

## **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, 29-30 March 2023

## **Chains of responsibility and information**

Submitted by ETS Consulting

In a similar relationship to that of the packer and consignor, in so much as the packer is providing a service to the consignor and could be performed by the same party a new role is proposed that of the unpacker.

As a consequence, 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 sub-divide and amend 4.2.9 to form a new functional role and to reiterate some of the implied responsibilities of the unpacker and consignor.
- To include additional functional roles as 4.2.11, 4.2.12 and 4.2.13. These additional roles are added to include functions that support the transport chain and bring the CTU Code in line with other IMO publications.
- Changes to annex 1 and annex 5 to incorporate the new functional role.

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.

As a result of a thorough study of the terms that are associated with labels, marks and placards used in the CTU code a separate paper has been submitted (CTU-Code/2023/first-informal-meeting/9) however, additional changes have been made in the text below to ensure the consistent use of the terms labels, marks and placards and compliance with the dangerous goods model regulations

***Note: Readers of this informal document are reminded that Clause 4.1.1 states:***

In general, transport operations using CTUs in particular, involve various parties each of whom have a responsibility to ensure that the cargo is transported through the supply chain without incident. Notwithstanding any national legislation or contracts between the involved parties the chain of responsibility discussed below identifies functional responsibilities of the parties involved.

### **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 the CTU.
- Ensuring that the cargo is secured 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;
- Fitting other marks and / or labels applicable to the cargo being carried, i.e., flexitank labels;
- Accurately determining the gross mass<sup>1</sup> of the CTU<sup>2</sup> and transmitting it to the shipper with a view to sharing it with the container operator and, where different, the carrier;
- Ensuring that the CTU is not overloaded and complies with the maximum operating gross mass indicated on the approval plate (see annex 3);
- Providing the container/vehicle packing certificate<sup>3</sup> (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.

To assist with the stowing of freight containers on board ships, and as the only party who may physically see the container, 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)<sup>4</sup>. 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;

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<sup>1</sup> The gross mass of a packed CTU needs to be obtained either by weighing or calculation before any transport operation commences. Incorrect gross masses are a hazard for any mode of transport. Therefore, the gross mass should be produced before the unit leaves the premises of the Packer. Where a cargo is to be transported in a road vehicle rail wagon, and where the tare of the CTU is not known, the Packer needs only provide the mass of the cargo and any packing and securing material to the shipper.

<sup>2</sup> Where the CTU is a freight container the Packers should provide a gross mass as required by the International Convention for the Safety of Life at Sea (SOLAS) Chapter VI, Regulation 2 which shall be verified by the Shipper and transmitted to the Container Operator, and where different, the Carrier.

<sup>3</sup> To include electronic documentation in accordance with 11.3.1 and 11.3.

<sup>4</sup> 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.

- 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;
  - 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 documents such as an Emergency Response Information / Instructions in Writing when carrying Dangerous Goods.

**Proposed changed text to clause 4.2.9 to introduce the functional responsibilities of the unpacker and add a new clause for the remaining roles of the consignee:**

4.2.9 The unpacker of the CTU 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;
- Not overstressing the floor of the CTU during unpacking operations;
- Removing all cargo, securing material and other debris from the CTU;
- [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]
- Removing all marks, labels and placards regarding the previous consignments
- Detecting any damage to the CTU and to notify the consignee;

4.2.10 The consignee/receiver of CTUs is responsible for:

- Receiving the CTU from the carrier and ensuring that the information supplied by the shipper concerning the consignment matches those of the CTUs received;
- Returning the CTU to the CTU operator completely empty and clean, unless otherwise agreed

**Add new Functional roles after 4.2.10:**

4.2.11 Inspectors / surveyors are 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 responsible for:

- Raising awareness of the CTU Code and best practice among customers.
- Assisting in the development of additional advice for specific cargo types as appropriate.

4.2.12 Customs is responsible for:

- Ensuring the compliance with applicable laws and regulations by opening the CTU at any stage in the transport chain.
- Replacing seals removed with one that is at least to the same standard and complies with ISO 17712
- Ensuring that, the documentation is amended and the Shipper and container operator and, here different, the Carrier are informed.

Subsequent paragraphs renumbered.

## **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.

11.3.2.4A 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.

## Proposed amendments to annex 1 to clarify the relationship of the Shipper with the Consignor, freight forwarder, carrier and consignee.

7. Figure 1.2 shows the relationship of functions at the start of the supply chain. A sender and consignor may be considered as having the same function and under certain circumstances may be also referred to as the shipper. However, the shipper may act as the processor of information receiving information about the cargo and the packing details from the consignor / sender and packer / consolidator respectively.

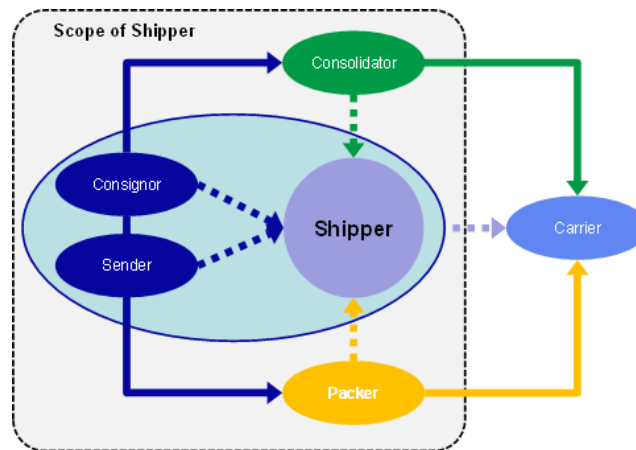


Figure 1.2 Relationship of functions

- 7.1 The shipper may also be the packer / consolidator receiving goods from the consignor and packing them into the CTU before contracting with despatching the goods to the carrier.
- 7.2 The shipper may be the consignor, who is producing the goods, packing it into the CTU and then contracting the carrier to move the CTU to its destination.
- 7.3 The shipper may be a freight forwarder acting on behalf of the consignor or consignee and engaged to act as a transport manager.
- 7.4 The shipper may combine the consignor, the packer and the carrier.
- 7.5 Finally, the Shipper may be the consignee where the consignor delivers the cargo Ex-Works.

### Proposed amendments as a result of the introduction of the term “unpacker”

- 12.1.1 When applicable the unpacker of a CTU should check whether the unit is externally in good condition, and not significantly distorted, cracked or bent. If such damage is found, the receiver should document and notify it to the CTU operator. Specific attention should be paid to damage that may have influenced the condition of the cargo within the unit.

### Annex 5

- 1.2 When receiving a CTU, the unpacker or consignee should

- 1.2.3 The unpacker or consignee should bring the discrepancy to the attention of the carrier and the shipper. The consignee should also note the discrepancy on the cargo documentation and notify Customs or law enforcement agencies, in accordance with national legislation. Where no such notification requirements exist, the consignee should refuse custody of the CTU pending communication with the carrier until such discrepancies can be resolved.
  
- 8.1.2 The unpacker or consignee should return the CTU in the same state that it was delivered. This means that the CTU should be:
  - 8.2.1 If additional cleaning beyond a thorough sweep of the CTU is required the unpacker should consider the following techniques:
  
  - 8.3.2 Cargo residues should be removed and disposed of in line with the unpacker's and / or consignee's procedures.

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