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COMMISSION ON PHYTOSANITARY MEASURES

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Special Topics Session: Sea Containers

Logistics of movement of sea containers and the IMO / ILO / UN ECE Code of practice for packing cargo transport units (CTU Code) - Logistics of movement of sea containers and the IMO / ILO / UN ECE Code of practice for packing cargo transport units (CTU Code)

Agenda item 14

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English only

Summary

The *Code of Practice for Packing of Cargo Transport Units (CTU Code)*[1] has gained respect as a non-regulatory code of practice for packing containers and is acting as the support mechanism for other international and national legislation. The primary objective of the *CTU Code* is to provide a "one-stop shop" information paper and guide to all parties in the supply chain, and in particular those actively involved with the packing and shipping of freight containers. It addresses a number of issues that have not previously been included in such guidelines including the means for reducing the risk of the inadvertent transport of pests. The members of the working group that developed the CTU Code were most insistent that the sections relating to this subject were retained as they recognised the importance of the subject and they felt that the *CTU Code* was the right vehicle for the message to be disseminated to the wider community.

The *CTU Code* took nearly four years to develop and required the approval of the three United Nations (UN) organisations before publications. It would require a similar commitment for any amendments to be made to the Code or its annexes. Because of this it was felt that if more specific advice and best practice was needed it would be best suited to develop it as part of industry standards and publications, such as those relating to the inspection, repair and cleaning of containers.

Such industry standards are far easier to maintain and improve to reflect the changing world in which the container operates. They have greater visibility for those involved with the preparation of containers and the subsequent packing and transport. Linking the industry standard to the *CTU Code* also adds legal credibility should incidents occur which may result in a prosecution.

The *CTU Code* and existing industry cleaning standards can provide a tool that raises awareness of the risk and is available to those involved in the movement of freight containers.

Accompanying notes

It is recognised that the *CTU Code* is a non-regulatory code of practice and its success relies on its visibility and access by those to whom it is directed. However, and for the first time, the *CTU C*ode identifies the roles and responsibilities of the functional parties in the supply chain. Also new to the *CTU Code* is the requirement that functional parties have a responsibility for reducing or preventing the transport of pests and alien species.

Container owners (CTU Operators) are responsible for providing a container that is clean and fit for purpose but their responsibility effectively ends once the container leaves the repair depot or is delivered to the packer's facility. Thereafter the responsible functional party will be the shipper, and through that party, the packing and haulage organisations.

With regard to minimising the movement of pests, *CTU Code* shows that the most important functional parties are those that supply the container and those that pack it. Other parties have their role to play, but without the participation of the CTU Operator and the packer, re-contamination of containers cannot be prevented.

In Mike Downes' summary on the Logistics of sea containers (available in CPM 2016/INF/06), he notes three bullets that are worth repeating:

- The only opportunity for full inspection and cleaning is at the repair depot;
- Not all containers pass through a repair depot every trip; and
- The most likely points for contamination are pack points.

[1] Revised in 2014 by the International Maritime Organization, the International Labour Organization and the United Nations Economic Commission for Europe, available at: http://www.unece.org/trans/wp24/guidelinespackingctus/intro.html

The first two bullet points reinforce the concerns of the shipping lines that any controls on them or their depots would not substantially reduce the risk of transporting pests and the third identifies where they feel that there is the greatest risk to pests entering the container.

The CTU Code is directed at the shipper and the packer (Pack Point) where there is a clear responsibility to:

> *"ensure that measures are put in place to prevent the movement of plants, plant products and visible pests, such as closing doors and tarpaulins once packing has started but not taking place and lights that minimize the attraction of insects;"*

Additionally all parties in the supply chain have a responsibility to:

> *"minimize the risk of recontamination of CTUs when in their custody. This may include the following:*
>
> - *Implementation of appropriate pest management programs;*
> - *Removal of any plants, plant products or visible pests taking into account the roles and responsibilities of each party within the supply chain and, further, the impossibility of inspecting the interior of closed and sealed CTUs for recontamination."*

Annex 6 (Minimising the risk or recontamination) and Informative Material 4 (Species of concern regarding recontamination) provides guidance on how the container should be positioned and protected to minimise the risk of contamination.

During the preparation of the CTU Code there was considerable discussion about its legal standing. It was upgraded from a Guideline to a Code of Practice which allows it to be used to assist governments and other organisations in drawing up regulations. The CTU Code stopped short be being raised to a regulatory instrument due to the complexity of management and would have added considerable effort to those required to monitor and police without quantifiable results.

The CTU Code remains an advisory document, with the possibility of it being incorporated into legislation or being cited in legal cases as an industry best practice, thus gaining legal precedent. This would be supported by a system which would educate the stakeholders as to their roles and responsibilities.

The contents of the CTU Code are fairly broad in their instructions and practices, without focusing on particular practices or procedures, as changing them would require extensive and lengthy discussions between the three UN bodies. If more precise and accurate instructions are required then "the industry" can develop their own best practice to cater for that particular subject, and it is here that the other industry tools can provide reliable and up to date information and best practice to supplement the CTU Code.

There are a number of publications that relate to cleaning containers, most notable is the International Cargo Handling Coordination Association (ICHCA) International's Briefing Pamphlet 7, *Safe Cleaning of Containers*, Standards Australia's *Standards for food quality shipping containers* and the Institute of International Container Lessors (IICL)'s *General Guide for Container Cleaning*.

Currently there is a debate about the value of some of these publications, whether they should be updated or indeed withdrawn in favour of the CTU Code. However, with the support of bodies such as the FAO, much of the information covered in the differing publications could be incorporated into a single document that is up to date, and covers the various elements of cleaning containers to suit the needs of the regulators, constituent parties and the container industry. It would not replace the information in the CTU Code, but act a supplement to enhance the content and cover specific requirements.