

Informal meeting on Code of Practice for Packing of Cargo Transport Units

at the request of the United Nations Economic Commission for Europe Working Party on Intermodal Transport and Logistics

Geneva and virtual, 17-18 March 2022

Chains of responsibility and information

Submitted by ETS Consulting

This document proposes changes to Chapter 4 of the CTU Code on chains of responsibilities and information. In particular, it suggests:

- To reorganise clause 4.2.3 to make the text more understandable
- To amend clause 4.2.5 to clarify the role of the road vehicle driver, particularly where the CTU has been packed and sealed before the road vehicle arrives.
- To amend 4.2.9 to reiterate some of the implied responsibilities of the consignor.
- To include additional functional roles as 4.2.10, 4.2.11 and 4.2.11. These additional roles are added to include functions that support the transport chain and bring the CTU Code in line with other IMO publications.

This document further proposes changes to Chapter 11 of the CTU Code on completion of packing in order to elaborate on documentation for transport of dangerous goods.

This document also proposes inclusion of additional definitions in Chapter 2 as consequential changes. Such are also necessary to Annex 1, and these have been prepared in a separate document (please see CTU-Code/2022/first-informal-meeting/5) which also has been amended to propose the incorporation of Informal Material 2 (IM2) within the annex.

Proposed changed text to Clause 4.2.3:

4.2.3 The packer is responsible for:

- Ensuring that the CTU is checked before packing and that the condition of the CTU is suitable for the cargo to be transported;
- Ensuring that the floor of the CTU is not overstressed during packing operations;
- Ensuring that the cargo is correctly packed in accordance with clause 3.3 (Chapter 3) and, where applicable, clause 3.4 (Chapter 3) in the CTU.
- Ensuring that the cargo is secured in accordance with clause 3.5 (Chapter 3) in the CTU;
- Ensuring that the cargo is correctly distributed in the CTU and properly supported where necessary;
- Ensuring that no incompatible dangerous goods are packed. Account should be taken of all applicable dangerous goods legislations during the entire journey of the CTU from original point of dispatch to final destination;
- Ensuring that measures are put in place to prevent the movement of visible pests. Such measures involve use of lights that minimize the attraction of insects during active packing and closing doors and tarpaulins once active packing is interrupted but not fully finished;

- Properly closing the CTU and sealing it, when required, and reporting seal details to the shipper with a view to sharing those details with the container operator and, where different, the carrier. CTUs used for international transport should always be sealed;
- Fitting marks and placards to the CTU as required by applicable dangerous goods regulations;
- Fitting the fumigation mark if any fumigant has been used as part of the packing process;
- Accurately determining the gross mass¹ of the CTU and transmitting it to the shipper;
- Ensuring that the CTU is not overloaded and complies with the maximum operating gross mass indicated on the CSC plate.
- Providing the container/vehicle packing certificate² (new document or signed statement in the dangerous goods transport documentation as appropriate) and forwarding any documentation to the shipper with a view to sharing that information with the container operator and, where different, the carrier.

The packer should also pass on to the shipper information relating to any freight container with a reduced stacking capacity (less than 192,000 kg marked on the CSC safety approval plate)³. This information is critically important for the proper stowage of the CTU aboard ship; it should therefore be shared also with the container operator and, where different, the carrier.

Proposed changed text to clause 4.2.5:

4.2.5 The road haulier is responsible for:

- Confirming that the gross mass, length, width and height of the vehicle are within the national road / highway regulations limits;
- Ensuring that the road vehicle has been tested and passed any periodic inspections required to permit its use on public highways as per the national regulations applicable.;
- Ensuring that road vehicles which carry dangerous goods are certified in accordance with national regulations;
- Ensuring that the driver is qualified and / or experienced in driving the vehicle with the CTU / Cargo combination, for example: road tankers and tank container;
- Ensuring that the driver is aware of any cargoes that may move during transport, for example bulk liquids on the CTU or hanging foodstuffs;
- Ensuring that the driver is able to get sufficient rest and not drive when fatigued and complies with ILO C135 and UNECE AETR.;
- Ensuring that the driver:
 - secures the CTU properly on the trailer or chassis (except where the CTU is a trailer);
 - inspects the exterior of the CTU to confirm that it is safe to move;

¹ The gross mass of the CTU needs to be verified before any transport operation commences. Incorrect gross masses are a hazard for any mode of transport. Therefore, the gross mass verification should be carried out before the unit leaves the premises of the Packer. If a certain transport mode deems it necessary that a re-verification has to take place when the CTU is transferred from one mode to another, this is beyond the scope of this code and may be regulated in the regulations of that mode. Where a cargo is to be transported by road or rail only, the Packer needs only provide the mass of the cargo and any packing and securing material to the carrier when the tare of the transport vehicle is not known. [I do not like the last sentence. I am afraid it may be either misunderstood or misused by some shippers. Do we need this?]

² To include electronic documentation in accordance with 11.3.1 and 11.3.

³ As of 1 January 2012, all freight containers with reduced stacking or racking strength are required by the international convention for safe Containers CSC to be marked in accordance with the latest version of ISO 6346: Freight containers-Coding, identification and marking.

- confirms that there are no loose components or coverings that may become detached or damage the CTU and / or cargo during transport;
- is aware of their responsibilities in conformance with the underlying contract between the haulier and shipper (merchant haulage) or carrier (carrier haulage) with regard to securing of the cargo and determining the status of the CTU;
- Moves the CTU in such a manner that there are no exceptional stresses placed on the CTU or the cargo;
- is in possession of all the documents listed in 8.1.2 of the ADR including Emergency Response Information / Instructions in Writing when carrying Dangerous Goods.

Proposed changed text to clause 4.2.9:

4.2.9 The consignee/receiver of CTUs is responsible for:

- Checking the seal prior to its removal on whether it conforms with information on the transport documentation;
- Correctly ventilating the CTU before entering;
- Confirming that the atmosphere within the CTU is not hazardous before permitting persons to enter it;
- Applying suitable measures and steps for detection of visible pest and, where visible pests are found, to dispose of them in accordance with applicable rules and requirements promulgated by the local office of the National Plant Protection Organization (NPPO) or, if contamination is of animal origin, the local Animal Quarantine Office;
- Not overstressing the floor of the CTU during unpacking operations;
- Detecting any damage to the CTU and to notify the container operator and, where different, the carrier;
- Removing all securing materials, packaging and / or dunnage from the interior of the CTU.
- Returning the CTU to the CTU operator completely empty and clean, unless otherwise agreed;
- Removing all marks, placards or signs regarding the previous consignments.

Add new Functional roles after 4.2.9:

4.2.10 Inspectors / surveyors are:

- Parties employed by governments or commercial entities to perform inspection / surveying functions to ensure the safe transport of CTUs
- responsible for informing the principal of compliance and/or non-compliance of applicable codes and standards for further action where appropriate.

4.2.11 Insurers:

- Are entities / parties that provide insurances⁴ which variously cover loss or damage to cargo, CTUs, ships and other means of conveyance.
- should raise awareness of the CTU Code and best practice among customers.
- should assist in the development of additional advice for specific cargo types as appropriate.

4.2.12 Customs

⁴ Some insurances, such as Cargo or Hull, provide cover based on the value of the item insured. Others, such as Protection & Indemnity or Carrier's Liability, cover the liability under law or contract in relation to the goods being transported and other parties who may be impacted.

- may open a CTU at any stage in the transport chain in accordance with applicable laws and regulations.
- should replace any seals removed with one that is at least to the same standard and complies with ISO 17712
- should ensure that the documentation is amended and the Shipper and container operator and, here different, the Carrier are informed.

Subsequent paragraphs renumbered.

4.2.10 Shippers of empty CTUs and operators of empty CTUs are encouraged to have practices and arrangements in place to ensure that they are empty.

Amendments to Chapter 11

Add new text after 11.3.1:

11.3.2 When transporting dangerous goods:

11.3.2.1 Without prejudice to 11.3.2.2, the information required by international or national regulations may be incorporated into a single document; if not, these documents shall be attached one to the other. If the information is incorporated into a single document, the document shall include a Shipper Declaration and, where required a Packing Certificate declaration.

11.3.2.2 If the transport documentation is presented to the carrier by means of EDI or EDP transmission techniques, the signature(s) may be electronic signature(s) or may be replaced by the name(s) (in capitals) of the person authorized to sign.

11.3.2.3 When the transport documentation is given to a carrier by EDI or EDP techniques and subsequently the cargo is transferred to a carrier that requires paper transport documents, the shipper or carrier shall ensure that the paper document indicates "Original received electronically" and the name of the signatory shall be shown in capital letters.

11.3.2.4 A Safety Data Sheet may be requested and, where emergency response information is immediately required when the CTU is to be transported by road, rail or inland waterway, it should be provided in hard copy to inland carriers unless electronic transmission has been arranged.

Subsequent paragraphs renumbered.

Consequential changes

Suggested additional definitions:

Carrier haulage	<p>When the shipping company itself takes care of the preceding and subsequent transport of a container.</p> <p>It is also referred to as liner's haulage.</p>
Electronic Bill of Lading (eBL)	<p>An eBL is an electronic record which replicates the three traditional functions of a B/L issued on paper: it is a receipt for the goods; it is one of the pieces of evidence of the contract of carriage. An eBL wears the same legal status, terms & conditions and functionalities as a paper-based B/L and generates the same rights.</p>
EDI	<p>Electronic data interchange - the concept of businesses electronically communicating information that was traditionally communicated on paper.</p>
EDP	<p>Electronic data processing - the use of automated methods to process commercial data.</p>
Emergency response information	<p>For consignments for which a dangerous goods transport document is required, appropriate information shall be immediately available at all times for use in emergency response to accidents and incidents involving dangerous goods in transport. The information shall be available away from the packages containing the dangerous goods and immediately accessible in the event of an accident or incident.</p> <p>Also known as "Instructions in Writing"</p>
Merchant haulage	<p>Merchant's haulage is when the preceding and subsequent transport is carried out by the shipper and the receiver of a container, respectively.</p>
Multimodal transport operator (MTO)	<p>A carrier who concludes multimodal transport contracts; i.e., contract involving transport by more than one mode of carriage, and for which MTO accepts liability as a carrier"</p>
Packing Certificate declaration	<p>Declaration made by the Packer:</p> <p>"I hereby declare that the goods described above have been packed/loaded into the CTU identified above in accordance with the applicable provisions.</p> <p>MUST BE COMPLETED AND SIGNED FOR ALL CTU LOADS BY PERSON RESPONSIBLE FOR PACKING/LOADING."</p> <p>Also known as the container / vehicle Packing Certificate declaration.</p>
Shipper's Declaration	<p>Declaration made by the Shipper:</p> <p>"I hereby declare that the contents of this consignment are fully and accurately described below by the Proper Shipping Name, and are classified, packaged, marked and labelled / placarded and are in all respects in proper condition for transport according to the applicable international and national governmental regulations and the CTU Code."</p>

Transport documentation	<p>Documents required for the movement of a cargo that may include:</p> <ul style="list-style-type: none">• Shipping instructions• Bill of lading• Dangerous goods form (also known as a dangerous goods note (DGN))• Packing Certificate• Safety Data Sheets for all cargo that presents a risk to life and / or the environment. <p>See also Annex 1.2 Transport Documentation</p>
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