

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, 17-18 March 2022

General comments on paper 4 and 5

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The papers contain much welcomed clarifications on the proper roles of different parties involved in the transport chain and the type of documents that may accompany a transport. Section 2.3 of paper 5 - Information and Documents, where the terms for the role of “Shipper” in different instruments are listed, especially highlights the need for a more unified terminology in the industry. The CTU Code has the potential to be an important tool in establishing such unification.

It should however be noted that on the matter of both public and civil liability, there are other regulations, conventions and agreements¹ that has a stronger legal standing. Great care should thus be taken to ensure that the responsibility assigned according the CTU Code is not in conflict with these documents or that it is clearly stated that the responsibilities given are examples for typical agreements between the parties. If this is not the case, a future elevation of the status of the Code or referral to it in mandatory instruments or national regulations might be hindered.

While the responsibility for loading the cargo into the CTU is usually clearly assigned by the contracts between the involved parties, the task of securing it is often not. In containers the securing is, as described in Paper 4 - Chains of responsibility and information, mostly done by the packer. However, for road vehicles, where the driver of truck may be present during loading, this task is often performed by the driver and not the packer. In many countries, the driver has the sole legal responsibility to ensure that the cargo is properly secured during the road transport also in intermodal units, while this responsibility is shared in other countries. These circumstances are recognized in e.g. the General conditions of the Nordic association of freight forwarders, where it is stated in §5:

Unless otherwise agreed it is the customer’s obligation to arrange for loading and unloading of the goods and it is the freight forwarder’s obligation to arrange for stowing and securing of the goods.

In case of sea transport of heavy cargo items on open platforms such as machine trailers, flat racks or roll-trailers, the cargo may be secured not only to the CTU but directly to the vessel as well. The additional securing is then performed by the stevedoring company under the responsibility of the Chief Officer.

Thus, it is necessary to let the Code reflect that the task of securing the cargo may not always be the responsibility of the packer.

¹ E.g. National civil and public laws, CMR, CIM, UIRR, Haag-Visby Rules, US COGSA, Rotterdam Rules, NSAB etc.