

COMMISSION OF THE EUROPEAN COMMUNITIES

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PROPOSAL FOR A COUNCIL DIRECTIVE
ON THE HARMONIZED APPLICATION OF THE INTERNATIONAL
CONVENTION FOR SAFE CONTAINERS (CSC)
IN THE EUROPEAN ECONOMIC COMMUNITY

(presented by the Commission to the Council)

COM(80) 392 final

GENERAL CONSIDERATIONS

1. HISTORICAL

While it may not be possible to date the advent of containerisation in its modern international inter-modal form, it is undoubtedly true that the work of the International Standards Organisation (ISO) in the early 1960's and thereafter provided the essential ingredients for the dramatic growth of containerisation in the late 1960's and early 1970's.

Compared with conventional, pre-container, cargo handling methods, containerisation rapidly established the reputation for being an inherently safe means of transport.

Nevertheless, fears of unilateral actions by States taking the form of the introduction of safety legislation covering freight containers, and fears of the possible repercussions on container operations - and hence on international trade - which such unilateral action might have, led to proposals for the development of an international agreement.

After preparatory work by the Intergovernmental Maritime Consultancy Organisation (IMCO), in consultation with the U.N. Economic Commission for Europe (ECE) Inland Transport Committee, the International Convention for Safe Containers (CSC) was concluded in Geneva in December, 1972.

IMCO, became the depository for the Convention and it entered into force on 6th September 1977 (one year after the deposit of the 10th instrument of accession).

Two Member States of the Community were among the first 10 to accede : France, in October 1974, and the Federal Republic of Germany in July 1976. Two more Member States had acceded by the end of the first quarter of 1979 : the United Kingdom in March 1978 and Denmark in March 1979. And on the 15th May 1979, the Council, acting on a proposal from the Commission, recommended accession by those Member States which had not already done so. Italy acceded in October 1979.

2. THE MAIN PROVISIONS OF THE CONVENTION CSC

The first two preambular clauses of the Convention indicate its purpose.

The first clause recognises the need to maintain a high level of safety of human life and the second expressed the need to facilitate international container transport.

To these ends, the Convention makes provision for :

- the approval and plating of all containers intended for use in international trade (with the exception of containers specially designed for air transport) ;
- a limited form of control of containers by duly authorised officers
- owners of containers being made responsible for maintaining them in safe condition ; and
- owners examining their containers, or having them examined in accordance with a prescribed or approved procedure.

In particular, the Convention requires that new containers , i.e. those built after the date of entry into force of the Convention (6th September 1977) shall be tested, inspected, approved and plated in accordance with stated provisions either for prototype testing or for individual testing.

The Convention also requires that existing containers i.e. containers which are not new containers, shall be approved within five years of the date of entry into force of the Convention (i.e. before 6th September 1982). By implication, these existing containers, or those of them which may remain in service after September 1982, shall also have been plated by that date.

These approval and plating requirements have given rise to a number of questions regarding the interpretation of the Convention and concerning the way in which it should be implemented. Some of these questions are of a purely technical nature (e.g. questions about the way in which test results should be interpreted) , others relate to the procedures envisaged and the nature of the organisations which may be entrusted with their application , but the majority of the questions arise from the time scales inherent in the Convention and the concept of an 'absolute' date of entry into force.

The Convention entered into force on the 6th September 1977 (twelve months after the date of the deposit of the 10th instrument of ratification acceptance, approval or accession) and this date constitutes the dividing line between 'new containers' and 'existing containers' and also constitutes the starting point of the five year period during which existing containers are required to be approved, examined and plated. The fact that a State may have acceded to the Convention some considerable time after the deposit of the 10th instrument, and may think in terms of a date of entry into force twelve months after its own accession, will not be determinant to container operators who work internationally. Such operators will wish to obtain a prescribed or approved examination procedure early enough to allow completion of the examination and plating before the end of the five year period [i.e. before 6th September 1982] because it is currently envisaged that only those containers which have been plated may be used in international trades involving Contracting States after the 'deadline' date of [6th September 1982].

This having been said, it must be remembered that problems have been created because very few States were fully prepared both to grant approvals to containers (either new or existing) and to prescribe or approve examination procedures by the time the Convention entered into force ; and some States are not fully prepared, even at the present time. For this reason, arrangements have had to be made for the approval and plating of those containers which, although by definition 'new containers' were introduced into service before they could be approved. For the same reason, the time remaining before the 'deadline' date of [6th September 1982] is now so short that owners of large fleets of existing containers who have only recently been able to obtain approval of these containers, are liable to face severe practical problems in arranging for their examination and plating before the 'deadline' date.

The other requirements of the Convention concerning governmental control, owners responsibility for maintaining containers in safe condition, and the prescription or approval of procedures by which owners shall examine their containers or have them examined, have also given rise to questions of interpretation and questions concerning the extent to which it is necessary or desirable to supplement the provisions of the Convention.

These questions, together with those arising out of the requirements for approvals, have been the subject of much discussion in the committees of IMCO. In many cases, agreement has been reached on harmonised interpretations aimed at making uniform implementation of the Convention a realistic proposition.

While it is clearly desirable that procedures for the approval of containers should be made as uniform as may be practicable in all Contracting States, it is now generally recognised that the approval process is applied only once in the lifetime of a container and hence minor differences in the procedures adopted by one State as compared with those adopted by another are unlikely to have serious financial implications either for manufacturers or for owners of containers. But the situation is different where control, maintenance or examination procedures are concerned : these are 'ongoing' activities to which containers are being subjected throughout their lifetime, and if one State were to adopt a markedly more (or markedly less) severe attitude to any one of these activities compared with the attitude adopted by other States, this could have significant financial implications for container operators and owners.

3. COMMUNITY ACTION

Having due regard to the various categories of questions and problems outlined above, and to the agreed interpretations of CSC already established by IMCO, the Commission now considers the harmonised application of CSC to be a necessary part of its general policy for the harmonisation of conditions of competition and the improvement of safety in transport which, in turn, is an important part of the common transport policy as a whole.

Having particular regard to the time-scales envisaged in the implementation of CSC, the Commission has already submitted a proposal for a Council Recommendation calling upon Member States which have not already done so, to accede to the Convention by 1st July 1980. The Council's adoption of this Recommendation on the 15th May 1979, is regarded as the first step towards the achievement of harmonised application of CSC within the Community.

As the second step, the Commission has prepared a proposed Directive. It is the outcome of consultations with both governmental and non-governmental experts and of work done by many of the same experts within IMCO. This proposal consolidates the agreed interpretations of CSC which have already been reached into a firm foundation upon which a harmonised Community approach to the implementation of CSC may be built.

The Directive is intended to provide rules and guidelines in a manner which is acceptable to all Member States and which is attuned to the consensus of the views of all other States which are Contracting Parties to CSC. In this way the spirit and intent of the Convention may be respected and Member States will neither be advantaged nor disadvantaged in their dealings one with another or with third parties by reason of provisions for container safety.

The Commission will make appropriate proposals on any further 'agreed interpretations' which may be found necessary and which, with the assistance of the appropriate experts and the co-operation of IMCO, the Commission may be able to obtain.

4. COMMENTS ON ARTICLES

Article 1

This Article states that the general provisions of the Convention must be given effect in the Community before 1st July 1981. This date limit is consistent with the date required in the EEC Council Recommendation. Furthermore, Member States shall take the necessary steps for the application of the Convention, not only as envisaged in the Convention itself, but also as envisaged in this Directive. The whole text of the Convention is annexed.

Article 2

This Article requires Member States to establish effective procedures for the testing, inspection, approval and plating of containers on the earliest possible date. This is necessary so that as many new containers as possible may be approved at time of manufacture, and so that all existing containers which may remain in international traffic after [6th September 1982], may be approved early enough to allow them to be examined and plated before that date.

It is recognised that Member States may wish to entrust some or all of the testing, inspection during production, and approval work for new containers, and some or all of the work of investigating submissions and granting approvals for existing containers, to non-governmental organisations. If this is done, such organisations must satisfy the criteria given in Chapter 1 of Annex B to this Directive.

Recognition of a statutory declaration procedure is
made acceptable for the approval of existing containers.

The article also provides for the recognition of certain options relating to the marking of Safety Approval Plates as set out in Chapter 2 of Annex B to this Directive, but does not make their application mandatory.

Article 3

This Article covers the type of case in which several containers of one design type are considered to be unsafe as a result of a defect which may have existed when the container was approved, i.e. an inherent defect. This case is an extension of the one envisaged in Article VI of Paragraph 2 of the CSC and requires that, if a Member State which had granted a design type approval is advised of an apparent inherent defect in the design, that Member State shall reconsider the approval of all of the containers in series and take such steps as may be deemed necessary to have the containers brought back into compliance with the requirements of the Convention or withdraw the approval. Since it is envisaged that

only the administration of a Contracting Party to the CSC which approved a container or a design type, has the right to withdraw the approval, it follows that, if a Member State considers a container, or a number of containers to be unsafe, then the Contracting Party responsible for the original approval shall be informed. The Article also covers notifications to interested parties - the manufacturer and the owners or operators of the containers concerned - about any proposal for withdrawal of approval, giving information relating to means of appeal and the time limits involved.

Article 4

This Article reflects the thinking which underlies the first paragraph of Regulation 2 of the Convention. In particular it specifies that owners shall be free to select methods by which they achieve the safe condition required and shall be free to select the organisation, firms, or companies required to do maintenance, repair and other similar work. Nevertheless, if a particular owner's containers are repeatedly found to be unsafe, the Government of the territory in which the owner has his head office or domicile, which will normally be the Government which has prescribed or approved the owners examination procedures, should be required to ensure corrective action.

Article 5

This Article calls for urgent action by Member States on the establishment or approval of examination procedure (meeting the minimum requirements set out in Chapter 3 of Annex B to the Directive) in order that owners may be able to proceed at the earliest possible date with the examination of existing containers prior to plating them. The CSC envisages a period of 5 years for the approval of existing containers and implies (but does not explicitly state) that owners should also have plated their existing containers within that period. In order that the [6th September 1982] 'deadline' date maybe maintained, it is essential that Governments which have not yet made adequate provision for the prescription or approval of examination procedures, should do so at the earliest possible date, so that owners of large fleets of containers may have a reasonable chance of meeting the deadline. By virtue of this article

the Commission shall be informed of the steps taken for the prescription or approval of examination procedures. Although it is preferred that individual Member States shall each take the "necessary steps", these steps may also be deemed to have been taken by a Member State if container owners having their head offices or domiciles on its territory are instructed to perform examinations in accordance with the procedures prescribed or approved by another Member State.

Article 6

This reflects an agreed interpretation whereby firstly such control (in the sense of Article VI of the Convention) as may be exercised prior to the [6th September 1982]

shall be confined to the checking of the safe condition of containers ; and secondly, the verification that containers carry valid safety approval plates shall not be performed until after 6th September 1982. It also provides that control shall only be performed by overnment bodies and that these bodies should act in accordance with the relevant parts of Annex C to this Directive.

Articles 7, 8, 9

These articles lay down a procedure for ensuring close cooperation between the Member States and the Commission within a committee so that certain measures contained in the directive and its annexes may be adapted speedily to technical progress. The composition of the committee is also laid down, as are its operational and decision-making procedures.

Article 10

No comment.

Article 11

No comment.

PROPOSAL FORA COUNCIL DIRECTIVE ON THE HARMONIZED APPLICATION OF THE INTERNATIONAL CONVENTION FOR SAFE CONTAINERS (CSC) IN THE EUROPEAN ECONOMIC COMMUNITY

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 75 and 84 (2) thereof,

Having regard to the proposal submitted by the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the International Convention for Safe Containers (CSC) drawn up as part of the work of the United Nations Inter-Governmental Maritime Consultative Organization (IMCO) entered into force on 6 September 1977 and is open for ratification or accession by States,

including the Member States, and whereas Council Recommendation 79/487/EEC of 15 May 1979 the ratification of the International Convention for Safe Containers (CSC) (*) recommends Member States to ratify or accede to that Convention; Whereas the CSC includes rules aimed at maintaining a high degree of safety of human life during the handling, stacking and carriage of containers, and safety rules relating to manufacture and testing;

Whereas the non-uniform application of the provisions of the CSC by Member States would be prejudicial to the harmonization of the conditions of competition, to safety and to the free movement of containers and goods within the common market;

(*) OJ L 125

Whereas ratification by or the accession of all Member States is a necessary, but not in itself a sufficient, condition of the harmonized application of the Convention;

Whereas the General Assembly of IMCO adopted a resolution No. A.436 (XI) recommending that the controls provided for in the CSC should apply from 6 September 1982, and whereas provisions must be established without delay so that operators may have all containers examined before that date;

Whereas, in view of the large number of containers, administrations and owners must be given a sufficient period for the tasks arising from testing, approval and the fixing of the CSC plates;

Whereas it is essential to adopt common minimum provisions on the periodic examination of containers and common minimum criteria for the approval of bodies charged with examining containers in order to minimize the differences which could prejudice the management of containers, the safety of human life and goods;

Whereas it is important to secure the acceptance of the principle of the owner's responsibility for the maintenance of containers;

Whereas uniform implementation of the provisions relating to control is essential in order to preclude the adoption by the Member States of different measures for similar situations, which would hamper the free movement of containers;

Whereas technical progress requires the prompt adaptation of this Directive and its Annexes; whereas, in order to facilitate the measures needed to this end, provision should be made for a procedure for close cooperation between the Member States and the Commission within a Committee on the Adaptation to Technical Progress of this Directive,

HAS ADOPTED THIS DIRECTIVE :

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Article 1

1. Member States shall apply the provisions of the International Convention for Safe Containers (CSC), hereinafter referred to as the "CSC", from a date not later than 1 July 1981 and in the manner stated in this Directive. The text of the CSC is contained in Annex A.
2. For the purposes of this Directive, the expressions defined in Article II of the CSC shall have the meaning given to them by that Article.

Article 2Testing, inspection, approval and plating of containers

To ensure uniform application of the procedures for the testing, inspection, approval and plating of containers laid down by the CSC, Member States shall, not later than 1 January 1982, make the necessary provisions in conformity with the following requirements:

1. 1 Member States shall not entrust some or all of the procedures for testing, inspection and approval of containers to non-governmental organisations, unless these organisations satisfy the criteria set out in Chapter 1 of Annex B
2. 1 Member States shall send a list of organisations entrusted with such procedures to the Commission;
3. 2 For the purposes of the procedures set out in Regulation 9 of Annex I to the CSC, evidence on the matters specified in sub-paragraph d) may be constituted by a statutory declaration to that effect.
4. 2 Where the procedure in accordance with 3 above is applied, Member States shall require that the owner's documentary evidence be maintained in his own files, subject to inspection at any time.

The Safety Approval Plate requirements (Regulation 1 of Annex I to the CSC) shall be interpreted in the manner indicated in chapter 2 of Annex B.

Article 3Withdrawal of approval

1. Further to the provisions of Article IV (5) of the CSC, when a considerable number of containers in a design type series approved by a Member State are found to be unsafe as a result of defects which may have existed prior to such approval, the Member State which has granted the original approval shall initiate action to reconsider the approval of all containers in this series and shall take such steps as may be deemed necessary to bring these containers into compliance or to withdraw their approval.

2. Detailed reasons shall be given for any decision involving withdrawal of approval. The interested party shall be notified and informed of the means of appeal available under the laws of the Member State which withdraws the approval and the time limits in which these appeals must be made.

Article 4Maintenance

1. Subject to paragraph 2, the owner of a container shall be free to select methods by which he

secures the safe condition of his containers, that is, the appropriate combination of planned maintenance, procedures for refurbishment, refitting and repair and the persons or bodies to perform this work.

2. If a Member State obtains clear evidence for believing that an owner is repeatedly failing to achieve a satisfactory level of safety, it shall request the Government of the territory (be it a Member State or otherwise) in which the owner has a head office or residence, to ensure that appropriate action is taken.

Article 5Periodic Examination of Containers

To ensure uniform application of examination procedures, Member States shall take the necessary steps to prescribe or approve procedures as laid down in Regulation 2 of Annex I to the CSC not later than 1 January 1982.

These procedures, whether approved or prescribed, shall satisfy the minimum conditions set out in Chapter 3 of Annex B.

Article 6Control

1. Member States shall exercise the control provisions provided for in Article VI of the CSC with respect to the checking of containers for valid Safety Approval Plates only after 6 September 1982.
2. Member States shall effect this control only through Government bodies, a list of which shall be sent to the Commission.
3. Control arrangements made by Member States in conformity with this Article and with Article VI of the CSC shall conform to Annex C.

Article 7Adaptation to technical progress

The changes required to adapt this Directive and its Annexes to technical progress shall be approved in accordance with the procedure referred to in Article 9.

Article 8

1. A Committee on the Adaptation to technical progress of this Directive (hereinafter called the 'Committee') is hereby set up; it shall consist of representatives of the Member States with a representative of the Commission as Chairman.
2. The Committee shall adopt its own rules of procedure.

Article 9

1. Where the procedure laid down in this Article is to be followed, matters shall be referred to the Committee by the Chairman, either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on the draft within a time limit set by the Chairman having regard to the urgency of the matter. Opinions shall be adopted by a majority of four votes, the votes of Member States being weighted as provided in Article 148 (2) of the Treaty. The Chairman shall not vote.

3.a) The Commission shall adopt the measures envisaged where they are in accordance with the opinion of the Committee.

b) Where the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is adopted, the Commission shall without delay propose to the Council the measures to be adopted. The Council shall act by a qualified majority.

c) If, within three months of the proposal being submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 10

Member States shall, after consulting the Commission, adopt the laws, regulations or administrative provisions necessary to comply with this Directive not later than 1 January 1982, without prejudice to the time limit laid down in Article 1.

Article 11

This Directive is addressed to the Member States.

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INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION

INTERNATIONAL CONVENTION
FOR SAFE CONTAINERS



UN



IMCO

LONDON 1974

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INTERNATIONAL CONVENTION FOR SAFE CONTAINERS (CSC)

20

Preamble

THE CONTRACTING PARTIES,

RECOGNIZING the need to maintain a high level of safety of human life in the handling, stacking and transporting of containers,

MINDFUL of the need to facilitate international container transport,

RECOGNIZING, in this context, the advantages of formalizing common international safety requirements,

CONSIDERING that this end may best be achieved by the conclusion of a Convention,

HAVE DECIDED to formalize structural requirements to ensure safety in the handling, stacking and transporting of containers in the course of normal operations, and to this end

HAVE AGREED as follows:

ARTICLE I

General Obligation under the present Convention

The Contracting Parties undertake to give effect to the provisions of the present Convention and the Annexes hereto, which shall constitute an integral part of the present Convention.

ARTICLE II

Definitions

For the purpose of the present Convention, unless expressly provided otherwise:

- I. "Container" means an article of transport equipment:
 - (a) of a permanent character and accordingly strong enough to be suitable for repeated use;
 - (b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;

(c) designed to be secured and/or readily handled, having corner fittings for these purposes;

(d) of a size such that the area enclosed by the four outer bottom corners is either:

(i) at least 14 sq.m. (150 sq.ft.) or

(ii) at least 7 sq.m. (75 sq.ft.) if it is fitted with top corner fittings;

the term "container" includes neither vehicles nor packaging; however, containers when carried on chassis are included.

2. "Corner fittings" means an arrangement of apertures and faces at the top and/or bottom of a container for the purposes of handling, stacking and/or securing.

3. "Administration" means the Government of a Contracting Party under whose authority containers are approved.

4. "Approved" means approved by the Administration.

5. "Approval" means the decision by an Administration that a design type or a container is safe within the terms of the present Convention.

6. "International transport" means transport between points of departure and destination situated in the territory of two countries to at least one of which the present Convention applies. The present Convention shall also apply when part of a transport operation between two countries takes place in the territory of a country to which the present Convention applies.

7. "Cargo" means any goods, wares, merchandise and articles of every kind whatsoever carried in the containers.

8. "New container" means a container the construction of which was commenced on or after the date of entry into force of the present Convention.

9. "Existing container" means a container which is not a new container.

10. "Owner" means the owner as provided for under the national law of the Contracting Party or the lessee or bailee; if an agreement between the parties provides for the exercise of the owner's responsibility for maintenance and examination of the container by such lessee or bailee.

11. "Type of container" means the design type approved by the Administration.

12. "Type-series container" means any container manufactured in accordance with the approved design type.

13. "Prototype" means a container representative of those manufactured or to be manufactured in a design type series.

14. "Maximum Operating Gross Weight or Rating" or "R" means the maximum allowable combined weight of the container and its cargo.

15. "Tare Weight" means the weight of the empty container including permanently affixed ancillary equipment.

16. "Maximum Permissible Payload" or "P" means the difference between maximum operating gross weight or rating and tare weight.

ARTICLE III

Application

- 1. The present Convention applies to new and existing containers used in international transport, excluding containers specially designed for air transport.
- 2. Every new container shall be approved either in accordance with the provisions for type-testing or for individual testing as contained in Annex I.
- 3. Every existing container shall be approved in accordance with the relevant provisions for approval of existing containers set out in Annex I within 5 years from the date of entry into force of the present Convention.

ARTICLE IV

Testing, Inspection, Approval and Maintenance

- 1. For the enforcement of the provisions in Annex I every Administration shall establish an effective procedure for the testing, inspection and approval of containers in accordance with the criteria established in the present Convention, provided however that an Administration may entrust such testing, inspection and approval to organizations duly authorized by it.
- 2. An Administration which entrusts such testing, inspection and approval to an organization shall inform the Secretary-General of the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as "the Organization") for communication to Contracting Parties.
- 3. Application for approval may be made to the Administration of any Contracting Party.
- 4. Every container shall be maintained in a safe condition in accordance with the provisions of Annex I.
- 5. If an approved container does not in fact comply with the requirements of Annexes I and II the Administration concerned shall take such steps as it deems necessary to bring the container into compliance with such requirements or to withdraw the approval.

ARTICLE V

Acceptance of Approval

1. Approval under the authority of a Contracting Party, granted under the terms of the present Convention, shall be accepted by the other Contracting Parties for all purposes covered by the present Convention. It shall be regarded by the other Contracting Parties as having the same force as an approval issued by them.
2. A Contracting Party shall not impose any other structural safety requirements or tests on containers covered by the present Convention, provided however that nothing in the present Convention shall preclude the application of provisions of national regulations or legislation or of international agreements, prescribing additional structural safety requirements or tests for containers specially designed for the transport of dangerous goods, or for those features unique to containers carrying bulk liquids or for containers when carried by air. The term "dangerous goods" shall have that meaning assigned to it by international agreements.

ARTICLE VI

Control

1. Every container which has been approved under article III shall be subject to control in the territory of the Contracting Parties by officers duly authorized by such Contracting Parties. This control shall be limited to verifying that the container carries a valid Safety Approval Plate as required by the present Convention, 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 the officer, carrying out the control shall only exercise it in so far as it may be necessary to ensure that the container is restored to a safe condition before it continues in service.
2. Where the container appears to have become unsafe as a result of a defect which may have existed when the container was approved, the Administration responsible for that approval shall be informed by the Contracting Party which detected the defect.

ARTICLE VII

Signature, ratification, acceptance, approval and accession

1. The present Convention shall be open for signature until 15 January 1973 at the Office of the United Nations at Geneva and subsequently from 1 February 1973 until 31 December 1973 inclusive at the Headquarters of the Organization at London by all States Members of the United Nations or Members of any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the present Convention.
2. The present Convention is subject to ratification, acceptance or approval by States which have signed it.

3. The present Convention shall remain open for accession by any State referred to in paragraph 1.

4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the Organization (hereinafter referred to as "the Secretary-General").

ARTICLE VIII

Entry into force

1. The present Convention shall enter into force twelve months from the date of the deposit of the tenth instrument of ratification, acceptance, approval or accession.

2. For each State ratifying, accepting, approving or acceding to the present Convention after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force twelve months after the date of the deposit by such State of its instrument of ratification, acceptance, approval or accession.

3. Any State which becomes a Party to the present Convention after the entry into force of an amendment shall, failing an expression of a different intention by that State,

(a) be considered as a Party to the Convention as amended; and

(b) be considered as a Party to the unamended Convention in relation to any Party to the Convention not bound by the amendment.

ARTICLE IX

Procedure for amending any part or parts of the present Convention

1. The present Convention may be amended upon the proposal of a Contracting Party by any of the procedures specified in this article.

2. Amendment after consideration in the Organization:

(a) Upon the request of a Contracting Party, any amendment proposed by it to the present Convention shall be considered in the Organization. If adopted by a majority of two-thirds of those present and voting in the Maritime Safety Committee of the Organization, to which all Contracting Parties shall have been invited to participate and vote, such amendment shall be communicated to all Members of the Organization and all Contracting Parties at least six months prior to its consideration by the Assembly of the Organization. Any Contracting Party which is not a Member of the Organization shall be entitled to participate and vote when the amendment is considered by the Assembly.

(b) If adopted by a two-thirds majority of those present and voting in the Assembly, and if such majority includes a two-thirds majority of the Contracting Parties present and voting, the amendment shall be communicated by the Secretary-General to all Contracting Parties for their acceptance.

(c) Such amendment shall come into force twelve months after the date on which it is accepted by two-thirds of the Contracting Parties. The amendment shall come into force with respect to all Contracting Parties except those which, before it comes into force, make a declaration that they do not accept the amendment.

3. Amendment by a Conference:

Upon the request of a Contracting Party, concurred in by at least one-third of the Contracting Parties, a Conference to which the States referred to in article VII shall be invited will be convened by the Secretary-General.

ARTICLE X

Special procedure for amending the Annexes

1. Any amendment to the Annexes proposed by a Contracting Party shall be considered in the Organization at the request of that Party.

2. If adopted by a two-thirds majority of those present and voting in the Maritime Safety Committee of the Organization to which all Contracting Parties shall have been invited to participate and to vote, and if such majority includes a two-thirds majority of the Contracting Parties present and voting, such amendment shall be communicated by the Secretary-General to all Contracting Parties for their acceptance.

3. Such an amendment shall enter into force on a date to be determined by the Maritime Safety Committee at the time of its adoption, unless by a prior date determined by the Maritime Safety Committee at the same time one-fifth or five of the Contracting Parties, whichever number is less, notify the Secretary-General of their objection to the amendment. Determination by the Maritime Safety Committee of the dates referred to in this paragraph shall be by a two-thirds majority of those present and voting, which majority shall include a two-thirds majority of the Contracting Parties present and voting.

4. On entry into force any amendment shall, for all Contracting Parties which have not objected to the amendment, replace and supersede any previous provision to which the amendment refers; an objection made by a Contracting Party shall not be binding on other Contracting Parties as to acceptance of containers to which the present Convention applies.

5. The Secretary-General shall inform all Contracting Parties and Members of the Organization of any request and communication under this article and the date on which any amendment enters into force.

6. Where a proposed amendment to the Annexes has been considered but not adopted by the Maritime Safety Committee, any Contracting Party may request the convening of a Conference to which the States referred to in article VII shall be invited. Upon receipt of notification of concurrence by at least one-third of the other Contracting Parties such a Conference shall be convened by the Secretary-General to consider amendments to the Annexes.

ARTICLE XI

Denunciation

1. Any Contracting Party may denounce the present Convention by effecting the deposit of an instrument with the Secretary-General. The denunciation shall take effect one year from the date of such deposit with the Secretary-General.
2. A Contracting Party which has communicated an objection to an amendment to the Annexes may denounce the present Convention and such denunciation shall take effect on the date of entry into force of such an amendment.

ARTICLE XII

Termination

The present Convention shall cease to be in force if the number of Contracting Parties is less than five for any period of twelve consecutive months.

ARTICLE XIII

Settlement of Disputes

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of the present Convention which cannot be settled by negotiation or other means of settlement shall, at the request of one of them, be referred to an arbitration tribunal composed as follows: each party to the dispute shall appoint an arbitrator and these two arbitrators shall appoint a third arbitrator, who shall be the Chairman. If three months after receipt of a request one of the parties shall have failed to appoint an arbitrator or if the arbitrators shall have failed to elect the Chairman, any of the parties may request the Secretary-General to appoint an arbitrator or the Chairman of the arbitration tribunal.
2. The decision of the arbitration tribunal designated under the provisions of paragraph 1 shall be binding on the parties to the dispute.
3. The arbitration tribunal shall decide its own rules of procedure.
4. Decisions of the arbitration tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote.
5. Any controversy which may arise between the parties to the dispute as regards the interpretation and execution of the award may be submitted by either party for judgment to the arbitration tribunal which made the award.

ARTICLE XIV

Reservations

1. Reservations to the present Convention shall be permitted, excepting those relating to the provisions of articles I - VI, XIII and of the present article and of those contained in the Annexes, on condition that such reservations are

communicated in writing and, if communicated before the deposit of the instrument of ratification, acceptance, approval or accession, are confirmed in that instrument. The Secretary-General shall communicate such reservations to all States referred to in article VII.

2. Any reservations made in accordance with paragraph 1:

(a) modifies for the Contracting Party which made the reservation the provisions of the present Convention to which the reservation relates to the extent of the reservation; and

(b) modifies those provisions to the same extent for the other Contracting Parties in their relations with the Contracting Party which entered the reservation.

3. Any Contracting Party which has formulated a reservation under paragraph 1 may withdraw it at any time by notification to the Secretary-General.

ARTICLE XV

Notification

In addition to the notifications and communications provided for in articles IX, X and XIV, the Secretary-General shall notify all the States referred to in article VII of the following:

(a) signatures, ratifications, acceptances, approvals and accessions, under article VII;

(b) the dates of entry into force of the present Convention in accordance with article VIII;

(c) the date of entry into force of amendments to the present Convention in accordance with articles IX and X;

(d) denunciations under article XI;

(e) the termination of the present Convention under article XII.

ARTICLE XVI

Authentic texts

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General who shall communicate certified true copies to all States referred to in article VII.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE at Geneva this second day of December, one thousand nine hundred and seventy-two.

ANNEX I

28

REGULATIONS FOR THE TESTING, INSPECTION, APPROVAL
AND MAINTENANCE OF CONTAINERS

CHAPTER I - REGULATIONS COMMON TO ALL
SYSTEMS OF APPROVAL

Regulation 1

Safety Approval Plate

1. A Safety Approval Plate conforming to the specifications set out in the Appendix to this Annex shall be permanently affixed to every approved container at a readily visible place adjacent to any other approval plate issued for official purposes where it would not be easily damaged.

2. (a) The Plate shall contain the following information in at least the English or French language:

"CSC SAFETY APPROVAL"

Country of approval and approval reference

Date (month and year) of manufacture

Manufacturer's identification number of the container or, in the case of existing containers, for which that number is unknown, the number allotted by the Administration

Maximum operating gross weight (kilogrammes and lbs)

Allowable stacking weight for L8 g (kilogrammes and lbs)

Transverse racking test load value (kilogrammes and lbs).

(b) A blank space should be reserved on the Plate for insertion of end and/or side-wall strength values (factors) in accordance with Regulation 1, paragraph 3 and Annex II, tests 6 and 7. A blank space should also be reserved on the Plate for first and subsequent maintenance examination dates (month and year) when used.

3. Where the Administration considers that a new container satisfies the requirements of the present Convention in respect of safety and it, for such container, the end and/or side-wall strength value (factor) is designed to be greater or less than that stipulated in Annex II such value shall be indicated on the Safety Approval Plate.

4. The presence of the Safety Approval Plate does not remove the necessity of displaying such labels or other information as may be required by other regulations which may be in force.

Regulation 2

Maintenance

1. The owner of the container shall be responsible for maintaining it in safe condition.
2. The owner of an approved container shall examine the container or have it examined in accordance with the procedure either prescribed or approved by the Contracting Party concerned, at intervals appropriate to operating conditions. The date (month and year) before which a new container shall undergo its first examination shall be marked on the Safety Approval Plate.
3. The date (month and year) before which the container shall be re-examined shall be clearly marked on the container on or as close as practicable to the Safety Approval Plate and in a manner acceptable to that Contracting Party which prescribed or approved the particular maintenance procedure involved.
4. The interval from the date of manufacture to the date of the first examination shall not exceed five years. Subsequent examination of new containers and re-examination of existing containers shall be at intervals of not more than 24 months. All examinations shall determine whether the container has any defects which could place any person in danger.
5. For the purpose of this Regulation "the Contracting Party concerned" is the Contracting Party of the territory in which the owner is domiciled or has his head office.

CHAPTER II - REGULATIONS FOR APPROVAL OF NEW CONTAINERS BY DESIGN TYPE

Regulation 3

Approval of New Containers

To qualify for approval for safety purposes under the present Convention all new containers shall comply with the requirements set out in Annex II.

Regulation 4

Design Type Approval

In the case of containers for which an application for approval has been submitted, the Administration will examine designs and witness testing of a prototype container to ensure that the containers will conform with the requirements set out in Annex II. When satisfied, the Administration shall notify the applicant in writing that the container meets the requirements of the present Convention and this notification shall entitle the manufacturer to affix the Safety Approval Plate to every container of the design type series.

Regulation 5

Provisions for Approval by Design Type

1. Where the containers are to be manufactured by design type series, application made to an Administration for approval by design type shall be accompanied by drawings, a design specification of the type of container to be approved, and such other data as may be required by the Administration.
2. The applicant shall state the identification symbols which will be assigned by the manufacturer to the type of container to which the application for approval relates.
3. The application shall also be accompanied by an assurance from the manufacturer that he shall:
- (a) produce to the Administration such containers of the design type concerned as the Administration may wish to examine;
 - (b) advise the Administration of any change in the design or specification and await its approval before affixing the Safety Approval Plate to the container;
 - (c) affix the Safety Approval Plate to each container in the design type series and to no others;
 - (d) keep a record of containers manufactured to the approved design type. This record shall at least contain the manufacturer's identification numbers, dates of delivery and names and addresses of customers to whom the containers are delivered.
4. Approval may be granted by the Administration to containers manufactured as modifications of an approved design type if the Administration is satisfied that the modifications do not affect the validity of tests conducted in the course of design type approval.
5. The Administration shall not confer on a manufacturer authority to affix Safety Approval Plates on the basis of design type approval unless satisfied that the manufacturer has instituted internal production-control features to ensure that the containers produced will conform to the approved prototype.

Regulation 6

Examination during Production

In order to ensure that containers of the same design type series are manufactured to the approved design, the Administration shall examine or test as many units as it considers necessary, at any stage during production of the design type series concerned.

Regulation 7

Notification of Administration

The manufacturer shall notify the Administration prior to commencement of production of each new series of containers to be manufactured in accordance with an approved design type.

CHAPTER III - REGULATIONS FOR APPROVAL OF NEW CONTAINERS
BY INDIVIDUAL APPROVAL

Regulation 8

Approval of Individual Containers

Approval of individual containers may be granted where the Administration, after examination and witnessing of tests, is satisfied that the container meets the requirements of the present Convention; the Administration, when so satisfied, shall notify the applicant in writing of approval and this notification shall entitle him to affix the Safety Approval Plate to such container.

CHAPTER IV - REGULATIONS FOR APPROVAL
OF EXISTING CONTAINERS

Regulation 9

Approval of Existing Containers

1. If, within 5 years from the date of entry into force of the present Convention, the owner of an existing container presents the following information to an Administration:

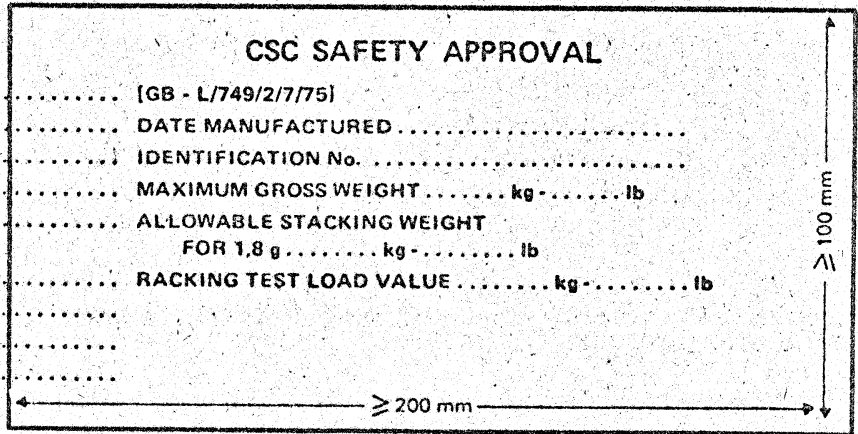
- (a) date and place of manufacture;
- (b) manufacturer's identification number of the container if available;
- (c) maximum operating gross weight capability;
- (d) (i) evidence that a container of this type has been safely operated in maritime and/or inland transport for a period of at least two years, or
 - (ii) evidence to the satisfaction of the Administration that the container was manufactured to a design type which had been tested and found to comply with the technical conditions set out in Annex II with the exception of those technical conditions relating to the end-wall and side-wall strength tests, or
 - (iii) evidence that the container was constructed to standards which, in the opinion of the Administration, were equivalent to the technical conditions set out in Annex II with the exception of those technical conditions relating to the end-wall and side-wall strength tests;
- (e) allowable stacking weight for 1.8 g (kilogrammes and lbs); and

(f) such other data as required for the Safety Approval Plate, then the Administration, after investigation, shall notify the owner in writing whether approval is granted; and if so, this notification shall entitle the owner to affix the Safety Approval Plate after an examination of the container concerned has been carried out in accordance with Regulation 2.

2. Existing containers which do not qualify for approval under paragraph 1 of this Regulation may be presented for approval under the provisions of Chapter II or Chapter III of this Annex. For such containers the requirements of Annex II relating to end and/or side-wall strength tests shall not apply. The Administration may, if it is satisfied that the containers in question have been in service, waive such of the requirements in respect of presentation of drawings and testing, other than the lifting and floor-strength tests, as it may deem appropriate.

APPENDIX

The Safety Approval Plate, conforming to the model reproduced below, shall take the form of a permanent, non-corrosive, fire-proof rectangular plate measuring not less than 200 mm by 100 mm. The words "CSC Safety Approval" of a minimum letter height of 8 mm and all other words and numbers of a minimum height of 5 mm shall be stamped into, embossed on or indicated on its surface in any other permanent and legible way.



1. Country of Approval and Approval Reference as given in the example on line 1. (The country of Approval should be indicated by means of the distinguishing sign used to indicate country of registration of motor vehicles in international road traffic).
2. Date (month and year) of manufacture.
3. Manufacturer's identification number of the container or, in the case of existing containers for which that number is unknown, the number allotted by the Administration.
4. Maximum Operating Gross Weight (kilogrammes and lbs.).
5. Allowable Stacking Weight for 1.8 g (kilogrammes and lbs.).
6. Transverse Racking Test Load Value (kilogrammes and lbs.).
7. End Wall Strength to be indicated on plate only if end walls are designed to withstand a load of less or greater than 0.4 times the maximum permissible payload, i.e. 0.4 P.
8. Side Wall Strength to be indicated on plate only if the side walls are designed to withstand a load of less or greater than 0.6 times the maximum permissible payload, i.e. 0.6 P.
9. First maintenance examination date (month and year) for new containers and subsequent maintenance examination dates (month and year) if Plate used for this purpose.

STRUCTURAL SAFETY REQUIREMENTS AND TESTS

Introduction

In setting the requirements of this Annex, it is implicit that in all phases of the operation of containers the forces as a result of motion, location, stacking and weight of the loaded container and external forces will not exceed the design strength of the container. In particular, the following assumptions have been made:

(a) the container will so be restrained that it is not subjected to forces in excess of those for which it has been designed;

(b) the container will have its cargo stowed in accordance with the recommended practices of the trade so that the cargo does not impose upon the container forces in excess of those for which it has been designed.

Construction

1. A container made from any suitable material which satisfactorily performs the following tests without sustaining any permanent deformation or abnormality which would render it incapable of being used for its designed purpose, shall be considered safe.
2. The dimensions, positioning and associated tolerances of corner fittings shall be checked having regard to the lifting and securing systems in which they will function.
3. When containers are provided with special fittings for use only when such containers are empty, this restriction shall be marked on the container.

Test loads and test procedures

Where appropriate to the design of the container, the following test loads and test procedures shall be applied to all kinds of containers under test:

TEST LOADINGS AND APPLIED FORCES	TEST PROCEDURES
1. LIFTING	

The container, having the prescribed INTERNAL LOADING, shall be lifted in such a way that no significant acceleration forces are applied. After lifting, the container shall be suspended or supported for five minutes and then lowered to the ground.

TEST LOADINGS AND APPLIED FORCES

TEST PROCEDURES

(A) LIFTING FROM CORNER FITTINGS

Internal loading:

A uniformly distributed load such that the combined weight of container and test load is equal to 2R

(i) *Lifting from top corner fittings:*

Containers greater than 3,000 mm (10 ft.) (nominal) in length shall have lifting forces applied vertically at all four top corner fittings.

Containers of 3,000 mm (10 ft.) (nominal) in length and less shall have lifting forces applied at all four top corner fittings, in such a way that the angle between each lifting device and the vertical shall be 30°.

Externally applied forces:

Such as to lift the combined weight of 2R in the manner prescribed (under the heading TEST PROCEDURES).

(ii) *Lifting from bottom corner fittings:*

Containers shall have lifting forces applied in such a manner that the lifting devices bear on the bottom corner fittings only. The lifting forces shall be applied at angles to the horizontal of:

30° for containers of length 12,000 mm (40 ft.) (nominal) or greater;

37° for containers of length 9,000 mm (30 ft.) (nominal) and up to but not including 12,000 mm (40 ft.) (nominal),

45° for containers of length 6,000 mm (20 ft.) (nominal) and up to but not including 9,000 mm (30 ft.) (nominal),

60° for containers of less than 6,000 mm (20 ft.) (nominal).

(B) LIFTING BY ANY OTHER ADDITIONAL METHODS

Internal loading:

A uniformly distributed load such that the combined weight of container and test load is equal to 1.25 R.

(i) *Lifting from fork lift pockets:*

The container shall be placed on bars which are in the same horizontal plane, one bar centred within each fork lift pocket which is used

TEST LOADINGS AND APPLIED FORCES

TEST PROCEDURES

Externally applied forces:

Such as to lift the combined weight of 1.25 R in the manner prescribed (under the heading TEST PROCEDURES).

Internal loading:

A uniformly distributed load such that the combined weight of containers and test load is equal to 1.25 R.

Externally applied forces:

Such as to lift the combined weight of 1.25 R, in the manner prescribed (under the heading TEST PROCEDURES).

for lifting the loaded container. The bars shall be of the same width as the forks intended to be used in the handling, and shall project into the fork pocket 75 per cent of the length of the fork pocket.

(ii) *Lifting from grappler arm positions:*

The container shall be placed on pads in the same horizontal plane, one under each grappler arm position. These pads shall be of the same sizes as the lifting area of the grappler arms intended to be used.

(iii) *Other Methods*

Where containers are designed to be lifted in the loaded condition by any method not mentioned in (A) or (B) (i) and (ii) they shall also be tested with the INTERNAL LOADING AND EXTERNALLY APPLIED FORCES representative of the acceleration conditions appropriate to that method.

2. STACKING

1. For conditions of international transport where the maximum vertical acceleration forces vary significantly from 1.8 g and when the container is reliably and effectively limited to such conditions of transport, the stacking load may be varied by the appropriate ratio of acceleration forces.

2. On successful completion of this test the container may be rated for the allowable superimposed static stacking weight which should be indicated on the Safety Approval Plate against the heading "Allowable stacking weight for 1.8 g (kilogrammes and lbs)".

Internal loading:

A uniformly distributed load such that the combined weight of container and test load is equal to 1.8 R.

The container, having the prescribed INTERNAL LOADING, shall be placed on four level pads which are in turn supported on a rigid horizontal surface.

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TEST LOADINGS AND APPLIED FORCES

TEST PROCEDURES

one under each bottom corner fitting or equivalent corner structure. The pads shall be centralized under the fittings and shall be of approximately the same plan dimensions as the fittings.

Externally applied forces:

Such as to subject each of the four top corner fittings to a vertical downward force equal to $\frac{1}{4} \times 1.8 \times$ the allowable superimposed static stacking weight.

Each EXTERNALLY APPLIED FORCE shall be applied to each of the corner fittings through a corresponding test corner fitting or through a pad of the same plan dimensions. The test corner fittings or pad shall be offset with respect to the top corner fitting of the container by 25 mm (1 in.) laterally and 38 mm (1½ in.) longitudinally.

3. CONCENTRATED LOADS

(a) ON ROOF

Internal loading:

None.

Externally applied forces:

A concentrated load of 300 kg (660 lb) uniformly distributed over an area of 600 mm x 300 mm (24 in. x 12 in.).

The EXTERNALLY APPLIED FORCES shall be applied vertically downwards to the outer surface of the weakest area of the roof of the container.

3. CONCENTRATED LOADS

(b) ON FLOOR

Internal loading:

Two concentrated loads each of 2,730 kg (6,000 lb.) and each applied to the container floor through a contact area of 142 cm² (22 sq.in.)

The test should be made with the container resting on four level supports under its four bottom corners in such a manner that the base structure of the container is free to deflect.

A testing device loaded to a weight of 5,460 kilogrammes (12,000 lbs.) that is 2,730 kg (6,000 lbs.) on each of two surfaces having, when loaded, a total contact area of 284 cm² (44 sq.in.)

that is 142 cm² (22 sq.in.) on each surface, the surface width being 180 mm (7 in.) spaced 760 mm (30 in.) apart, centre to centre, should be manoeuvred over the entire floor area of the container.

Externally applied forces:

None.

4. TRANSVERSE RACKING

Internal loading:

None.

The container in tare condition shall be placed on four level supports one under each bottom corner and shall be restrained against lateral and vertical movement by means of anchor devices so arranged that the lateral restraint is provided only at the bottom corners diagonally opposite to those at which the forces are applied.

Externally applied forces:

Such as to rack the end structures of the containers sideways. The forces shall be equal to those for which the container was designed.

The EXTERNALLY APPLIED FORCE shall be applied either separately or simultaneously to each of the top corner fittings on one side of the container in lines parallel both to the base and to the planes of the ends of the container. The forces shall be applied first towards and then away from the top corner fittings. In the case of containers in which each end is symmetrical about its own vertical centreline, one side only need be tested, but both sides of containers with asymmetric ends shall be tested.

5. LONGITUDINAL RESTRAINT (STATIC TEST)

When designing and constructing containers, it must be borne in mind that containers, when carried by inland modes of transport may sustain accelerations of 2 g applied horizontally in a longitudinal direction.

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TEST LOADINGS AND APPLIED FORCES

TEST PROCEDURES

Internal loading:

A uniformly distributed load, such that the combined weight of a container and test load is equal to the maximum operating gross weight or rating, R.

The container having the prescribed INTERNAL LOADING shall be restrained longitudinally by securing the two bottom corner fittings or equivalent corner structures at one end to suitable anchor points.

Externally applied forces:

Such as to subject each side of the container to longitudinal compressive and tensile forces of magnitude R, that is, a combined force of 2R on the base of the container as a whole.

The EXTERNALLY APPLIED FORCES shall be applied first towards and then away from the anchor points. Each side of the container shall be tested.

6. END-WALLS

The end walls should be capable of withstanding a load of not less than 0.4 times the maximum permissible payload. If, however, the end walls are designed to withstand a load of less or greater than 0.4 times the maximum permissible payload such a strength factor shall be indicated on the Safety Approval Plate in accordance with Annex 1, Regulation 1.

Internal loading:

Such as to subject the inside of an end-wall to a uniformly distributed load of 0.4P or such other load for which the container may be designed.

The prescribed INTERNAL LOADING shall be applied as follows:

Both-ends of a container shall be tested except where the ends are identical only one end need be tested. The end-walls of containers which do not have open sides or side doors may be tested separately or simultaneously.

The end-walls of containers which do have open sides or side doors should be tested separately. When the ends are tested separately the reactions to the forces applied to the end-wall shall be confined to the base structure of the container.

Externally applied forces:

None.

7. SIDE-WALLS

The side-walls should be capable of withstanding a load of not less than 0.6 times the maximum permissible payload. If, however, the side-walls are designed to withstand a load of less or greater than 0.6 times the maximum permissible payload, such a strength factor should be indicated on the Safety Approval Plate in accordance with Annex 1, Regulation 1.

Internal loading:

Such as to subject the inside of a side-wall to a uniformly distributed load of $0.6P$ or such other load for which the container may be designed.

The prescribed INTERNAL LOADING shall be applied as follows:
Both sides of a container shall be tested except where the sides are identical only one side need be tested. Side-walls shall be tested separately and the reactions to the internal loading shall be confined to the corner fittings or equivalent corner structures. Open topped containers shall be tested in the condition in which they are designed to be operated, for example, with removable top members in position.

Externally applied forces:

None.

Chapter 1 (see article 2(1))

(Application of Article IV of the Convention)

Minimum criteria for appointment of the organizations responsible for the testing, inspection and approval of the containers in accordance with the CSC Convention.

1. The organization must be free from undue influence of manufacturers, owners, operators lessors or repairers of containers, and others concerned who may have a vested interest in obtaining container approvals, in that :
in particular :
 - a) the conditions of employment of the personnel is free of influence or control by any of the above mentioned parties ;
 - b) the loss or award of a specific contract to approve containers would not be a substantial factor in the profitability of the organization.
2. The organization must demonstrate ability to carry out competently those testing, inspections or approval procedures which it may be required to perform and it must have at its disposal the necessary trained and experienced technical and administrative staff and the means for it to perform all required functions.
3. The remuneration of the staff must not depend upon the number of approvals, tests and examinations carried out, nor the results of such approvals, tests or examinations.
4. The organization must take out civil liability insurance unless this liability is covered by the State on the basis of national law or the controls are conducted directly by the Member State.

Chapter 2 (see Article 2(3))

(Application of Regulation 1 of Chapter 1 of the Convention)
Information to be recorded on the safety approval plate

Marking on line 1

Existing containers

1. The same approval reference number to be entered on line 1 of the plate may be assigned to each owner in respect of all containers specified in a single application for approval.

Marking on line 2

New containers

2. The date of manufacture entered on the CSC plate may be the month and the year in which the manufacture of the container was completed.

Marking on line 3

3. Both in respect of existing containers and new containers, the number to be entered on line 3 may be the owner's ISO standard alpha numeric identification code : in that case, the Member State shall ensure that the applicant for approval keeps a record correlating these Identification Code Numbers with the manufacturer's serial numbers.

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ANNEX BChapter 3 (see Article 5)

Minimum common requirements for the container examination procedures

Personnel carrying out examinations

1. The examination shall be carried out by a person having such knowledge and experience of containers as will enable him to determine, in accordance with paragraph 2 below, whether the container has any defect which could render it unsafe.

Elements to be included in the examinations

2. The person performing the examination shall carry out:

a detailed visual examination of the exterior of the container and, if possible without too much difficulty (e.g. if the container happens to be empty), of the interior. He will consider, in particular, at least the following factors:

- a) the presence of mechanical damage
- b) the condition of the following structural components:
 - end frames,
 - upper and lower side rails,
 - base structure, including the underside of the container
 - corner castings and various devices for handling the container,
 - door closure gear,
 - external panelling,
 - roof.
- c) the conditions of welding, riveting or other method of fastening,
- d) corrosion,
- e) the condition of the CSC plate.

3. The underside of the container shall be examined. This may be done either with the container supported on a skeletal chassis or if the person performing the examination considers it necessary, after the container has been lifted on other supports.

4. The person performing the external examination shall have the authority to require a more detailed examination to include the interior of the container if the condition of the container appear to warrant such examination.

Recording of the examination

5. After carrying out the examination and if he is satisfied that the container is free of any defects which could place any person in danger, the examiner shall give the owner at least the following information:

- information marked on line 3 of the CSC plate,
- date on which the examination was carried out,
- the date before which the container should be re-examined,
- identification of himself.

Record Keeping

6. The owner shall keep a record of the above particulars at least until such a time as the particulars of a subsequent examination are made known to him.

Frequency of re-examination

7. When determining whether it is acceptable that the interval between examinations should be maximum of 24 months prescribed by the CSC account shall be taken of the severity of the treatment to which the container is exposed in use and of the intermediate examinations having regard to their extent and to the competence of the persons performing them.

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Control Procedures (see Article 6(3))

Unsafe Containers

1. (1) When a container is found by the authority exercising control to have a defect which could place a person in danger, the container shall be stopped.
- (2) If, however the container can be safely moved (e.g. to a place where it can be restored to a safe condition or to its destination), the authority exercising control may permit such a movement such conditions as the authority may specify and provided that the container is repaired as expeditiously as may be practicable and not reloaded before this is done.

Non-defective container without an approval plate or with an incorrectly completed approval plate

2. (1) When the authority exercising control establishes that the container has no safety approval plate or that the plate does not appear to be correctly completed the container may be stopped.
- (2) When, however evidence can be produced either to the effect that such container has been approved in accordance with the provisions of C.S.C. , or to the effect that it meets the standards of the Convention, the authority exercising control may permit the container to proceed its destination for unloading on condition that it is not reloaded until it has been correctly plated.

Non-defective containers with an out of date plate

3. (1) When the container is found by the authority exercising control to have the date (recorded on or near to the safety approval plate) expired, the container may be stopped.
- (2) If, however, the container can be safely moved, the authority exercising control may permit the container to proceed to its destination for unloading on condition that it shall be examined and updated as expeditiously as it may be practicable and not reloaded before this has been done.

Control procedure - Special provisions

4. The authority exercising control may authorize the owner of the container found to be defective under 1, 2, or 3 to move it in an empty condition to another country where the appropriate corrective action may be carried out more easily.

In this case, the authority exercising control must ensure by means of measures which it considers appropriate that the corrective action is actually carried out.