

RESOLUTION A.436(XI)

*Adopted on 15 November 1979
Agenda item 10(b)*

**HARMONIZED INTERPRETATION AND IMPLEMENTATION OF THE
INTERNATIONAL CONVENTION FOR SAFE CONTAINERS**

THE ASSEMBLY,

RECALLING Article 16(i) of the Convention on the Inter-Governmental Maritime Consultative Organization concerning the functions of the Assembly,

NOTING that the Maritime Safety Committee at its fortieth session approved a Recommendation on Harmonized Interpretation and Implementation of the International Convention for Safe Containers, the text of which is annexed hereto,

RECOGNIZING the desirability of achieving harmonized interpretation and implementation of the provisions of the International Convention for Safe Containers,

FURTHER RECOGNIZING the need to review the agreed harmonized interpretation and implementation procedures so as to take account of technological development and experience gained,

1. ENDORSES the Recommendation annexed hereto;
2. REQUESTS the Maritime Safety Committee to consider as soon as possible whether it is necessary to amend the International Convention for Safe Containers in order to bring it more closely into line with the Recommendation, and if so to propose suitable amendments in accordance with Article IX or Article X as appropriate;
3. REQUESTS the Maritime Safety Committee to keep the Recommendation under review so as to ensure that it reflects current agreed opinions of Contracting Parties to the International Convention for Safe Containers;
4. AUTHORIZES the Maritime Safety Committee to circulate such revised recommendation as it may adopt;
5. URGES Governments concerned to give the maximum practicable effect to all such recommendations so that the International Convention for Safe Containers may be implemented as uniformly as possible.

ANNEX

**RECOMMENDATION ON HARMONIZED INTERPRETATION AND IMPLEMENTATION OF THE
INTERNATIONAL CONVENTION FOR SAFE CONTAINERS**

1 GENERAL

1.1 The various points concerning harmonized interpretation and implementation of the International Convention on Safe Containers on which consensus has so far been reached are given below.

2 DEFINITIONS (Article II, paragraphs 8 and 9)

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".

3 ENTRY INTO FORCE, TERMINATION OF PERIOD OF GRACE, TRANSITIONAL ARRANGEMENTS (Articles III and VIII)

3.1 Every effort should be made by all concerned to have all existing containers approved and plated as soon as possible and completed before the end of the five years' period of grace.

3.2 Container owners are free to get their existing containers approved at any time until 6 September 1982. If an owner plates an existing container prior to 6 September 1980 he would have to have it re-examined before the time at which the Convention requires that existing containers be plated and control is likely to be exercised.

3.3 While the Convention is clear concerning the requirement that approved existing containers should be re-examined at intervals of not more than 24 months, it is of the utmost importance that owners be encouraged not to delay obtaining approval.

3.4 Container owners will have to organize the examination and plating of their approved existing containers before 6 September 1982, but they will need to obtain an approximately constant re-examination work load after 1982.

3.5 In view of the above, it is accepted that Administrations may (at their discretion) allow owners of existing containers approved before 6 September 1982 to mark the date of the next examination as follows:

Existing containers approved, examined and plated:	Latest date for re-examination:
Before 30 September 1979	February 1983
Between 1 October 1979 and 30 September 1980	August 1983
Between 1 October 1980 and 30 September 1981	February 1984
Between 1 October 1981 and 6 September 1982	August 1984

3.6 Treatment of containers manufactured after 6 September 1977 but not approved at the time of manufacture

3.6.1 Since it has not yet proved feasible to ensure that all containers built after 6 September 1977 are approved as new containers at the time of manufacture, it is accepted that such containers may alternatively be approved in accordance with Regulation 9, paragraph 1, provided that under subparagraph (d) only alternative (ii) shall be allowed and that the technical conditions relating to the end-wall and side-wall strength test shall apply. For containers so approved, the first examination shall be carried out before the Safety Approval Plate is affixed but the next examination need not be carried out until 5 years after the date of manufacture.

4 TESTING, INSPECTION AND APPROVAL (Article IV, paragraphs 1 and 2) SELECTION OF ORGANIZATION ENTRUSTED TO CARRY OUT THESE FUNCTIONS

4.1 Administrations will require a basic description of the organizations to be entrusted with these functions, and evidence of their technical capability to carry out approvals, 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 container owners, operators, manufacturers, lessors, repairers and others concerned who may have a vested interest in obtaining container approval.

5 APPROVAL OF CONTAINERS FOR FOREIGN OWNERS OR MANUFACTURERS (Article IV, paragraph 3) AND RECIPROCITY

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

5.2 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.

6 MAINTENANCE (Article IV, paragraph 4)

6.1 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. The interpretation of the statement "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 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. 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. But 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 or domicile should be requested to ensure that appropriate corrective action is taken. The responsibility of the owner to maintain his container in a safe condition should include the responsibility to ensure that any modifications carried out on an approved container would not adversely affect safety or render inaccurate the information recorded on the Safety Approval Plate.

7 WITHDRAWAL OF APPROVAL (Article IV, paragraph 5)

7.1 With regard to withdrawal of approval, the "Administration concerned" should be considered as the Administration which issued the approval. While any Contracting Party may exercise control over container movement pursuant to Article VI, only the Administration which approved the container has the right to withdraw its approval.

8 CONTROL (Article VI)

8.1 For the purposes of effecting control (as envisaged in Article VI of the Convention) Contracting Parties should only appoint government bodies.

8.2 Control up to 6 September 1982

8.2.1 It is agreed that Article VI applies only to containers which have been approved, and that existing containers are not required to be approved until 6 September 1982. It is therefore recommended that in so far as Administrations may wish to institute control measures before 6 September 1982 these measures should be primarily directed towards ensuring that containers are not in such a condition as to be unsafe (as in 8.3.3) and that until 6 September 1982 no container should be stopped merely because it has not been approved.

8.3 Control after 6 September 1982

8.3.1 *Containers which are not defective but which have no Safety Approval Plate or which have an incorrectly completed Plate*

8.3.1.1 Such containers should be stopped. However, where evidence can be produced either to the effect that such container has been approved under the terms of the Convention or to the effect that such container meets the standards of the Convention then 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.

8.3.2 *Containers which are "out-of-date"*

8.3.2.1 Where a container is found to have an examination date marked on or near to its Safety Approval Plate which is a date in the past, 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.

8.3.3 *Unsafe containers* (Article VI, paragraph 1, third sentence)

8.3.3.1 Where a container is found by the authority exercising control to have a defect which could place a person in danger then the container should be stopped. However if 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 officer exercising control may permit such a movement on such conditions as the officer may specify and with the proviso that the container be repaired as expeditiously as may be practicable and not reloaded before this has been done.

8.3.4 *International movement of containers under control*

8.3.4.1 It is recognized that in any of the cases set out in 8.3.1, 8.3.2 and 8.3.3 the owner may wish to move his container to another country where the appropriate corrective action can more conveniently be carried out. Control officers may permit such movements, in accordance with the provisions of 8.3.1, 8.3.2 and 8.3.3 as appropriate, but should take such action as may be reasonably practicable in order to ensure 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 country or countries through which the container will be moved. Further consideration of the practical aspects of this matter is needed.

8.4 It is suggested that if in future a considerable number of containers in a given approved series are found to be unsafe as a result of defects which may have existed prior to such approval (Article VI, paragraph 2), it may be desirable for Administrations to notify the Organization as well as the Contracting Party concerned.

9 SAFETY APPROVAL PLATE (Regulation 1): USE OF OWNER'S IDENTIFICATION CODE

9.1 The following approach to complying with certain of the data requirements of the Convention shall be deemed to be in conformity therewith:

"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."

9.2 The example given in line 1 of the model Safety Approval Plate (see Appendix to Annex I of the Convention) should not be construed so as to require the inclusion of the date of approval in the approval reference.

9.3 The Appendix to Annex I of the Convention can be interpreted so as to allow the use of the owner's ISO alphanumeric identification codes, on either new or existing containers. This may be done even if the manufacturer's serial number is available, as long as the applicant keeps a record correlating his identification numbers with the manufacturer's serial numbers.

9.4 Where marking of the end-wall or side-wall strength on the Plate is not required (e.g. a container with an end-wall or side-wall strength equal to 0.4 P or 0.6 P, 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.

9.5 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:

RESISTANCE DE LA PAROI D'EXTREMITE

RESISTANCE DE LA PAROI LATERALE

9.6 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 relating to the payload P.

Example: SIDE-WALL STRENGTH 0.5 P

9.7 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 feels meets this definition (e.g. a suitable metal).

10 MAINTENANCE (Regulation 2): EXAMINATION PROCEDURES

10.1 The term "maintenance procedure" as used in Annex I, Regulation 2, paragraph 3 can be interpreted as meaning "*examination* procedure" in consonance with the provision in paragraph 2 requiring the owner of an approved container to *examine* such container or have it *examined* in accordance with a procedure either prescribed or approved by the Contracting Party concerned.

10.2 Personnel carrying out examination

10.2.1 An examination scheme prescribed or submitted for approval should provide that the examination will be carried out by a person having such knowledge and experience of containers as will enable him to determine in accordance with 10.3.2 whether it has any defect which could place any person in danger.

10.3 Elements to be included in the examination

10.3.1 While Administrations may specify factors to be taken into account in a container examination scheme, at this time it should not be necessary 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.

10.3.2 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 underside of the container 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 onto other supports.

10.3.3 The person performing the external examination should have the authority to require a more detailed examination of the container if the condition of the container appears to warrant such examination.

11 RECORDS OF EXAMINATION

11.1 It will be desirable to require that owners keep an examination record, which should include in addition to identification of the containers a record of the date of last examination and a means of identifying the examiner. There is no need to standardize the method by which such records should be kept and existing record systems may be accepted at least for a transitional period. Such record should be made available within a reasonable time to the Administration, on its specific request.

12 FREQUENCY OF EXAMINATION

12.1 The Convention recognizes that it may be necessary to examine containers more frequently than every 24 months when they are subject to frequent handling and trans-shipment. It should be borne in mind, however, that any significant reduction in the 24 month interval between examinations would create severe examination control problems. It should be noted that where containers are subjected to frequent handling and trans-shipment they are also liable to be subjected to frequent checking.

12.2 Therefore, in determining whether it is acceptable that the interval between examinations under the Convention should be the maximum of 24 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.

13 MODIFICATIONS OF EXISTING CONTAINERS

13.1 Applicants for approval of existing containers might 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 should submit details of the modification for consideration.

14 TEST METHODS AND REQUIREMENTS (Annex II)

14.1 Containers tested in accordance with the methods described in ISO Standard 1496 should be deemed to have been fully and sufficiently tested for the purposes of the Convention.

15 STACKING TEST (Annex II, 2)

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

“For a 6-high stacking of 20-ton (20,320 kg) (44,800 lb) containers the weight on the bottom container would be 5 x 20 tons (20,320 kg) (44,800 lb) i.e. 100 tons (101,600 kg) (224,000 lb). Thus, in the case of a 20-ton container with 6-high stacking capability the plate should indicate: ‘Allowable stacking weight for 1.8g – 101,600 kg/224,000 lb.’”

15.2 The following may be useful guidance for determining allowable stacking weight:

“The allowable stacking weight for 1.8 *g* may be calculated by assuming a uniform stack loading on the cornerport. The stacking test load applied to one corner of the container shall be multiplied by the factor $\frac{(4)}{(1.8)}$ and the result expressed in appropriate units.”

15.3 The following is a useful example of how the allowable stacking weight 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 weight permitted for that journey would be the allowable stacking weight stamped on the plate multiplied by the ratio of 1.8 to 1.2 (allowable stacking weight on the plate $\times \frac{1.8}{1.2}$ = stacking weight permitted for the journey).”