

## **Consultation summary document for CD278 - Consultation on the Freight Containers (Safety Convention) (Amendment) Regulations 2016**

The Freight Containers (Safety Convention) Regulations 2017 give effect to the amendments made to the International Convention for Safe Containers 1972 (CSC). As the UK ratified CSC in 1978, it must 'give effect' to the Convention in accordance with principles of international law. In order to do this the 1984 Regulations required updating in line with changes to CSC.

As part of the Regulatory process, HSE ran a public consultation between 18 January and 26 February 2016 on the proposal to amend, not replace, the 1984 Regulations and the supporting guidance to give effect to the changes made to CSC.

HSE received 11 responses to the public consultation. 10 favoured the proposal to amend but one respondent, a Trade Union (TU) with members in Ports, objected to the proposals because, in their opinion, they did not provide enough detail and assurance for how HSE would implement the requirements in the new Annex III for the CSC. Annex III supports Article VI of the CSC which deals with control and verification measures and outlines criteria to enable immediate out of service determinations to be made for damaged containers

After considering the feedback, HSE reviewed its current policy on control and verification measures and decided to introduce some additional measures to fully meet the requirements of the CSC. As there are substantial changes to the 1984 Regulations the proposal was to introduce a new set of consolidated regulations instead of amending them. These would be known as the Freight Container (Safety Convention) Regulations 2017. The new proposals give effect to the CSC in a risk-based, clearer and proportionate manner.

HSE tested the revised proposals through a second, limited public consultation between 17 October and 14 November 2016.

We received 4 responses from stakeholders from the container industry, including the trade union (TU) which raised objections during the first consultation in January 2016, which led to the revised arrangements. The TU who objected to the original proposal now strongly supports the revised proposal because in their view the arrangements implementing the changes to the CSC are much clearer. There were some suggestions for minor editorial changes to the SI which HSE considered and where appropriate updated.

HSE is now in a position to continue the process to lay the new regulations to take effect from 6 April 2017.