical changes to the SAP and additional safety tests.
4. As the UK ratified CSC in 1978, it must 'give effect' to the Convention in accordance with principles of international law. In order to do this, HSE must update the Regulations and supporting HSE guidance in line with the changes to CSC.
5. HSE first consulted on the review of the Regulations in January 2016. Responses to consultation led us to amend some of the proposals (as discussed in detail in paragraph 27). We produced an updated consultation stage IA that incorporated the change in our approach, and held another public consultation in October 2016 to test the revised proposals.<sup>2</sup>

## Key changes

### Updating the terminology on SAPs

6. The CSC sets out procedures for the testing, inspection and approval of containers. An approved container must display a SAP. The CSC also sets out procedures for approved examinations schemes (ACEP) whereby an authorised examiner must approve containers used in international maritime transport for safety. Once approved, a SAP is then attached to the container to indicate compliance and display relevant details.
7. The crux of the majority of the amendments is to ensure uniform use of terminology and to align physical dimensions and units to the SI system (international system of units).
8. Specifications for SAPs have also been updated in CSC. Regulation 4 of the Regulations would need to be amended as it refers, for example, to "maximum gross weight". This no longer aligns with the terminology used and would have to be replaced with "maximum operating gross mass". The changes to the specifications for SAPs apply to any containers manufactured since 1st July 2014.

<sup>1</sup> In GB, there are currently no approved PES, so the rest of the IA refers to ACEPs. However, where the text of this IA refers to ACEPs it also covers any future approved PES.

<sup>2</sup> The first consultation IA was submitted to the RPC on the 21<sup>st</sup> October 2015 under reference RPC-3118(1)-HSE. The second consultation IA was submitted to the RPC on the 24<sup>th</sup> August 2016.

## Conspicuous Marking of Containers with Limited Stacking or Racking Capacity

9. Under the changes to CSC, those containers considered to have limited stacking or racking capacity will be required to be conspicuously marked in accordance with ISO 6346 standard.<sup>3</sup> These containers are not currently required to be marked. ISO is the acronym for the International Organization for Standardization that develops voluntary International Standards. There is one member body per country (in the UK it is the British Standards Institution). The ISO standard is incorporated into the CSC which states at Annex I that the standard must be adhered to.

## Testing Containers operating with one door removed

10. Under the changes to CSC, containers with one door removed would have to undergo additional tests before being approved for operation under CSC.

## Provisions in Annex III and new operational guidance

11. A new Annex III has been added to the CSC. Annex III sets out some guiding principles for compliance with Article VI of the CSC on the limits of control that may be exercised whilst an approved container is located in the GB territorial area. The control is limited to verifying the container has a valid SAP and an ACEP or NED marking, unless there is significant evidence for believing that the condition of the container is such as to create an obvious risk to safety. In that case, an authorised officer appointed by HSE is able to apply restrictions in appropriate circumstances that can include an immediate out of service determination.
12. HSE guidance currently deals with containers that may be considered defective and that should be subject to restrictions on use. HSE will introduce Operational Guidance (OG) for HSE inspectors dealing with large container ports and who will act as authorised officers. Supporting online guidance for container owners and operators will be updated to reflect the new arrangements. In addition, existing industry guidance for dealing with damaged containers will be supplemented to take account of the requirements for Annex III. Proposed revisions to the guidance will ensure that the CSC requirements are met in a risk-based, proportionate manner.

## Review of the approved programmes

13. Under the changes to CSC, ACEP programmes will have to be evaluated by audit at least once every 5 years to show the provisions of the approved programmes are being fully followed. The approved programmes should also be reviewed by the administration for the contracting parties (i.e. HSE) once every 10 years to ensure they remain viable. The requirements for ACEP programmes have been expanded to describe more clearly the validity of, and elements to be included in, such programmes and this will require updating HSE guidance to reflect the amendments.

## Rationale for intervention

14. The CSC is an international treaty that the UK ratified in 1978. The law of treaties is articulated by the Vienna Convention on the Law of Treaties, which provides that ratification of a treaty signifies the State's consent to be bound by the treaty and its terms in accordance with international law. The UK has therefore since 1978 agreed to be bound by the terms of the CSC and to enact them in 'good faith'. As such, the UK is bound by the CSC and the amendments above and should give effect to them via the Regulations, in accordance with International law.
15. The UK employs secondary legislation (the Regulations) to implement the CSC domestically. If the Regulations are not updated in line with amendments to the CSC then the UK will not fulfil its international treaty obligations. The failure of a state to fulfil its obligations under a treaty may result in legal consequences.

<sup>3</sup> Racking and stacking capacity refers to the mass and force that containers should be able to withstand, under specific conditions. If they do not meet the requirements these containers should be clearly marked as having limited racking or stacking capacity, to ensure they are operated in ways that would not hinder their structural integrity

16. Updating the Regulations now provides an opportunity to bring all amendments made to CSC together in a new, consolidated set of Regulations. Now that time-bound amendments are required, it is necessary that we implement all the changes to the CSC, as not doing so would be against the principle of good faith and so in contravention of the Convention. As such, the changes proposed to the Regulation do not go beyond the legal minimum and do not constitute gold plating.
17. In accordance with the Better Regulation Framework Manual (BRFM), this measure is a regulatory provision as it concerns the regulation of business activities, via subordinate legislation. Furthermore, it lasts longer than 12 months, does not concern tax, duties, levies, or financial assistance and does not relate to an area of devolved legislative competence. However, as the proposed changes to the Regulations give effect to an international convention and do not go beyond the minimum requirements laid down therein, it is a Non-Qualifying Regulatory Provision and would be out of scope of the Business Impact Target, in accordance with 'Exclusion A' of the BRFM.

## Policy objective

18. The policy objectives are to
  - a. Replace the 1984 Regulations with a new, consolidated set of Regulations to be known as the Freight Containers (Safety Containers) Regulations 2017 and update supporting HSE guidance to give effect to the changes to CSC in line with international treaty obligations, as discussed in paragraphs 1 to 4;
  - b. Ensure the implementation of key time-bound amendments to the CSC, which relate to changes in terminology and to the identification and marking on the SAP of certain containers. These changes were adopted by the MSC under resolutions MSC 310 (88) and MSC 355 (92) which came into force on 1st July 2012 and 1st July 2014 respectively
19. The intended effect is to implement the amendments to CSC in a way that is proportionate to the risks, minimises the impact on businesses, and provides a level playing field and increased certainty for the logistics sector in GB.

## Description of options considered

20. Only one option is proposed, Option 1, to update the Regulations, in the least burdensome way possible, to come into force in April 2017.
21. A 'do nothing' option would not comply with the UK's international treaty obligations, and is thus not a viable option. However, a 'do nothing' scenario acts as the notional baseline against which we compare Option 1.
22. Option 1 provides a sound basis for delivery of a fully considered amendment to the 1984 Regulations and is the only viable option.
23. No alternatives to regulation have been considered, as legal advice is that amendments to the CSC have to be implemented via changes to the Regulations.

## Public Consultation

24. As explained in paragraph 5, HSE ran two public consultations on the proposal to amend the 1984 Regulations and the supporting guidance in order to give effect to the changes made to CSC. Specific questions on the assumptions in the Consultation Stage IA were also included in the first consultation document.<sup>4</sup> We took a proportionate approach to consultation, which was in line with the expected impact. The first public consultation ran between 18 January and 26 February 2016 and the second public consultation ran between 17 October and 14 November 2016.

<sup>4</sup> The first consultation document can be found at: <http://www.hse.gov.uk/consult/condocs/cd278.htm>. The second consultation document can be found at <http://www.hse.gov.uk/consult/condocs/cd281.htm>

25. HSE received 11 responses to the first public consultation in February 2016. The respondents represented container operators, health and safety consultants, trade unions and container testing companies. Two of the respondents to the consultation document also provided information during the interviews conducted in June and July 2015.
26. Ten respondents favoured the proposal to amend but one respondent, a Trade Union with members working in the ports and docks industries, objected to the proposals because, in their opinion, they did not provide enough detail and assurance for how HSE would implement the requirements in the new Annex III for the CSC. Annex III supports Article VI of the CSC and outlines criteria to enable immediate out of service determinations for damaged containers.
27. HSE considered the Trade Union's objections and amended the proposals for the update of the Regulations. Thus the proposals now include;
  - i) New Operational Guidance (OG) for HSE Inspectors dealing with large container ports and who will act as authorised officers. The OG will be based on the criteria in Annex III of the CSC.
  - ii) An update of HSE's online guidance for container owners and operators to reflect the arrangements for damaged containers as required by Annex III; and
  - iii) Supplementing existing joint Industry/TU guidance for dealing with damaged containers.
28. A second public consultation took place between 17<sup>th</sup> October and 14<sup>th</sup> November 2016. This tested the revised cost estimates following responses from the first public consultation using a generic cost question.
29. HSE received four responses to the second public consultation. The respondents represented health and safety professionals and a trade union whose members work in the container industry and who objected to the original proposal. The trade union now strongly supports the proposal because the arrangements are much clearer. All three respondents who answered the cost estimate question indicated that cost estimates were reasonable. One respondent failed to answer this question. Based on this evidence, no changes have been made to the cost estimates in this final stage IA.

## Research undertaken to inform the IA

30. The final stage IA is based on evidence gathered in the following:
  - Initial stakeholder engagement which ran in June and July 2015
  - The first public consultation which ran between 18 January and 26 February 2016
  - A second public consultation which ran between 17 October and 14 November 2016
31. We obtained initial evidence on the expected impacts of the changes to the Regulations under Option 1 by interviewing industry stakeholders from the freight container sector. We interviewed seven stakeholders in all between June and July 2015.
32. As part of the interviews, we contacted six experts, of which four agreed to the interviews. These experts are health and safety consultants in the industry who work on freight container safety, often in close collaboration with the IMO. We recruited them by following up contacts that HSE had already established.
33. We also interviewed other stakeholders in the industry, to better reflect the composition of the sector. We recruited these stakeholders by emailing companies on the ACEP list.<sup>5</sup> We also contacted manufacturers of containers. Often, the last contact that these companies had from HSE was an email or letter confirming their ACEP number. This approach therefore gave us the opportunity to speak to unengaged stakeholders. However, we received a low response; we emailed 17 and spoke to three.

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<sup>5</sup> HSE's database of companies operating an ACEP scheme

34. For the interviews, we adopted a semi-structured interview approach, based on a set of drafted questions, but with flexibility to adapt our questions to responses.
35. The rationale behind the recruitment strategy was so we could collect evidence from both highly engaged stakeholders, considered safety experts in the industry, and less engaged stakeholders.
36. We have used the evidence collected at the interviews and from two public consultations to inform the discussions of costs and benefits described from paragraphs 48 to 111. We consider this approach proportionate, given the relatively low-cost impact of the changes, and given that we have obtained responses from 15 distinct stakeholders in a sector comprising around 115 companies. All three of the respondents who answered the question regarding costs in the second public consultation agreed that our cost estimates were reasonable.
37. **Therefore, we have made no changes to assumptions, and cost estimates in this final stage IA (between paragraphs 38 to 109).** This was a proportionate approach given the responses, and extensive stakeholder engagement.

## General assumptions

### Number of companies affected

38. The main groups affected by the proposed changes would be container owners and operators. Currently, there are 101 companies on HSE's approved list (the ACEP list). Each company has a unique ACEP number that identifies them and is listed on the SAP on their containers.
39. We assume that the number of companies on the ACEP list remains constant over the appraisal period. We adopt this simplifying assumption based on an assessment of how the list has changed over time. Over time, the number of companies leaving the list has been more or less offset by the number of companies joining it.
40. Another 15 companies would also be affected by the proposed changes, but only in so far as they would wish to familiarise themselves with the updated Regulations and guidance. These comprise five companies appointed by HSE to approve containers<sup>6</sup>, and 10 other companies that are in the business of manufacturing or testing containers.

### Degree of compliance with the convention

41. The interviews revealed that a number of companies are likely to have already applied the changes in the convention, as they are in force in other countries and the international nature of their work would have required them to become compliant. In addition, the nature of the industry does indicate that there are strong incentives for self-regulation. These incentives are the large costs that would be incurred if the structural integrity of a container were compromised during use. These include potential injury of workers, costs of damaged contents, costs of any delay, reputational damage, and potential damage to the container ship. Any degree of pre-existing compliance would reduce the costs to business of complying with changes to the FCSC Regulations.
42. As part of the interview process, responses to consultation, and based on HSE's sector knowledge, we have been able to make estimates of existing compliance in some of the areas affected by the changes to the Regulations. These are discussed in the relevant sections of the analysis.

### Appraisal period and the discount rate

43. In accordance with Green Book guidance on cost-benefit analysis the discount rate applied is 3.5%.
44. In accordance with the IA toolkit in the BRFM, the analysis uses a 10-year appraisal period beginning in 2017, the year of implementation.

<sup>6</sup> Listed here: <http://www.hse.gov.uk/ports/container-approval.htm>

## Cost of time

45. In the analysis, we estimate the cost of business time based on a valuation of the workers' opportunity cost of time, which is assumed to be equal to their wage, plus the additional costs of employing them, such as pension, National Insurance contributions and other overheads.
46. We obtained the opportunity cost of time of staff at container repair facilities from two of the interviewees. They estimated that the cost of time, including overheads, ranges between \$10 and \$30 per hour depending on which country the repair facilities are based in. This is relevant as containers can be called in for repair anywhere in the world, regardless of whether they are owned or operated by GB based companies. Nevertheless, the cost of repair would still fall on the GB- based company.
47. We applied the annual average of the daily spot exchange rate for the 2015 calendar year (2015 is our price base year), 1.5286 \$/£.<sup>7</sup> This gives a full economic cost of time of between £6.54 and £19.63 per hour with a best estimate of £13.08 per hour. Respondents to public consultation confirmed that this was a reasonable estimate.
48. For the purpose of familiarisation, the cost of time is based on the mean hourly wage for relevant professions obtained from the Annual Survey of Hourly Earnings (ASHE).<sup>8</sup> The mean wages have then be uprated by 19.8% to account for non-wage costs of labour.<sup>9</sup> This is described in further detail in the relevant section below.

## Monetised and non-monetised costs and benefits of Option 1

### Costs to Business

49. Costs to business arise from:
  - a. The need to update the terminology on SAPs for containers constructed on or after 1<sup>st</sup> July 2014;
  - b. The need to conspicuously mark containers with limited racking and stacking capabilities;
  - c. An additional test for containers operating with one-door removed;
  - d. The provisions in Annex III and new operational guidance;
  - e. The need to respond to an audit every five years and to refresh details every 10 years;
  - f. Familiarisation costs

### A. Updating the terminology on SAPs

50. Updating the regulations in line with the CSC would require all containers, the construction of which was completed on or after 1st July 2014, to have a different SAP to that currently specified in the Regulations. The main changes in the SAP would be changes to the terminology, for example, updating units so that they are SI units. The full list of proposed changes to the SAP is provided in **Annex A: Changes to the Regulations required by CSC**, The cost from this change can be subdivided as follows:
  - Costs to operators who need to replace the SAPs on those containers manufactured between 1<sup>st</sup> July 2014 and April 2017 that have not already been brought in line with the convention
  - Costs to manufacturers from having to discard obsolete SAPs

### Number of containers that would require the new version of the SAP

51. To calculate the costs of this change we need to estimate the number of containers that would be affected by the change.

<sup>7</sup> The exchange rate used was obtained from the Bank of England daily spot rate tables. The average was taken for the 2015 calendar year.

<sup>8</sup> The 2015 provisional data was used, available on the ONS website

<sup>9</sup> This is based on data on labour costs available from Eurostat (<http://ec.europa.eu/eurostat/web/labour-market/labour-costs/main-tables>)

52. The first consultation stage IA estimated that the number of containers produced in GB between 1<sup>st</sup> July 2014 and 30<sup>th</sup> September 2016 was between 48,000 and 129,000, with a best estimate of around 85,000 units.<sup>10</sup>
53. Feedback from consultation was that this was an overestimate. One respondent, a company that tests containers, said that no more than 4,000 containers have been manufactured in GB between 1<sup>st</sup> July 2014 and 1<sup>st</sup> January 2016, adding that the manufacture of containers in GB 'has all but finished' and that the majority of containers now manufactured in the UK are specialised or bespoke units. Assuming a smooth distribution, this is equivalent to 222 containers per month, or just over 7,300 containers between July 2014 and April 2017 (a period of 33 months).
54. We adopted this revised assumption in the second consultation stage IA, and have maintained it for this final stage IA. We acknowledge that there is a large discrepancy between this figure and previous figures quoted. However, we feel it is reasonable to adopt the lower figure because of the following reasons:
- The original estimate was arrived at following successive iterations based on data on the global manufacture of containers which, given they were estimates for the global size of the industry, would have had wide confidence intervals. Whereas, the figure used in this IA is based on a number provided by a container-testing facility that would rely on that information for business purposes;
  - The allocation of 1.5% to 3.2% of the global number manufactured to GB was based on an estimate of the percentage of the world fleet owned and managed by UK based companies. Whilst this was a suitable proxy when little other evidence was available, there is no evidence to suggest that the proportion of the global fleet owned by GB companies is equivalent to the proportion manufactured. Firstly, operating logistics companies, and manufacturing containers are two separate economic activities that require a different set of skills and resources. Secondly, data on global manufacturing indicates that 90% of containers are manufactured in China (Rodrige, 2013). This supports the theory of comparative advantage.<sup>11</sup>
55. Not all the 7,300 containers manufactured in GB between July 2014 and April 2017 would require new SAPs once the regulations come into force in April 2017. This is because we expect that a large proportion of the industry is already compliant, as explained in paragraph 42. The first consultation stage IA assumed that 75% of the industry would already be compliant. This estimate was based on interviews with industry and HSE expert knowledge. We tested this assumption in consultation. Out of the four respondents who could answer, two agreed with the assumption. However, two respondents disagreed as they thought that 75% is an underestimate of the levels of compliance. In fact, one of these respondents stated that 100% of the manufacturers would already be compliant.
56. To reflect the responses at the first consultation we have revised the compliance rate, and assume that between 75% and 100% of manufacturers would already be compliant. Assuming that all manufacturers produce an equal number of containers, we could therefore assume that only 0% to 25% of the 7,300 containers manufactured between July 2014 and April 2017 would require a new SAP. We therefore estimate that between around 0 and 1,800 containers, with a best estimate of around 920 containers would require a new SAP.
57. The implied assumptions are that all containers manufactured in the UK are manufactured for UK operators or owners. Additionally, we also assume that all containers manufactured outside the UK are compliant, so if UK operators purchased those containers they would not need to change their SAPs. This is considered a reasonable assumption as the changes are based on an international convention. Three of the experts interviewed told us that they understand Chinese manufacturers to

<sup>10</sup> This estimate was based on the amount of containers manufactured globally, per annum. This figure was obtained from 'The Geography of Transport Systems' by J P Rodrige (2013). We estimated that between 1.5% and 3.2% of these containers would have been manufactured in the UK, which was based on the percentage of the world fleet owned and managed by UK based companies (from a 2015 study by Oxera available at <http://www.oxera.com/Latest-Thinking/Publications/Reports/2015/On-behalf-of-the-Department-for-Transport,-Oxera-e.aspx>)

<sup>11</sup> Rodrige (2013) discusses why 90% of containers are manufactured in China. The two main reasons are that steel is readily available, and that containers can leave China stocked with goods ready for export, reducing the transport cost for that container and thus the unit cost of the container. China therefore has the comparative advantage in container manufacture. Manufacture that occurs elsewhere may be focused on specialised or bespoke units, as in the UK.

be compliant, and, as stated in paragraph 54, China accounts for around 90% of the manufacture of containers in the world.

## Costs to operators

58. We assume that all manufacturers would become compliant when the new Regulations would be implemented in April 2017; therefore, all containers manufactured from this date would be in line with the proposed changes in the Regulations. Thus, operators would have to replace the SAP on every container that had been manufactured between July 2014 and April 2017, and had an obsolete SAP. This may be an unrealistic assumption. It is possible that some operators will begin to make the changes to their SAPs before April 2017, in expectation of the new Regulations (and in accordance with the Convention but in contravention of the current Regulations).
59. As discussed in paragraph 56, we estimate that between around 0 and 1,800 containers would require the change, with a best estimate of around 920.
60. We assume that container operators would seek to minimise the costs of this change. They would therefore not locate and bring in all containers to repair facilities to enact the changes to the SAPs on the 1<sup>st</sup> April 2017. Instead, they would make the changes when the container was next due for examination under the ACEP scheme, i.e. 30 months after first use. The transitional costs from this change would therefore be staggered over three calendar years.
61. We estimate that,
  - a. In 2017 changes would be made to between around 0 and 500 containers, with a best estimate of around 250 containers;
  - b. In 2018 changes would be made to between around 0 and 667 containers, with a best estimate of around 333 containers, and;
  - c. In 2019 changes would be made to between 0 and 667 containers, with a best estimate of 333 containers.
62. According to interviews it would take between 15 minutes and 90 minutes, with a best estimate of 53 minutes, to change one container's SAP. We tested this assumption at consultation and, out of eight who could answer, all agreed. Therefore our original assumption provides a likely estimate of the time it takes to change one container's SAP.
63. Additionally, each individual plate would cost between £7 and £10 with a best estimate of £8.50. We also tested this assumption at consultation. One respondent disagreed saying that the cost is likely to be higher than we estimated due to many data plates being combined with the CSC plates as a single plate, thus having a higher cost. However, they did not provide an estimate of how much more it would cost and the remaining four respondents who could answer agreed with our assumption. On the basis that responses were supportive overall, and that total costs to business are insensitive to the magnitude of costs per plate (as mentioned in the summary on page 2, the changes from this requirement only account for 1% of total costs), it would be disproportionate to collect further evidence, so we have maintained our original assumption.
64. The cost of time per hour was specified in paragraph 47, of between £6.54 and £19.63 with a best estimate of £13.08. We tested this assumption at consultation and out of six respondents who could answer, all agreed that this would be a likely estimate to the cost of time spent changing a SAP. Each container would therefore cost between around £9 and £39 to change, with a best estimate of around £20 (including both the costs of time and of the plate).
65. The **estimated present value cost** to operators over the appraisal period is between around £0 and £69,700, with a **best estimate of around £17,600**.

## Costs to manufacturers

66. Manufacturers may need to discard obsolete SAPs, thereby forgoing the revenue they could have got by selling them. However, it is not proportionate to estimate this cost.
67. In paragraph 56, we explain that at least 75% of UK manufacturers are already complying with the international convention. It is likely that the other manufacturers are also anticipating this change. Besides, as discussed in paragraph 63, the price of one plate to the operator is around £8.50, thus the actual material cost of the plate to the manufacturer is likely to be lower. We do not expect that

manufacturers stock pile many plates, particularly given that they may only produce them when required, and also as the number of containers manufactured in the UK is low (see paragraph 53).

## **B. Conspicuous Marking of Containers with Limited Stacking or Racking Capacity**

68. Changing the regulations in line with changes to the CSC would require container owners and operators to conspicuously mark all relevant containers (i.e. those constructed or commenced since entry into force of CSC, in 1984) with limited racking and stacking capacity, according to ISO 6346. In practice, container owners or operators would have to attach additional decals (numbers) to the containers.
69. Such containers have limited stacking or racking capacity by virtue of their design, rather than, for example, damage or wear and tear. As such, owners and operators would already be aware of which of their containers would require such marking.

### **Number of containers that would require conspicuous marking**

70. Information from the interviews indicated that the containers that would fall in this category are 'swap bodies'<sup>12</sup> and some specialised containers (e.g. those used for offshore oil and gas operations).
71. From the interviews, we obtained an estimate of between 50,000 and 100,000 swap bodies in use in GB, with a best estimate of around 75,000. This assumption was tested at consultation. Out of four who could respond, all agreed, reflecting that it provides a likely estimate of the number of swap bodies in GB.
72. We were not able to obtain an estimate for specialised containers. We expect this number to be limited given the specified use of these containers (for example, in offshore operations or at nuclear decommissioning sites). During consultation, some stakeholders who deal with specialised containers responded but could not provide any figures.
73. Furthermore, the requirement to conspicuously mark the containers only applies to those containers with limited stacking or racking that have a safety approval plate and are used for international transport. Not all swap bodies or specialised containers would be used for this purpose, and therefore, given the wide estimate of swap bodies and the fact that not all these would need to be marked, we assume that specialised containers are captured in that range.
74. Given uncertainty in the industry around the interpretation of the requirement in the CSC we assume that there is a 0% prior compliance in this area. This is because, persons interviewed reflected that companies had not yet conspicuously marked containers with limited stacking or racking because they were uncertain about whether it applied to all relevant containers manufactured since 1984 or since the change came into force (2016). This is an example of where the revised regulations would provide increased certainty in the sector around interpretation of the Convention.

### **Costs to operators**

75. We assume that container operators would seek to minimise the costs of this change. They would therefore not locate and bring in all swap bodies and specialised containers to repair facilities to attach the decals the very day the regulations are implemented in April 2017. Instead, they would make the changes when the container was next due for examination under the ACEP scheme, i.e. 30 months after first use. The transitional costs from this change would therefore be staggered over three calendar years. We adopted this assumption following conversations with specialists within HSE.<sup>13</sup>
76. Operators would have to attach decals to each container, at the material cost of around £5 per container. This cost of £5 was tested at consultation, where out of three who could respond, all agreed that it is the likely material cost of decals. Facilities staff would require between 60 and 90 minutes per container to attach the decals according to interviews. This was confirmed through consultation where out of six who could answer, all agreed with it being a likely time that it would take. As well as the time to place and attach decals to both the sides and the front door of the

<sup>12</sup> Swap bodies are vehicle bodies that are not permanently fixed to the carrying vehicle. They are similar to containers and are locked to the carrying vehicles in the same way using twist locks. At the loading bays, the swap bodies can be stored standing on their own legs. They are suitable for use for multimodal transport by road and rail and have grapples pockets which allow them to be moved using gantry cranes.

<sup>13</sup> This assumption differs from the one adopted in the original consultation IA, and has been updated based on internal discussions.

container, which we understand to be quite labour-intensive, this estimated time per container includes some period to move from container to container to do the work as they may be distributed throughout a large area within a dock or other storage/ maintenance area.

77. This time would be at the cost of between £6.54 and £19.63 per hour, with a best estimate of £13.08 per hour, as explained in paragraph 47. This was tested in consultation where out of four who could respond, all agreed that this is a likely cost of time. There is therefore a total cost per container, including both the costs of time and of the decals themselves, of between £11.54 and £34.44, with a best estimate of £21.35.
78. We estimate that,
- a. In 2017 changes would be made to between around 15,000 and 30,000 containers, with a best estimate of around 22,500 containers;
  - b. In 2018 changes would be made to between around 20,000 and 40,000 containers, with a best estimate of around 30,000 containers, and;
  - c. In 2019 changes would be made to between 15,000 and 30,000 containers, with a best estimate of 22,500 containers.
79. The **estimated present value cost** to operators over the appraisal period is between around £560,000 and £3.3 million, with a **best estimate of around £1.5 million**

### C. Testing Containers operating with one door removed

80. Changing the regulations in line with changes to the CSC would mean that containers operating with one door removed would require additional safety tests, following which the SAP should be marked with the allowable stacking load for 'one-door-off' operation, and with the transverse racking test force for one-door-off operation.
81. Container operators choose to operate containers with one-door removed when shipping goods that release moisture, for example, fruit and vegetables. The interviews revealed that this is not common practice in GB.
82. The tests per container are likely to cost in the region of £1,000.<sup>14</sup> The marking of the SAP plate would require a cost similar to that described in paragraph 63.
83. However, based on the responses to the interviews, we do not think any containers operated by GB companies would require the tests over the appraisal period. We tested this assumption during consultation. Out of six respondents that could answer, five agreed that no additional tests would be carried out because of this requirement. One of the respondents who agreed is a container testing facility. The remaining respondent did not support the assertion that containers are not operated with one door removed in GB; however, they did not provide evidence to suggest that additional tests would be carried out. We therefore **estimate that there will be no additional costs to business** from this change.

### D. Provisions arising from Annex III

84. Annex III of the CSC provides more detail about control measures that should be exercised where containers are identified as having specific deficiencies or deformities that may be observed in structurally sensitive components (including for example the top and bottom rails or the corner posts). Control measures might include an immediate out of service determination, advice to the owner or a restriction on use. Similar determinations exist under the existing ACEP scheme where containers found to be defective during planned maintenance examinations can be taken out of service for repair. We know that in GB there are existing arrangements at ports to deal with damaged containers.

85. As explained in paragraph 12, HSE will introduce new operational guidance so that authorised officers appointed by HSE can make appropriate assessments. Proposed revisions to the other HSE guidance will ensure that the CSC requirements are met in a proportionate manner given the risks presented.

<sup>14</sup> This figure was obtained from a GB container testing company.

86. As there are already existing arrangements in ports to deal with damaged containers, and as the industry already operates at high levels of safety because of the incentives inherent to the industry to run operations to time and cost (see paragraph 41), we estimate that there would be **minimal additional costs for business** which are not proportionate to quantify. We did not test this assumption during public consultation in January 2016; however, during the second consultation with industry, all three respondents agreed with the cost estimates in the IA.

## E. Audits and Reviews

87. Under the changes to CSC Annex 1, ACEP programmes will have to be audited at least every five years to evaluate that programmes are being followed, and must be reviewed every 10 years to ensure continued viability.
88. HSE's approach to the audits will be proportionate to the risks. HSE will contact by email all the ACEP registered companies in GB (currently 101) every five years. The companies would have to respond to the questions in the email and be able to demonstrate compliance.
89. We estimate that it would take companies between 30 and 60 minutes to respond to the email. The email will be asking for information that the company already has to hand and we expect that no time would be spent in seeking additional information.
90. It may be the case that HSE's request for information triggers an audit of the companies' ACEP programmes; as companies may need to carry out an audit to respond to the request for information. However, some companies may already carry out such an audit or check of their schemes to ensure they meet the requirements of the convention and that their programmes are safe. Thus, there may be further costs to business from this change than described below, but these costs may not apply to all companies. However, as all respondents to the second consultation agreed that the cost estimates in this IA are reasonable, we have decided that it is not proportionate to monetise the costs.
91. We assume that corporate managers or directors would provide this response in most instances. We obtained the cost of time for corporate managers and directors from ASHE, at £26.10 an hour and uprated it by 19.8% as discussed in paragraph 48. The full economic cost of time to complete this task is therefore £31.27 an hour.
92. 101 companies would have to respond to the email in 2021, and 2026. In each of these years, the audit would cost businesses between £1,600 and £3,200, with a best estimate of £2,400 (around £23 per business per audit).
93. Over the appraisal period, the **estimated present value cost** to operators from the audit is between around £2,500 and £5,000, with a **best estimate of around £3,800**.
94. To ensure continued viability of the scheme, companies would also have to respond to another email from HSE every 10 years. The purpose of which is to obtain updated company details, and to confirm that the company still runs an ACEP scheme. We assume that the number of companies remains constant (at 101) and that one-tenth of the companies would have to respond every year.
95. We also assume that their response would require between 30 and 60 minutes of a corporate manager's time, at the cost of £31.27 an hour, as described in paragraph 91.
96. Over the appraisal period, the **estimated present value cost** to operators from this review process is between around £1,400 and £2,700, with a best estimate of around £2,000.
97. Over the appraisal period, the **estimated present value cost** to operators from these two requirements is between £4,000 and £7,800, with a **best estimate of £5,800**.

## F. Familiarisation

98. We assume that in order for manufacturers, testing companies, owners and operators, and appointed container approvers to understand the changes under Option 1, they would need to take some time to become familiar with them, by reading the relevant HSE guidance, and updates through the trade press.

99. We estimate that 101 operators, five appointed companies, and 10 manufacturers and testing companies would have to familiarise with the changes, as mentioned in paragraphs 38 to 40.
100. Respondents to public consultation provided information on how their business would approach familiarisation. From the responses we conclude that:
- a. For operation companies two managers or directors would need to spend 2 hours each familiarising with the changes in the regulations and guidance at a cost of time of £31.27 per hour<sup>15</sup>
  - b. For the appointed companies, two managers or directors would need to spend 2 hours each familiarising with the changes in the regulations and guidance at a cost of time of £31.27 per hour. Additionally, 98 quality assurance technicians, or surveyors, would also have to spend 2 hours each, at a cost of time of £16.65 per hour.<sup>16</sup>
  - c. For the testing and manufacturing companies, two managers or directors would need to spend 2 hours each familiarising with the changes in the regulations and guidance at a cost of time of £31.27 per hour. Additionally, one routine inspector of containers and one engineer, would also have to spend 2 hours each, at a cost of time of £14.00 per hour and £24.63 per hour respectively.<sup>17</sup>
101. Thus, the one-off cost to each Operation company is £125. The total cost to all 101 operation companies is around £13,000.
102. The one-off cost to each appointed company is £3,000. The total cost to all five appointed companies is around £17,000.
103. The one-off cost to each testing or manufacturing company is £200. The total cost to all 10 such companies is around £2,000.
104. **The total one-off cost** of familiarisation to business would therefore be around **£32,000**.

### Costs to Government

105. Implementing the changes to the CSC would incur minimal additional costs on government.
106. There are no additional costs to government from the first three changes described above (changes to SAPs, conspicuous marking of containers, and testing of containers with one-door removed).
107. Under changes triggered by a new Annex III, it is estimated that no more than 36 regulatory inspectors in HSE will have additional duties as authorised officers. To meet these duties they would need to be familiar with the new operational guidance that HSE plans to introduce. To familiarise with the operational guidance these inspectors would spend around 1 hour of their time reading the guidance when it is first published. At the cost of time of £59.33 per hour per inspector, this leads to a **one-off cost to government of around £2,100**. The frequency or number of inspections at docks or ports would not change because of the changes in the Regulations, and therefore no additional costs would arise from inspections.
108. Staff in HSE would also spend some additional time on working on audits and reviews. We expect the additional time to be minimal, and it is not proportionate to estimate the additional costs that arise.

### Benefits

109. Updating the Regulations would remove inconsistency with the implementation of the CSC. This is discussed in paragraph 74. It is not possible to quantify or monetise this benefit.

<sup>15</sup> ASHE (2015, provisional) – Mean gross hourly wage for SOC 11 Corporate Managers and Directors (£26.10) uprated by 19.8% to account for non-wage costs

<sup>16</sup> ASHE (2015, provisional) – Mean gross hourly wage for SOC 3115 Quality Assurance Technicians (£13.90) uprated by 19.8% to account for non-wage costs

<sup>17</sup> ASHE (2015, provisional) – Mean gross hourly wage for SOC 8133 Routine inspectors and testers (£11.69), and SOC 212 Engineering Professionals (£20.56) uprated by 19.8% to account for non-wage costs

## Health and safety impacts

110. By ensuring consistency between the Regulations and the CSC, the proposed changes would ensure greater consistency in the management of safety at work in the industry, as they would implement changes to a convention that were originally triggered by safety concerns on a global level.

## Summary of costs to business

**Table 1: Estimated present value monetised costs to society of Option 1**

|   | Costs to Society (£ m) |               |               |
|---|------------------------|---------------|---------------|
|   | Low                    | Best          | High          |
| <b>Costs to Business</b>                    |                        |               |               |
| A. Updating the terminology on SAPS         | Nil                    | £0.02         | £0.07         |
| B. Conspicuous marking of containers        | £0.56                  | £1.55         | £3.33         |
| C. Testing containers with one-door removed | Nil                    | Nil           | Nil           |
| D. Provisions arising from Annex iii        | Minimal                | Minimal       | Minimal       |
| E. Audits and Reviews                       | £0.00                  | £0.01         | £0.01         |
| F. Familiarisation                          | £0.03                  | £0.03         | £0.03         |
| <b>Total Costs to Business</b>              | <b>£0.59</b>           | <b>£1.60</b>  | <b>£3.44</b>  |
|   |                        |               |               |
| <b>Costs to Government</b>                  |                        |               |               |
| Annex iii - Inspector guidance              | £0.002                 | £0.002        | £0.002        |
| <b>Total Costs to Government</b>            | <b>£0.002</b>          | <b>£0.002</b> | <b>£0.002</b> |
|   |                        |               |               |
| <b>Total Costs to Society</b>               | <b>£0.60</b>           | <b>£1.61</b>  | <b>£3.44</b>  |

Note: Present values over ten years. Totals may not sum due to rounding

## Rationale and evidence that justify the level of analysis used in the IA (proportionality approach)

111. As explained in paragraph 31, we obtained evidence for the initial consultation stage IA by interviewing seven stakeholders. The interviews gave us a good overview of the impacts on the stakeholders involved, and given the small scope of changes, and the variety of interviews conducted, covering different aspects of the industry, we considered the level of analysis proportionate for a consultation stage IA.
112. We then accounted for evidence gaps during the public consultation in January 2016. We used the responses to modify our assumptions. The overall impression from stakeholders during the first public consultation was that we had overestimated the costs to business. The total costs to business from this change were estimated at around £1.9 million for the original consultation stage IA. In the second consultation stage IA, this had been revised to around £1.6 million following revisions to the assumptions. All three of the respondents who answered the question regarding costs in the final consultation in October 2016 agreed with the cost estimates. We do not consider it proportionate to undertake further research to revise this figure.
113. Combined, this evidence is deemed sufficient for a final stage IA.

### Risks and assumptions

114. The evidence used for this IA has been through three rounds of stakeholder engagement and this has helped to reduce the uncertainty around the estimates. The second public consultation provided further opportunity to refine the analysis, with a particular focus on the uncertainties raised in Table 2. We added a column in this table to describe how we have dealt with each of the uncertainties described, based on responses to consultation in October 2016.
115. In the initial consultation stage IA there was uncertainty around the costs estimated. These uncertainties, and the methods recommended to refine the estimates, were described in detail, in the first four columns in Table 3. We added a column in this table to describe how we have dealt with each of the uncertainties described, based on responses to consultation in January 2016.
116. The nature of stakeholder engagement implies that the companies most engaged with the regulator, HSE, are those most inclined to keep up to date with changes in regulations, and in this case, with changes in the convention. This means that our data may be skewed towards those companies that are more likely to already be compliant with the CSC. We tried to account for this bias by contacting non-engaged stakeholders present on the HSE's ACEP list, which was also updated prior to public consultation so that we could better target those who are still operating an ACEP number in GB. However, we erred on the side of caution and assumed no prior compliance for some of the costs.

**Table 2: Sources of uncertainty in the second consultation stage IA and how they have been addressed for this final stage IA**

| <b>Source of uncertainty</b>   | <b>Expected effect</b>   | <b>Scale</b>  | <b>Plans to refine</b>  | <b>What we did after the 2<sup>nd</sup> consultation</b>  |
|--|--|---|---|---|
| Annex iii - This proposal has changed following public consultation. We assume that ports already have adequate arrangements to deal with damaged containers.      | If our assumption is incorrect the costs to industry from this change can increase   | This could have an impact on costs, though the scale is unknown | Assess during consultation with wider industry  | All three of the respondents who answered the question regarding costs in the final consultation agreed that our cost estimates were about right. Given the extensive consultation, there is no need to make any further revisions. |
| Audit and Reviews – This proposal has changed since public consultation. We assume that companies will already have information to hand for the audit requirement. | If our assumptions are incorrect the costs to industry from this change can increase | This could have an impact on costs, though the scale is unknown | Assess during consultation with wider industry  | All three of the respondents who answered the question regarding costs in the final consultation agreed that our cost estimates were about right. Given the extensive consultation, there is no need to make any further revisions. |
| All assumptions in Table 3 – a level of uncertainty remains despite adjusting these following public consultation in January 2016                                  | See Table 3  | See Table 3   | These assumptions have been through 2 rounds of stakeholder engagement and are therefore relatively robust. However, we will still use the consultation document to ask a generic question on accuracy of the estimates in this impact assessment. Thus if any of the costs are over or underestimated this will be identified during consultation. | All three of the respondents who answered the question regarding costs in the final consultation agreed that our cost estimates were about right. Given the extensive consultation, there is no need to make any further revisions. |

**Table 3: Sources of uncertainty in the original consultation stage IA and how they have been addressed (the first four columns are identical to those in the original consultation stage IA)**

| <b>Source of uncertainty</b>  | <b>Expected effect</b>  | <b>Scale</b>   | <b>Plans to refine</b>   | <b>What we did after the 1<sup>st</sup> consultation</b>   |
|---|---|--|--|--|
| General assumptions - Number of companies and type of companies affected (paragraph 38) | This will only have an effect on familiarisation costs, which have not been monetised at this stage                                 | Small change in costs  | Triangulate with other data sources  | We reviewed HSE's internal database to confirm the number of companies operating with an ACEP number, and then carried out a Google search to assess numbers of other companies (e.g. manufacturers) |
| General assumptions - Change in the number of companies over time (paragraph 39)        | Refining this assumption will have no impact as the number of companies is only used in estimating one-off costs of familiarisation | No change, unless new impacts emerge as part of consultation                                       | No need to refine at this stage  | We reviewed HSE's internal database to assess the number of companies leaving and joining the list.  |
| General assumptions - The level of existing compliance (paragraphs 41 and 42)           | Refining this assumption could drive costs down   | This could have a large impact on all costs estimated  | Refine compliance levels across the wider industry as part of consultation | We asked a question about this at consultation and revised assumptions accordingly   |
| General assumptions - Cost of time (paragraph 45 to 48)                                 | Refining this assumption could drive costs in either direction  | However, the range is already wide and is not expected to vary by much                             | Assess during consultation with wider industry                             | We asked a question about this at consultation and have kept our original assumptions  |
| SAP - Number of containers (paragraphs 51 to 57)  | Refining this assumption could move costs in either direction   | This could have a large impact on costs  | Assess during consultation with wider industry                             | We asked a question about this at consultation and revised assumptions accordingly   |
| SAP – Costs of discarding out-of-date SAPs (paragraph 66 to 67)                         | Any costs for manufacturers to discard old stock have not yet been estimated  | The stock itself would be a sunk cost, but this could lead to a small increase in associated costs | Explore with manufacturers during consultation                             | We have provided an assessment about why it would be disproportionate to estimate this cost  |
| SAP - Time spent on attaching a new SAP (paragraph 62)                                  | Refining this assumption could move costs in either direction   | We are fairly confident of the time range used, so expect a small change in costs                  | Assess during consultation with wider industry                             | We asked a question about this at consultation and have kept our original assumptions  |

|   |  |   |  |  |
|---|--|---|--|--|
| SAP - The material cost of a SAP (paragraph 63)   | Refining this assumption could move costs in either direction                | We are fairly confident of the estimate used, so expect a small change in costs   | Assess during consultation with wider industry | We asked a question about this at consultation and have kept our original assumptions                        |
| Racking - Number of containers (paragraph to 71)  | Refining this assumption could move costs in either direction                | This could have a large impact on costs   | Assess during consultation with wider industry | We asked a question about this at consultation and have kept our original assumptions                        |
| Racking - Time spent on attaching additional decals (paragraph 76)                                      | Refining this assumption could move costs in either direction                | We are fairly confident of the time range used, so expect a small change in costs | Assess during consultation with wider industry | We asked a question about this at consultation and have kept our original assumptions                        |
| Racking -The material cost of decals (paragraph 76)   | Refining this assumption could move costs in either direction                | We are fairly confident of the estimate used, so expect a small change in costs   | Assess during consultation with wider industry | We asked a question about this at consultation and have kept our original assumptions                        |
| Racking – Locating relevant containers (paragraph 75)   | There could be administrative costs to locate containers                     | If estimated, this could lead to a small increase in costs                        | Explore with operators during consultation     | We clarified the policy approach within HSE and confirmed that no additional costs would have to be incurred |
| Assumption that one-door off operation is currently not performed by GB companies (paragraph 83)        | If one-door operation is performed by GB companies this could drive costs up | Small effect on costs   | Assess during consultation with wider industry | We asked a question about this at consultation and have kept our original assumptions                        |
| Uncertainty round who will familiarise, how long it would take, and at what cost of time (paragraph 98) | Obtaining this information would allow us to estimate costs                  | Small effect on overall costs   | Assess during consultation with wider industry | We asked a question about this at consultation which allowed us to provide estimates for familiarisation     |

## Direct costs and benefits to business calculations (following OI3O methodology)

115. All business costs described in this impact assessment are direct costs that accrue to business.

116. The EANDCB in 2014 prices is £0.2 million.

## Wider impacts

117. Wider impacts have been considered and no impacts have been identified for;
- a. Statutory Equality Duties;
  - b. Human Rights;
  - c. Justice System;
  - d. Rural Proofing;
  - e. Social Impacts;
  - f. Competition; and
  - g. Sustainable development.

## Small business impacts

118. There is no small business exemption given the safety implications of not complying with the Regulations, which are not proportionate to the number of employees. In addition, the requirements of the Convention, and so of the Regulations, apply to all containers irrespective of the size of the company producing or operating them and thus there would not be a legal basis on which to enact an exemption of this kind.

## Environmental impacts

119. Any increased safety of containers could lead to fewer collapsed stacks on board freight containers, which in turn, could therefore reduce the likelihood of negative impacts on marine environments. This cannot be quantified.
120. Although containers would have to be brought in for service to implement some of the changes, under the baseline container operators would have brought them in regardless so as to review them under the ACEP scheme. Therefore, there are no additional environmental impacts (e.g. carbon emissions due to transport of containers) from the requirements.

## Summary and preferred option with description of implementation plan

121. As UK has ratified the CSC the preferred option is Option 1, i.e. to update the Regulations, in accordance with the law of treaties articulated by the Vienna Convention.
122. The **present value costs to business** from Option 1 are estimated to lie between around £0.59 million and £3.44 million, with a **best estimate of around £1.60 million**. As the proposed changes enact an international convention and do not go beyond the legal minimum, these costs are out of scope of One In-Three Out.

## Post Implementation Review (PIR) Plan

1. **Review status:** Please classify with an 'x' and provide any explanations below.

|                                     |        |                          |              |                          |           |                          |       |                          |            |
|-------------------------------------|--------|--------------------------|--------------|--------------------------|-----------|--------------------------|-------|--------------------------|------------|
| <input checked="" type="checkbox"/> | Sunset | <input type="checkbox"/> | Other review | <input type="checkbox"/> | Political | <input type="checkbox"/> | Other | <input type="checkbox"/> | No plan to |
|-------------------------------------|--------|--------------------------|--------------|--------------------------|-----------|--------------------------|-------|--------------------------|------------|

2. **Expected review date** (month and year, xx/xx):

|   |   |   |   |   |
|---|---|---|---|---|
| 0 | 4 | / | 2 | 2 |
|---|---|---|---|---|

### Rationale for PIR approach:

Describe the rationale for the evidence that will be sought and the level of resources that will be used to collect it.

- **Will the level of evidence and resourcing be low, medium or high? (See Guidance for Conducting PIRs)**

Low. The policy changes are low in impact and low in risk. Prior compliance is also expected to be high in some cases.

- **What forms of monitoring data will be collected?**

Given the low level of evidence required for the review, no monitoring data will be collected specifically for this review. However, HSE will look to integrate feedback received from stakeholders to add to the conclusions of the review.

- **What evaluation approaches will be used? (e.g. impact, process, economic)**

A light touch economic evaluation will be pursued. HSE will use normal channels of consultation to establish whether the regulation has broadly met its objectives and to monitor any unintended consequences

- **How will stakeholder views be collected? (e.g. feedback mechanisms, consultations, research)**

There will be limited stakeholder consultation. Operators will need to respond to an audit (as per paragraph 88) in 2021. We therefore propose to attach questions to that audit. We expect that around 15 stakeholders would not be captured by the audit, so these will be contacted for a light-touch consultation, for example via telephone interviews.

## Annex A: Changes to the Regulations required by CSC, Annex 1: Regulations for testing, inspection, approval and maintenance of containers

Both resolutions MSC 310 (88) and MSC 355 (92) amend Annex 1 CSC. A number of amendments are made to the information that the safety approval plate is required to contain (in the Appendix to Annex 1). This means that the wording in paragraph 1(d) of the Schedule will need to be amended. GLD have prepared the following, which shows (in purple) the changes to the wording in paragraph 1(d) that would be required:

- (d) contain the following information in at least the English or French language—
- (i) line 1—the country of approval and approval reference,
  - (ii) line 2—the month and year of manufacture,
  - (iii) line 3—the manufacturer's identification number in respect of the container, or in the case of containers for which that number is unknown, the number allotted by the Administration,
  - (iv) line 4—the maximum **operating** gross ~~weight~~ mass in kilograms and pounds,
  - (v) line 5—the allowable stacking ~~weight~~ **load** for 1.8g in kilograms and pounds (that is to say, the designed maximum superimposed static stacking weight),
  - (vi) line 6—the transverse racking test ~~load~~ **force** value in kilograms and pounds **newtons**,
  - (vii) line 7—~~the end wall strength value as a proportion of the maximum permissible payload, which shall not be entered unless the side walls are designed to withstand a load of less or more than 0.4 times the maximum permissible payload.~~ **End-wall strength to be indicated on plate only if end-walls are designed to withstand a force of less or greater than 0.4 times the gravitational force by maximum permissible payload,**
  - (viii) line 8—~~the side wall strength value as a proportion of the maximum permissible payload, which shall not be entered unless the side walls are designed to withstand a load less or more than 0.6 times the maximum permissible payload.~~ **Side-wall strength to be indicated on plate only if the side-walls are designed to withstand a force of less or greater than 0.6 times the gravitational force by maximum permissible payload,**
  - (ix) line 9—on and after 1st January 1987 (if the approved examination scheme or programme so requires)—
    - (a) a legend indicating that the container is subject to a continuous examination programme, or
    - (b) the date (expressed in month and year only) before which the container shall next be thoroughly examined.

Lines 7 and 8 may be used for the above purposes (a) and (b) if they are not required to contain other information,

**(x) One door off stacking strength to be indicated on plate only if the container is approved for one door off operation. The marking shall show: ALLOWABLE STACKING LOAD ONE DOOR OFF FOR 1.8 g (... kg ... lbs). This marking shall be displayed immediately near the stacking test value (see line 5),**

**(xi) One door off racking strength to be indicated on plate only if the container is approved for one door off operation. The marking shall show: TRANSVERSE RACKING TEST FORCE (... newtons). This marking shall be displayed immediately near the racking test value (see line 6).**

## DfE EQUALITY SCREENING FORM

### Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

### Information about the policy

Name of the policy - Proposals for the introduction of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 2018.

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Is this an existing, revised or a new policy?

Revised. Revision and replacement of the Freight Containers (Safety Convention) Regulations (Northern Ireland) 1992.

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What is it trying to achieve? (intended aims/outcomes)

To implement the amendments to the International Convention for Safe Containers 1972 (CSC) in Northern Ireland. The purpose of the CSC is to maintain a high level of safety of human life in the transport and handling of containers by providing acceptable test procedures and related strength requirements and harmonised international regulation. The key changes to CSC include;

- changes to Safety Approval Plate (SAP);
  - changes to approved examination programmes;
  - review and audit of approved examination programmes;
-

- the conspicuous marking of containers with limited stacking or racking capacity;
- testing containers operating with one door removed; and
- training of Authorised Control Officers (ACOs) and update / introduce new guidance.

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Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

No. The provisions of the proposed Regulations will apply universally and are expected to benefit all Section 75 groups equally.

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Who initiated or wrote the policy?

The CSC is an international treaty that the UK ratified in 1978 and the UK is therefore bound by the treaty and its terms in accordance with international law. HSENI is responsible for devising and delivering the proposals for the NI implementing legislation to DfE. If DfE accepts the proposals, it is responsible for enacting the legislation.

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Who owns and who implements the policy?

HSENI owns and is responsible for the enforcement of the proposed Regulations in Northern Ireland.

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### **Implementation factors**

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

If yes, are they

- financial
- legislative
- other, please specify \_\_\_\_\_

**Main stakeholders affected**

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

- staff
- service users
- other public sector organisations
- voluntary/community/trade unions
- other, please specify – manufacturers, operators and owners of containers

**Other policies with a bearing on this policy**

- what are they?

None

- who owns them?

N/A

### Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data.

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

| <b>Section 75 category</b> | <b>Details of evidence/information</b>   |
|----------------------------|--|
| Religious belief           | Data is limited to Impact Assessment for corresponding GB proposals and local knowledge of freight containers industry |
| Political opinion          | As above.  |
| Racial group               | As above.  |
| Age                        | As above.  |
| Marital status             | As above.  |
| Sexual orientation         | As above.  |
| Men and women generally    | As above.  |
| Disability                 | As above.  |
| Dependants                 | As above.  |

## Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

| <b>Section 75 category</b> | <b>Details of needs/experiences/priorities</b>  |
|----------------------------|---|
| Religious belief           | Not applicable. The proposals are specifically designed to implement amendments to CSC in NI and will apply equally to all Section 75 categories. |
| Political opinion          | As above.   |
| Racial group               | As above.   |
| Age                        | As above.   |
| Marital status             | As above.   |
| Sexual orientation         | As above.   |
| Men and women generally    | As above.   |
| Disability                 | As above.   |
| Dependants                 | As above.   |

## Part 2. Screening questions

### Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 detailed below.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

### In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;

- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;
- f) The policy is significant in terms of expenditure.

**In favour of 'minor' impact**

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

**In favour of none**

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions detailed below and indicate the level of impact on the group i.e. minor, major or none.

## Screening questions

| 1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? minor/major/none |   |                                   |
|--|---|-----------------------------------|
| Section 75 category  | Details of policy impact  | Level of impact? minor/major/none |
| Religious belief   | No impact on equality of opportunity. The proposals are specifically designed to implement amendments to CSC in Northern Ireland and will apply equally to all Section 75 categories. | None                              |
| Political opinion  | As above.   | None                              |
| Racial group   | As above.   | None                              |
| Age  | As above.   | None                              |
| Marital status   | As above.   | None                              |
| Sexual orientation   | As above.   | None                              |
| Men and women generally  | As above.   | None                              |
| Disability   | As above.   | None                              |
| Dependants   | As above.   | None                              |

| 2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? |                                 |   |
|---|---------------------------------|---|
| Section 75 category   | If <b>Yes</b> , provide details | If <b>No</b> , provide reasons  |
| Religious belief  |                                 | Implementation of amendments to CSC will apply equally to all categories and consequently there is no opportunity to promote equality of opportunity. |
| Political opinion   |                                 | As above.   |
| Racial group  |                                 | As above.   |
| Age   |                                 | As above.   |
| Marital status  |                                 | As above.   |
| Sexual orientation  |                                 | As above.   |
| Men and women generally   |                                 | As above.   |
| Disability  |                                 | As above.   |
| Dependants  |                                 | As above.   |

|   |   |                                  |
|---|---|----------------------------------|
|   |   |                                  |
| <b>3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?</b> |   |                                  |
| Section 75 category   | Details of policy impact  | Level of impact minor/major/none |
| Religious belief  | The proposals are specifically designed to implement amendments to CSC in Northern Ireland and will not impact on good relations. | None                             |
| Political opinion   | As above.   | None                             |
| Racial group  | As above.   | None                             |

|  |                                 |   |
|--|---------------------------------|---|
| <b>4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?</b> |                                 |   |
| Good relations category  | If <b>Yes</b> , provide details | If <b>No</b> , provide reasons<br>The implementation of amendments to CSC will apply equally to all categories and consequently the changes will not contribute to or detract from the promotion of good relations. |
| Religious belief   |                                 | As above.   |
| Political opinion  |                                 | As above.   |

|              |  |           |
|--------------|--|-----------|
| Racial group |  | As above. |
|--------------|--|-----------|

### **Additional considerations**

#### **Multiple identity**

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? (*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people*).

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

The policy has been designed to implement amendments to CSC into Northern Ireland law to take account of international law. It will apply equally to all of the Section 75 Groups and there is no evidence to suggest that people with multiple identities will be affected.

### Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The policy change is necessary to implement amendments to CSC, a Treaty ratified by the UK, into Northern Ireland law. It will apply equally to all businesses in the manufacture and use of freight containers. There is no evidence to suggest that any Section 75 group will be adversely affected by the proposals.

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced.

An alternative policy is not available as Northern Ireland is obliged to meet international law obligations.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

## Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

## Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

| Priority criterion                                   | Rating (1-3) |
|--|--------------|
| Effect on equality of opportunity and good relations |              |
| Social need  |              |
| Effect on people's daily lives                       |              |
| Relevance to a public authority's functions          |              |

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

If yes, please provide details

## Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

## Part 5. Disability Duties

Under the Disability Discrimination Act 1995 (as amended by the Disability Discrimination (Northern Ireland) Order 2006), public authorities, when exercising their functions, are required to have due regard to the need:

- **to promote positive attitudes towards disabled people; and**
- **to encourage participation by disabled people in public life.**

5. Does this policy/legislation have any potential to contribute towards promoting positive attitudes towards disabled people or towards encouraging participation by disabled people in public life? If yes, please give brief details.

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**Name of Consultees**

Ace Freight Forwarding Ltd.  
 Action for Children  
 Action on Hearing Loss (AHL)  
 Action Mental Health (AMH)  
 Advice NI  
 AE Global (Allpipe Engineering Ltd.)  
 AES  
 Age NI  
 Age Sector Platform  
 Agency for the Legal Deposit Libraries  
 All-Route Shipping (NI) Ltd.  
 Alliance Party  
 An Munia Tober  
 Archbishop of Armagh and Primate of all Ireland  
 Ards Business Centre Ltd.  
 Argyle Business Centre Ltd.  
 Arma-Tainer  
 Armagh Business Centre Ltd.  
 Aspergers Network NI  
 Attorney General (NI)  
 Autism NI  
 Balako Enterprise Ltd.  
 Ballymena Business Centre Ltd.  
 Banbridge Enterprise Centre  
 Bar Council  
 Barnardos  
 Belfast Butterfly Club  
 Belfast Centre for the Unemployed  
 Belfast City Centre Management  
 Belfast Freight Ferries Ltd.  
 Belfast Harbour Commissioners  
 Belfast Harbour Police  
 Belfast Health and Social Care Trust  
 Belfast Hebrew Congregation  
 Belfast Islamic Centre  
 Belfast Jewish Community  
 Belfast MET  
 Belfast Solicitors Association  
 Bishop of Down and Connor  
 Board of Deputies of British Jews  
 BOC  
 Bombardier  
 British Council  
 Brow Packaging  
 Bryson House  
 Bryson Intercultural  
 Buildhealth NI  
 Business in the Community  
 Cairn Delivery Service

Calor Gas (NI) Ltd.  
 Campbell McCleave & Co. Ltd.  
 Cancer Focus NI  
 Cara Friend  
 Carers NI  
 Cargo Forwarding Ltd.  
 Carlingford Lough Commission  
 Carrickfergus Enterprise Agency Ltd.  
 Catholic Bishops of NI  
 Causeway Enterprise Agency Ltd  
 Cedar Foundation  
 Chartered Institute of Environmental Health NI  
 Chemical Business Association  
 Chief Constable, PSNI  
 Chief Officers 3rd Sector (CO3)  
 Children in Northern Ireland (CINI) (*inc. Participation Network*)  
 Children's Law Centre  
 Chinese Chamber of Commerce  
 Chinese Welfare Association  
 Church of Ireland  
 Citizens Advice  
 Coastal Container Line Ltd.  
 Coleraine Harbour Commissioners  
 Commission for Victims and Survivors  
 Commissioner for Older People NI  
 Committee on the Administration of Justice  
 Communication Workers Union (CWU)  
 Community Foundation NI  
 Community NI  
 Community Relations Council  
 Construction Employers' Federation (CEF)  
 Construction Industry Training Board NI (CITB)  
 Cookstown Enterprise Centre Ltd.  
 Co-Operation Ireland  
 Council for Catholic Maintained Schools  
 Council of District Judges (NI)  
 Countryside Services  
 Craigavon Industrial Development Organisation Ltd.  
 Creggan Enterprises Ltd.  
 Democratic Unionist Party (DUP)  
 Derek Horner Agencies (NI) Ltd.  
 Direct European Ltd.  
 Disability Action  
 Disability Equality NI  
**District Councils in NI (11)**  
 Donnelly Cabins Ltd.  
 Driver and Vehicle Testing Agency  
 Du Pont (UK) Industrial Ltd.  
 Dungannon Enterprise Centre Ltd.  
 Eamon Leonard Haulage & Sons

East Belfast Community Development Agency  
East Belfast Enterprise Park Ltd.  
East Belfast Partnership Board  
Education Authority  
Employers for Disability NI  
Energy NI  
Engineering Employers' Federation NI (EEF)  
Equality Coalition  
Equality Commission NI  
Eurefeeders  
European Commission Office in NI  
Evangelical Alliance  
Executive Council of the Inn of Court of NI  
Expeditors International (UK) Ltd.  
Falls Community Council  
Federation of Small Businesses  
Fegan Transport Ltd.  
Fermanagh Enterprise Ltd.  
Fire Brigades Union  
Firmus Energy  
Focus: Identity Trust  
Food Standards Agency NI  
Forensic Science Agency of NI  
Foyle Women's Information Network  
Freightbridge International  
Freight Transport Association  
Frizelle Shipping Services Ltd.  
G Heyn & Sons Ltd.  
GEDA Construction  
General Consumer Council for NI  
Gingerbread NI  
GMB  
Grand Orange Order  
Gray & Adams (Ireland) Ltd  
Greater Shankill Partnership  
Green Party  
Guide Dogs  
Hamilton Shipping – Belfast  
Hamilton Shipping Port Services Ltd. Londonderry  
Harland and Wolff Heavy Industries Ltd.  
Health and Safety Executive  
Health and Social Care Board (inc Central Services Agency)  
Heaney Transport & Crane Hire  
Heron Brothers Ltd.  
Heron Transport  
HM Council of County Court Judges  
HM Revenue and Customers  
Home Retail Group  
Include Youth  
Inclusive Mobility and Transport Advisory Committee (IMTAC)

INCORE Conflict Resolutions Ltd.  
 Indian Community Centre  
 Information Commissioner's Office  
 Institute of Directors (NI Division)  
 Invest NI  
 Irish National Teachers' Organisation (INTO)  
 Jenkinson Freight (NI) Ltd.  
 John Irwin Transport  
 Johnson Stevens (NI) Ltd.  
 KDM Hire Ltd.  
 Kersten Cargo Services (NI) Ltd.  
 Kesh Development Association  
 Kilwee Transport  
 Kingsbury Packaging (Limavady) Ltd.  
 Labour Relations Agency  
 Larne Development Forum  
 Larne Harbour Ltd.  
 Lawrence Cunningham Haulage  
 Law Centre (NI)  
 Law Society of NI  
 Let International Ltd  
 Local Government Staff Commission for NI  
 Londonderry Port & Harbour Commissioners  
 Lonmin (NI) Ltd  
 Lord Chief Justice Office  
 Magherafelt Womens Group  
 Magill Freight Services Ltd.  
 Major Freight Services  
 Mallusk Enterprise Park  
 Maritime and Coastguard Agency  
 Mar-Train Heavy Haulage Ltd.  
 McAuley Freight  
 McClay Library, QUB  
 McNamee Freight Ltd.  
 MENCAP  
 Mens Health Forum  
**MEPs for NI (3)**  
 Methodist Church  
 Mindwise  
 Ministry of Defence  
**MPs for NI (18)**  
 Multi-Cultural Resource Centre  
 Musicians Union  
 Mutual Energy Ltd.  
 NASUWT  
 National Library of Ireland  
 New Ferry Fast Freight Ltd.  
 Newry and Mourne Enterprise Agency  
 NI Assembly – Clerk of the Economy Committee  
 NI Assembly - Library

**NI Assembly – MLAs (90)**

NI Assembly – The Speaker  
 NI Association for the Care and Resettlement of Offenders (NIACRO)  
 NI Association for Mental Health (NIAMH)  
 NI Audit Office  
 NI Authority for Utility Regulation  
 NI Centre for Competitiveness  
 NI Chamber of Commerce & Industry  
 NI Commissioner for Children and Young People (NICCY)  
 NI Committee/Irish Congress of Trade Unions (NIC/ICTU)  
 NI Council for Ethnic Minorities (NICEM)  
 NI Council for Voluntary Action (NICVA)  
 NI Court Service  
 NI Courts and Tribunal Service  
 NI Electricity  
 NI Environment Link

**NI Executive Ministers (12)** *(c/o Private Offices)*

NI Fire and Rescue Service (NIFRS)  
 NI Gay Rights Association (NIGRA)

**NI Government Departments (9)**

NI Housing Executive (NIHE)  
 NI Human Rights Commission  
 NI Judicial Appointments Commission  
 NI Law Commission  
 NI Local Government Association (NILGA)  
 NI Prison Service  
 NI Public Service Alliance (NIPSA)  
 NI Public Service Ombudsman (NIPSO)  
 NI Railways Company Ltd.  
 NI Rural Womens Network  
 NI Safety Group (NISG)  
 NI Statistics and Research Agency (NISRA)  
 NI Water  
 NI Women's European Platform (NIWEP)  
 Norse Irish Ferries Ltd.  
 North Belfast Partnership Board  
 North City Business Centre Ltd.  
 North Down Development Organisation Ltd.  
 North / South Ministerial Council (NSMC)  
 North West Community Network  
 North West Regional College  
 Northern Group  
 Northern Health and Social Care Trust  
 Northern Ireland Office (NIO)  
 Northern Regional College  
 NSPCC, Northern Ireland Regional Office  
 NUS/USI (NI Student Centre)  
 Occupational Health Service (OHS)  
 Office of Industrial Tribunals & Fair Employment Tribunal  
 Omagh Enterprise Co. Ltd.

Open University  
 Ormeau Enterprises Ltd.  
 Oyster (Transgender NI)  
 Participation and the Practice of Rights (PPR)  
 PCM Associates – Training & Consultancy Services  
 People Before Profit Alliance (PBPA)  
 Pharmaceutical Society of NI  
 Phoenix Natural Gas  
 POBAL  
 Polar International Ltd.  
 Police Federation for NI  
 Police Service of Northern Ireland (PSNI)  
 PRAXIS  
 Presbyterian Church  
 Prince's Trust  
 Progressive Unionist Party (PUP)  
 Prospect  
 PW Freight  
 Quarry Products Association NI  
 Quay Cargo Services  
 Queen's University  
 Rainbow Project  
 Relate  
 RHT & Son  
 Roadliner (International) Ltd.  
 Roy Coulter Consulting Ltd.  
 Royal College of Midwives  
 Royal Institution of Chartered Surveyors (RICS)  
 Royal National Institute for the Blind (NI) (RNIB)  
 Rural Community Network  
 Rural Development Council  
 St. Marys University College  
 St. John Ambulance NI  
 Save the Children  
 Scotia Gas Networks (SGN)  
 Scotts Electrical  
 Scruttons (NI) Ltd.  
 Seagate Technology (Ireland)  
 Seamus McClafferty Transport  
 Sense  
 Services Industrial Professional Technical Union (SIPTU)  
 Sinn Fein (SF)  
 Social Democratic & Labour Party (SDLP)  
 South Belfast Partnership Board  
 South Eastern College  
 South Eastern Health and Social Care Trust  
 South West Fermanagh Development Organisation  
 South Western College  
 Southern Health and Social Care Trust  
 Southern Regional College

SSE Airtricity Energy Supply (NI) Ltd  
Strabane Industrial Properties Ltd.  
Stanley McMaster Hire Centre  
Stranmillis University College  
Tennants Textile Colours Ltd.  
TFK Container Sales & Hire  
Titan ArcticStore  
Total Cargo Services (NI)  
Tourism NI  
Townsend Enterprise Park Ltd.  
Traditional Unionist Voice (TUV)  
Training for Women Network  
Trans Forum  
Trans-Globe Express Ltd.  
Translink  
Transocean (NI) Ltd.  
Transport Salaried Staff Association  
UK Independence Party (UKIP)  
UK National Committee of UN Women  
Ulster Farmers' Union (UFU)  
Ulster Scots Agency  
Ulster Teachers' Union  
Ulster Unionist Party (UUP)  
Union of Construction, Allied Trades and Technicians (UCATT)  
UNISON  
Unite the Union  
University & College Union  
University of Ulster  
Visual Access NI  
Volunteer Now  
Walcon  
Warley Carriers Ltd.  
Warrenpoint Harbour Authority  
West Belfast Development Trust Ltd.  
West Belfast Partnership Board  
Western Health and Social Care Trust  
Westlink Enterprise Ltd.  
William Keown Trust  
Wilson McCurdy  
Women's Forum  
Women's Information Group  
Women's Resource and Development Agency  
Women's Support Network  
Women's Training, Enterprise and Childcare  
Workers' Party  
Workspace  
WS Dennison Ltd.  
Young Transport Services  
Zeus Packaging Ltd.