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COM (78)695

Vol. 1978/0263

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In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 695 final

Brussels, 20 December 1978

Draft

COUNCIL RECOMMENDATION

on the ratification of the International Convention for Safe Containers
(CSC)

(submitted to the Council by the Commission)

COM(78) 695 final

EXPLANATORY MEMORANDUM

1. The container is an article of transport equipment whose safety has not - so far - posed any major problems internationally.

However, fear of unilateral action by certain States in laying down rules on the safety of this means of transport and the possible repercussions of this action on the movement of containers and the goods contained in them - and hence on international trade - prompted the United Nations Inter-Governmental Maritime Consultative Organization to work out an International Convention for Safe Containers (CS) which was concluded in Geneva on 2 December 1972.

The Convention was open for accession from 15 January 1973 and after the requisite number of accessions had been obtained it entered into force on 6 September 1977.

Three Member States of the Community (France, the Federal Republic of Germany and the United Kingdom) have ratified the Convention; other Member States have been favourable to it and expressed their intention of ratifying it shortly.

2. The International Convention for Safe Containers (CSC) lays down common international safety regulations concerning the manufacture, testing, inspection, approval and maintenance of containers.

The Convention applies to new containers and containers already in circulation used for international transport, excluding containers specially designed for air transport.

In particular, under the Convention, every container must be subjected to an effective testing, inspection and approval procedure; the criteria for this are specified in Annexes 1 and 2 to the Convention itself.

Evidence of a container's conformity to the Convention is provided by the competent authorities affixing to it a CSC Safety Approval Plate. The plate constitutes presumptive evidence that a container is safe under the terms of the Convention; it is therefore of vital importance to the free movement of the container. The Convention stipulate that every container shall be approved in accordance with the provisions set out in Annex 1 within five years of the date of entry into force of the Convention, i.e. September 1982 at the latest.

In addition, under the Convention, "owners" as defined in the CSC are responsible for maintaining containers in safe condition and subjecting them to the examinations prescribed or approved by the competent administrative authority; these examinations must take place at intervals of not more than two years.

The Commission considers that improving the safety of transport in general must be regarded as an important part of the Common Transport Policy of which container transport, covered by the CSC, is a specific case. Harmonized application of the CSC within the Community is necessary since the Commission thinks it would be harmful to the harmonization of conditions of competition, safety, the free movement of containers and of goods and, in general, the proper functioning of the transport market, if specialist operators in this sector were subject to different systems, as would be the case if certain Member States did not ratify the Convention or did not give it a uniform interpretation when applying its provisions in their national legislation.

In addition, any action by the Community and its Member States in this area will also have to be compatible with the initiatives taken in IMCO, to ensure that such action is effective worldwide.

It is therefore necessary for the application of the Convention to be harmonized in all Member States. Ratification by all Member States would be the first step in this direction. Consequently, the draft Council Recommendation provides for a deadline for ratification or accession by Member States.

However, ratification of this Convention by the Member States by the deadline set will not be enough in itself to guarantee harmonized application at Community and international levels of the provisions concerning the examination, approval and inspection of containers or joint action by the Member States within the IMCO with regard to future amendments.

The Commission will therefore be submitting proposals Council with a view to the harmonization of national laws adopted or proposed in implementation of the CSC, as well as proposals with a view to the adoption of a joint position by the Member States within IMCO with regard to any amendments to the Convention; at some time in the future an initiative might even be envisaged regarding the accession of the Community to this Convention.

DRAFT COUNCIL RECOMMENDATION ON THE RATIFICATION OF THE
INTERNATIONAL CONVENTION FOR SAFE CONTAINERS (CSC)

The Council of the European Communities,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft from the Commission,

Whereas an International Convention for Safe Containers (CSC) prepared in the framework of the United Nations Inter-Governmental Maritime Consultative Organization (IMCO) entered into force on 6 September 1977 and is open for ratification or accession by States, including the Member States;

Whereas the Convention contains rules designed to maintain a high level of safety of human life in the handling, stacking and transporting of containers and safety rules governing construction and testing;

Whereas application of these rules by the Member States of the Community and by third countries in their dealings with the Community would have an impact on transport conditions and in particular on the interests of the railways and of carriers by road, inland waterway and sea, whether in combined or single-mode transport operations;

Whereas three Member States have already ratified the Convention, and whereas ratification of the Convention by only some Member States is likely to have a harmful effect on the conditions of competition and in particular on those of the operators in this sector and on the free movement of goods and of containers within the common market;

Whereas ratification or accession by all Member States is also necessary for the harmonized ratification of the Convention throughout the Community and for the adoption of a joint position on any amendments to the Convention;

Whereas action by the Community in this areas must be compatible with initiatives undertaken by the IMCO, in order to ensure the effectiveness thereof;

Whereas it is envisaged within the IMCO to apply the controls envisaged by the CSC from September 1982, and whereas national provisions must be laid down swiftly in order to enable operators to have all their existing containers examined before that date; whereas, in view of the large number of containers in existence, operators and the authorities concerned must be given sufficient time to ensure that the work involved in testing and approval and in the affixing of the CSC Plate is spread uniformly.

HEREBY RECOMMENDS THAT:

if they have not yet done so, Member States ratify the International Convention for Safe Containers, or accede thereto before 1 January 1980 ;

Member States inform the Secretary-General of the Inter-Governmental Maritime Consultative Organization in writing that their ratification or accession is in pursuance of this Recommendation.

For the Council,

Done on