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**Group of Experts for the revision of the IMO/ILO/UNECE  
Guidelines for Packing of Cargo Transport Units**

**Third session**

Geneva, 15–17 October 2012

Item 4 of the provisional agenda

**Other business**

**Outcome of the 17th session of the IMO Sub-Committee on  
Dangerous Goods, Solid Cargoes and Containers**

**Note by the IMO secretariat**

1. During the 17th session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC 17) in September 2012, several matters related to the work of the Group of Experts were discussed.
2. The relevant parts of the report of DSC 17 are reproduced below, keeping the original numbering corresponding to their agenda items (see DSC 17/1) and as it will be released in due course as document DSC 17/17.

## 1 GENERAL

### INTRODUCTION

1.1 The Sub-Committee on Dangerous Goods, Solid Cargoes and Containers held its seventeenth session from 17 to 21 September 2012, under the chairmanship of Mr. Xie Hui (China). The Vice-Chairman, Mr. Patrick Van Lancker (Belgium), was also present.

## 3 AMENDMENT 37-14 TO THE IMDG CODE AND SUPPLEMENTS, INCLUDING HARMONIZATION WITH THE UN RECOMMENDATIONS ON THE TRANSPORT OF DANGEROUS GOODS

### PROPOSALS RELATED TO AMENDMENT 37-14

#### Counterfeit refrigerant

3.16 Regarding incidents involving the use of counterfeit refrigerant, the Sub-Committee considered under this agenda item document DSC 17/13/6 (United States and ICHCA), proposing to amend the IMDG Code and to develop guidance on the use of refrigerants in the context of the IMO/ILO/UNECE Guidelines for Packing CTUs, which should be forwarded to the UNECE Working Party on Intermodal transport and Logistics (WP.24).

3.17 The Sub-Committee agreed to refer the proposed amendment to the IMDG Code in paragraph 12 of the document and the matter on development of guidance to E&T 19 for further consideration. The Sub-Committee requested the Secretariat to forward the view in paragraph 9 of the document to the Group of Experts for the revision of the IMO/ILO/UNECE CTU Guidelines (see also paragraphs 6.4 and 7.18).

## 6 REVISION OF THE GUIDELINES FOR PACKING OF CARGO TRANSPORT UNITS

6.1 The Sub-Committee recalled that MSC 89 had approved the amendments to the IMO/ILO/UNECE Guidelines for packing cargo transport units (CTUs), regarding the packing and securing of dangerous cargoes, and endorsed the proposal by ILO that the elevation of the status of the Guidelines to a non-mandatory Code of Practice for packing cargo transport units (CTUs) (CTU Code). In this regard, the Committee instructed the Sub-Committee to contribute to the development of the new Code.

6.2 The Sub-Committee also recalled that DSC 16 had agreed to the terms of reference for the Group of Experts for the revision of the CTU Guidelines and requested the Secretariat to continue to cooperate with the ILO and UNECE Secretariats, with a view to developing the non-mandatory CTU Code.

6.3 Having noted document DSC 17/6 (Secretariat), providing the outcome of the Group of Experts for the revision of the IMO/ILO/UNECE CTU Guidelines, and that the draft Code would be submitted to DSC 18, the Sub-Committee urged Member States and international organizations to participate in the work of the Group of Experts.

6.4 The Sub-Committee requested the Secretariat to forward its outcome to the next session of the Group of Experts (see also paragraphs 3.17 and 7.13).

## 7 DEVELOPMENT OF MEASURES TO PREVENT LOSS OF CONTAINERS

### GENERAL

7.1 The Sub-Committee recalled that, with regard to strengthening of the requirements for lashing gear and adequate stacking of containers, DSC 16, having noted that there was no proposal submitted, had invited the DE Sub-Committee to consider the proposal (MSC 89/22/11) to strengthen the requirements for lashing gear and agreed that DSC 17 would consider the issue of adequate stacking of containers.

7.2 The Sub-Committee also recalled that DSC 16, having considered document DSC 16/4, proposing the mandatory container weighing so that SOLAS be amended to require verification of containers' actual weight before loading onto a ship regulated by SOLAS, had reconfirmed the importance of correct declaration of weights for carriage on board ships.

#### **DRAFT AMENDMENTS TO SOLAS CHAPTER VI TO REQUIRE MANDATORY VERIFICATION OF GROSS WEIGHT OF CONTAINERS**

7.3 The Sub-Committee had for its consideration the following documents:

- .1 DSC 17/7 (Denmark, Netherlands, United States, BIMCO, IAPH, ICS, ITF and WSC), proposing the draft amendments to SOLAS regulation VI/2, together with the draft guidelines for the implementation of the SOLAS amendments, which require mandatory verification of gross weight of containers by weighing of containers sufficiently prior to loading; and recommending that it would be appropriate for the effective date of the proposed SOLAS amendment to be a reasonable time period after its entry into force;
- .2 DSC 17/INF.5 (Denmark, Netherlands, United States, BIMCO, IAPH, ICS, ITF and WSC), providing examples of incidents involving misdeclared container weights;
- .3 DSC 17/7/1 (Germany), proposing the alternative draft amendments to SOLAS regulation VI/2 that requires mandatory verification of gross weight of containers by shippers, and draft amendments to SOLAS regulation VI/5 that requires proper stowage and securing of the cargo inside a cargo transport unit;
- .4 DSC 17/7/2 (FONASBA), supporting the proposal in document DSC 17/7; and
- .5 DSC 17/7/3 (ICHCA), supporting, in principle, the proposal in document DSC 17/7, and highlighting several key areas for further consideration by the Sub-Committee.

7.4 In considering the above documents, the Sub-Committee, while generally concurring with the need for developing mandatory requirements for the verification of gross weight of containers, noted the following comments during the discussion:

- .1 with regard to the proposed amendment to SOLAS regulation VI/2 contained in document DSC 17/7, weighing containers in terminals is not practicable in some areas of the world;
- .2 with regard to the proposed alternative draft amendment to SOLAS regulation VI/2 contained in document DSC 17/7/1, calculating the weight of the contents within a container may not be accurate;
- .3 verification of gross weight of containers may also be an additional burden to ship masters;
- .4 problems related to the weighing of containers should also be brought to the attention of the UNECE Working Party on Intermodal transport and Logistics (WP.24), which is currently in the process of updating the IMO/ILO/UNECE Guidelines for packing CTUs, for publication as a non-mandatory Code (see also paragraphs 6.1 and 6.4);
- .5 with regard to the proposed amendment to SOLAS regulation VI/5 contained in document DSC 17/7/1, other issues such as the proper securing of cargo inside a container is also important;
- .6 in addition to matters related to the weighing of containers, other measures/issues such as those suggested in documents DSC 17/7/1 and DSC 17/7/3 should also be considered to prevent loss of containers; and
- .7 any provisions developed should be both practicable and flexible to ensure consistent implementation of such provisions.

7.5 Taking the above views into account, the Sub-Committee, realizing the complexity of the issue, agreed to refer the above documents to a working group for further consideration, taking into account the comments made during the discussion (see paragraphs 7.8 and 10.7).

7.6 The Sub-Committee also considered under this agenda item document DSC 17/13/6 (United States and ICHCA), which reported on incidents involving the use of counterfeit refrigerant and proposed to: amend the IMDG Code; develop guidance on the use of refrigerants in the context of the IMO/ILO/UNECE Guidelines for Packing CTUs and to forward this issue to the UNECE Working Party on Intermodal transport and Logistics (WP.24); develop reporting requirements on major accidents related to refrigerated units and containers in general and take this issue into consideration when developing guidance for ACEP; and consider if amendments to SOLAS chapter VI are necessary.

7.7 Having considered the above document and noting comments made on the need for also developing appropriate reporting requirements, the Sub-Committee decided to refer the above matters to a working group for further consideration with a view to advising the Sub-Committee on how best to proceed.

#### **INSTRUCTION TO THE WORKING GROUP**

7.8 Subsequently, the Sub-Committee instructed the working group, established under agenda item 10 (see paragraph 10.7), taking into account the comments made and decisions taken in plenary, to:

- .1 further consider matters related to mandatory verification of gross weight of containers, including draft amendments to SOLAS chapter VI, together with the associated draft guidelines for its implementation and, the practicalities of such verification, taking into account documents DSC 17/7 to DSC 17/7/3;
- .2 further consider other measures to prevent loss of containers, as appropriate, and advise the Sub-Committee;
- .3 further consider document DSC 17/13/6 and advise the Sub-Committee accordingly; and
- .4 consider whether a correspondence group should be established and, if so, prepare a draft terms of reference for consideration by the Sub-Committee.

#### **REPORT OF THE WORKING GROUP**

7.9 Having considered part of the report of the working group (DSC 17/WP.3) related to this agenda item, the Sub-Committee took action as outlined in paragraphs 7.10 to 7.18.

#### **Draft amendments to SOLAS chapter VI**

7.10 In considering the draft amendments to SOLAS chapter VI, regarding mandatory verification of gross weight of containers, the Sub-Committee noted that the majority of the group had agreed that the most accurate way to determine the weight of the container was by weighing. However, taking into account that not every country has the necessary resources to actually perform the weighing, the Sub-Committee also noted that the group had agreed that there was the need for flexibility on the draft new SOLAS requirements.

7.11 Having noted concerns regarding the implementation of the draft amendments and bearing in mind that associated draft guidelines have not yet been considered (see paragraph 7.12), the Sub-Committee agreed that the draft amendments to SOLAS regulation VI/2 (DSC 17/WP.3, annex 1) should be further considered by a correspondence group (see paragraph 7.19).

#### **Draft guidelines regarding verified container weights**

7.12 The Sub-Committee noted that, due to time constraints, the group was not able to consider the draft Guidelines regarding verified container weights (DSC 17/7, annex 2) and had agreed that the draft Guidelines should be further considered by a correspondence group (see paragraph 7.19).

## Other measures to prevent loss of containers

### *New SOLAS regulation V/5.3*

**7.13** In considering other measures to prevent loss of containers, taking into account the draft new SOLAS regulation VI/5.3 proposed in document DSC 17/7/1 (Germany) and noting the on-going work of the IMO/ILO/UNECE Group of Experts on this matter, the Sub-Committee, noting that the group's view that the proposal would not be easy to implement, decided that it should be further considered. In this context, the Sub-Committee invited the IMO/ILO/UNECE Group of Experts, at its next meeting from 15 to 17 October 2012, to consider the proposed text of the new SOLAS regulation VI/5.3 under its work on the Code of Practice and advise the Sub-Committee, as appropriate, and requested the Secretariat to take action accordingly.

### *Lashing equipment*

7.14 In considering matters related to lashing equipment, the Sub-Committee noted that the group had agreed that ISO is responsible for international standards on securing containers and that it would be the appropriate body to consider the matter in detail. In this connection, the Sub-Committee noted ISO 3874 (Series 1 freight containers – Handling and securing) and agreed that it would be appropriate if the above standard could be revised in the context of measures to prevent loss of containers. Consequently, the Sub-Committee invited ISO to consider the possible need for a revision of ISO 3874 and advise the Sub-Committee. The Secretariat was requested to take action accordingly.

7.15 In addition, the Sub-Committee, recalling that document DSC 17/7/3 contained suggestions from the MARIN Report following the Lashing@sea project, in particular that standards on lashing maintenance and auditing should be developed, noted that the group was of the opinion that the above document should be further considered on matters related to measures to prevent loss of containers, in conjunction with the following standards:

- .1 the Guidelines for the preparation of the cargo securing manual (MSC/Circ.745); and
- .2 the Guidance on providing safe working conditions for securing of containers on deck to the CSS Code (annex 14).

7.16 Subsequently, the Sub-Committee agreed to further consider document DSC 17/7/3, MSC/Circ.745 and annex 14 to the CSS Code, on matters related to lashing equipment, under the output on "Development of measures to prevent loss of containers".

### **Counterfeit refrigerant**

7.17 The Sub-Committee noted that, in considering document DSC 17/13/6 regarding proposals on counterfeit refrigerant, the group was of the view that the report of incidents should be selective and that further discussion on the matter was necessary, such as:

- .1 what incidents to report and when;
- .2 reporting to whom;
- .3 reporting under which scheme; and
- .4 defining causes and solutions.

**7.18** In the context of the above, the Sub-Committee noted that the group had not agreed to a reporting requirement, and endorsed its opinion that developing proposed amendments to SOLAS chapter VI was not necessary at this stage; however, guidance on the matter would be more appropriate. Having noted the information provided by IICL that the industry is currently working on guidance on the issue, the Sub-Committee invited the industry to submit, through IICL, a document on the use of counterfeit refrigerant to DSC 18 (see also paragraph 3.17).

## ESTABLISHMENT OF A CORRESPONDENCE GROUP

7.19 Taking into account the progress made at this session, the Sub-Committee agreed to establish the Correspondence Group on Development of Measures to Prevent Loss of Containers, under the coordination of the United States<sup>1</sup>, and instruct it, taking into account the relevant decisions and comments taken at DSC 17, to:

- .1 further consider draft amendments to SOLAS regulation VI/2 related to mandatory verification of gross weight of containers, based on annex 1 to document DSC 17/WP.3;
- .2 further consider the draft Guidelines for the verification of container weights, based on annex 2 to document DSC 17/7, taking into account document DSC 17/WP.3;
- .3 identify issues that may arise by the application of the draft amendments to SOLAS regulation VI/2, taking into account document DSC 17/7/3, and propose recommendations to those issues; and
- .4 submit a report to DSC 18.

## 10 AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR SAFE CONTAINERS, 1972, AND ASSOCIATED CIRCULARS

### GENERAL

10.1 The Sub-Committee recalled that DSC 16 had prepared draft amendments to the 1972 CSC (DSC 16/WP.7, annex 1), together with draft amendments to the 2010 amendments to the 1972 CSC (resolution MSC.310(88) (DSC 16/WP.7, annex 2) in order to harmonize with the 1993 amendment.

10.2 The Sub-Committee also recalled that DSC 16, having considered document DSC 16/10/5 (BIC), which offered to develop a database of ACEP, had expressed its support to BIC for their willingness to undertake this exercise.

### DRAFT AMENDMENTS TO THE 1972 CSC

10.3 The Sub-Committee, having considered the draft amendments to the 1972 CSC (DSC 16/WP.7, annexes 1 and 2), decided to refer the draft amendments to a working group for finalization.

10.4 The Sub-Committee, having recalled that DSC 16 considered the document DSC 16/10/4 (Germany), proposing that the table on serious structural deficiencies in annex III of the CSC and in CSC.1/Circ.138 be supplemented with a second set of criteria for minor deficiencies requiring advice to the owner and restrictions for transport, agreed to refer the proposal to a working group for further consideration, with a view to incorporating it in the draft amendments to the CSC and in CSC.1/Circ.138, as appropriate.

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## **DATABASE OF ACEP**

10.5 The Sub-Committee considered document DSC 17/10 (BIC), providing the progress of the pilot project on development of a database of ACEP, which would be at no cost to the Organization and made publicly available; and proposing that the database should be made accessible via a link on GISIS. In this regard, the Sub-Committee noted concerns regarding the cost of the database and the functions of Governments that are stipulated in the CSC, though many delegations supported the establishment of a central database on ACEP.

10.6 Following a lengthy discussion, the Sub-Committee agreed on the need for an ACEP database whilst recognizing that a number of issues still needed to be clarified (e.g. how will the database be maintained, should IMO or BIC be responsible for its development and operation, how will data be provided and released, associated costs, etc.) and decided to refer the above proposal to the working group for further consideration and advice to the Sub-Committee, taking into account the comments raised during the discussion.

## **ESTABLISHMENT OF THE WORKING GROUP**

10.7 Subsequently, the Sub-Committee established the Working Group on Container Safety (see also paragraphs 7.8 and 8.3) and instructed it, taking into account the comments made and decisions taken in plenary, to:

- .1 finalize the draft amendments to the 1972 CSC and CSC.1/Circ.138, based on document DSC 16/WP.7 (annexes 1 and 2), taking into account document DSC 16/10/4; and
- .2 further consider the issue of developing a database for ACEP, taking into account document DSC 17/10/4, and advise the Sub-Committee accordingly.

## **REPORT OF THE WORKING GROUP**

10.8 Having considered the report of the working group (DSC 17/WP.3), the Sub-Committee approved it in general and took action as outlined in paragraphs 10.9 to 10.14.

## **Draft amendments to 1972 CSC**

### ***New annex IV***

10.9 The Sub-Committee noted that, in order to bring into force the 1993 amendments to the Convention (resolution A.737(18)), a new annex IV had been developed by the group. Consequently, draft amendments to other annexes to the Convention were also incorporated in the draft amendments by the group.

### ***Deficiency criteria***

10.10 The Sub-Committee noted that, in considering the deficiency criteria contained in annex 3 to the 1972 CSC and in section 10.4 of CSC.1/Circ.138, the group had amended the criteria, taking into account document DSC 16/10/4. The draft amendments include the list of deficiencies which do not require immediate out-of-service decision by the control officer, but require additional safety measures to enable a safe ongoing transport. In this context, noting that the Inspection programmes for cargo transport units carrying dangerous goods (MSC.1/Circ.1442) only concerns serious deficiency, the Sub-Committee invited Member States and international organizations to submit, if necessary, proposals to the Committee on the need to amend MSC.1/Circ.1442 to include other deficiencies, in order to be harmonized with the draft amendments to the 1972 CSC and the draft amendments to CSC.1/Circ.138.

### ***Draft amendments to the International Convention for Safe Containers, 1972***

10.11 Subsequently, the Sub-Committee agreed to the draft amendments to the International Convention for Safe Containers, 1972, as set out in annex 10, for submission to MSC 91 for approval with a view to subsequent adoption.

### **Draft amendments to CSC.1/Circ.138**

10.12 Having considered the draft amendments to the Revised Recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended (CSC.1/Circ.138), the Sub-Committee agreed to the draft amendments to CSC.1/Circ.138, as set out in annex 11, for submission to MSC 92 for approval, with a view to issuing CSC.1/Circ.138/Rev.1.

### **1972 CSC and related circulars**

10.13 In considering the draft amendments to the 1972 CSC and the draft amendments to CSC.1/Circ.138, the Sub-Committee, having noted that it is very difficult to Contracting Parties, owners and container operators to keep up to date with all changes in the Convention as well as new and amended guidelines and recommendations, agreed on the need for a consolidated publication containing the Convention, including the latest amendments adopted by the Committee and all related circulars. Consequently, the Sub-Committee requested the Secretariat to prepare, in due course, a consolidated publication containing the 1972 CSC, as amended, including the latest amendments to be adopted by MSC 92 and all related circulars.

### **Database of ACEP references**

10.14 Having considered the issue of database of ACEP references, the Sub-Committee noted the group's view that a centralized database was the best option in order to have the ACEP information publicly available; however, there was still the need for further information. Therefore, at this stage, the group was not in the position to give the Sub-Committee any advice on the database proposed by BIC (DSC 17/10). In this context, the Sub-Committee invited BIC to develop a pilot database with voluntary information from Member States and international organizations, in order to facilitate the discussion of the following fundamental issues at the next session of the Sub-Committee:

- .1 costs involved;
- .2 validation of the data;
- .3 auditing; and
- .4 ACEP programmes with no BIC registered identification codes,

and requested the Secretariat to take action accordingly. It should be noted that the above matters are not an exhaustive list, as by developing the pilot database new issues may arise, which will need detailed consideration before a final decision can be taken on this matter.

### **EXTENSION OF THE TARGET COMPLETION YEAR**

10.15 Taking into account the aforementioned matter related to ACEP database (paragraph 10.14), the Sub-Committee invited the Committee to extend the target completion date for this output to 2013.