Republic of Latvia

Cabinet

Regulation No. 424

Adopted 28 June 2016

**Regulations Regarding the Conformity Assessment of Containers Intended for International Cargo Carriage and Obtaining, Notification and Control of Their Verified Gross Mass**

*Issued pursuant to*

*Section 7, Paragraph one of the Law On Conformity Assessment and Section 371, Paragraph three of Marine Administration and Marine Safety Law*

**I. General Provisions**

1. This Regulation prescribes:

1.1. the essential requirements for containers used in international cargo carriage and monitoring mechanism of their compliance;

1.2. the procedures for obtaining, notification and control of verified gross mass of containers.

2. Within the meaning of this Regulation:

2.1. the owner of the container is its owner or lessee, or holder, if an agreement between the parties provides for the responsibility of the lessee or the holder for the service and the inspection of the containers, or their representative in Latvia;

2.2. a container is an article of transport equipment (excluding vehicles and packaging), including a container carried on chassis and complying with the following conditions:

2.2.1. it shall be of a permanent character and accordingly strong enough to be suitable for repeated use;

2.2.2. it shall be specially designed to facilitate cargo carriage by using one or more modes of transport without intermediate reloading;

2.2.3. it shall be designed to be secured and/or readily handled (having corner fittings for these purposes);

2.2.4. it shall be of a size the area covered by which counting from the four outer bottom corners is at least 14 square metres (150 square feet) or at least 7 square metres (75 square feet) if it is fitted with top corner fittings;

2.3. the verified gross mass of a container is the total gross mass of a packed container obtained by applying one of the methods referred to in Paragraph 14 of this Regulation;

2.4. cargo means any products, goods or articles carried in containers;

2.5 international carriage is a carriage between two countries in at least one of which the 1972 Convention on Safe Containers as amended (hereinafter – the Convention) is in force, or a carriage between two countries if a part of the carriage is carried out in the territory of a country in which the Convention is in force;

2.6. a corner fitting means an arrangement of apertures and faces at the top and bottom of a container for the purposes of handling, stacking and securing.

3. This Regulation shall not apply to:

3.1. containers which are specially designed for carriage by air;

3.2. swap bodies/demountables which are designed and used for carriage only by road or by rail and which are without corner fittings;

3.3. swap bodies/demountables transported by sea on condition that they are mounted on a road vehicle or rail wagon (except swap bodies/demountables used in transoceanic services)..

4. The owner of the container shall be responsible for the safe service of the container in accordance with this Regulation and the Convention.

**II. Conformity Assessment of Containers and Control Thereof**

5. Conformity of containers with the requirements of this Regulation and the Convention shall be assessed by the conformity assessment bodies accredited by the national accreditation authority in accordance with the laws and regulations regarding the assessment, accreditation and monitoring of conformity assessment bodies.

6. In performing conformity assessment of containers, the procedure laid down in Annex I to the Convention and the requirements laid down in Annex II to the Convention shall be complied with.

7. The owner of container that has been modified in a manner resulting in structural changes shall notify the conformity assessment body regarding such changes.

8. After the performance of the conformity assessment, a safety approval plate complying with the requirements laid down in Annex I to the Convention shall be attached to the container.

9. The owner of the container shall remove a safety approval plate from the container if:

9.1. the container has been modified in such a way that there are grounds to declare the original approval and the information found on the Safety Approval Plate to be invalid;

9.2. the container has been withdrawn from movement and is not being maintained in accordance with the requirements of the Convention;

9.3. the container conformity assessment body has withdrawn the container assessment.

10. In order to ensure safe service and movement of containers:

10.1. the owner of the container shall be responsible for safe container service and certify it by a valid safety approval plate attached to the container;

10.2. the terminal operator who carries out the container loading/unloading operations at the port shall ensure that the containers for which there are reasonable grounds to consider that they may constitute safety hazards are withdrawn from movement, until measures are taken to ensure that such containers can be safely used.

11. The State joint stock company “Maritime Administration of Latvia” (hereinafter – the Maritime Administration) shall periodically inspect at the ports whether the obligations referred to in Paragraph 10 of this Regulation are being met, and also randomly verify during the periodic inspection that the container has a valid safety approval plate.

12. In performing the inspection referred to in Paragraph 11 of this Regulation, the inspector of the Maritime Safety Inspectorate of the Maritime Administration has the rights:

12.1. to request information from the shipping company on the container safety approval plate;

12.2. to enter the territory of the terminal operator;

12.3. to request to terminate the service of the container non-compliant with the requirements of the Convention.

**III. Procedures for Obtaining, Notification and Control of Verified Gross Mass of Containers**

13. In determining and notifying the verified gross mass of containers, the parties involved in container carriage shall comply with the provisions of Circular MSC.1/Circ.1475 of the International Maritime Organisation of 9 June 2014, Guidelines Regarding the Verified Gross Mass of a Container Carrying Cargo. The abovementioned guidelines shall be published in Latvian on the website of the Maritime Administration.

14. The verified gross mass of a container shall be determined by the shipper or his or her authorised representative using one of the following methods:

14.1. by weighing a packed and sealed container with measuring instruments which comply with the laws and regulations regarding the uniformity of measurements;

14.2. by separately weighing all cargo units to be loaded in the container (including pallets, packaging and securing materials) with measuring instruments that comply with the laws and regulations regarding the uniformity of measurements and summing the masses of all cargo units and the mass of the empty container.

15. The shipping company or the master of the ship and the terminal operator who perform the container cargo loading operations at Latvian ports shall mutually agree on the procedures for exchange of information regarding the verified gross mass of the container.

16. The Maritime Administration shall periodically inspect at the ports whether the master of the ship, the shipping company and the terminal operator who perform the container cargo loading operations at Latvian ports comply with the obligations laid down in the laws and regulations regarding the verified gross mass of the container. In carrying out the inspection, the inspector of the Maritime Safety Inspectorate of the Maritime Administration has the right to enter the territory of the terminal operator and board the ship in order to request the container documentation relating to the verified gross mass of the container.

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