

SUB-COMMITTEE ON CARRIAGE OF  
CARGOES AND CONTAINERS  
7th session  
Agenda item 6

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## AMENDMENTS TO THE IMDG CODE AND SUPPLEMENTS

### Transitional phase for container data loggers and tracking devices already in commercial deployment

Submitted by BIC, BIMCO, ICS and WSC

#### SUMMARY

*Executive summary:* This document proposes that a transitional phase be implemented for container data loggers and tracking devices already in commercial deployment following a decision to amend the IMDG Code with criteria for deeming container devices to be of a "certified safe type"

*Strategic direction, if applicable:* 6

*Output:* 6.10

*Action to be taken:* Paragraph 15

*Related documents:* CCC 6/14 and CCC 7/6/3

#### Introduction

1 This document is submitted in accordance with paragraph 6.12.4 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.1) and comments on the document by ISO proposing certified safe type criteria for container data loggers and tracking devices (CCC 7/6/3).

2 The co-sponsors welcome the document by ISO proposing "certified safe type" criteria for container data loggers and tracking devices. The co-sponsors have actively participated in the ISO discussions leading to the ISO document. As such, they agree with the content of the document, and specifically that:

- .1 three sets of criteria be used to define a "certified safe type" container data logger or tracking device, dependent on whether the device is affixed to a tank container, a dry cargo container or a reefer container; and
- .2 the three sets of criteria should apply irrespective of whether the device is permanently affixed to the container or is a single-trip-only device.

## **Discussion**

3 The co-sponsors believe that a number of factors must be considered when determining the starting date regarding when ocean carriers and other owners and users of container data loggers and tracking devices should be required to only use devices in conformity with the criteria proposed by ISO, amended as appropriate, or any other criteria that may be included in the International Maritime Dangerous Goods (IMDG) Code to determine whether a container device can be deemed to be of a "certified safe type".<sup>1</sup> Some of these factors are discussed below.

### ***Availability of new devices for commercial use***

4 Recalling that MSC 87 decided that the IMDG Code should be amended every 2 years, the earliest the criteria proposed by ISO, amended as appropriate, could become mandatory would be when amendment 41-22 to the IMDG Code enters into force. This would normally<sup>2</sup> occur on 1 January 2024 and with the traditional 1-year voluntary compliance period starting on 1 January 2023.

5 However, the ISO document states that "it is anticipated that devices in compliance with the criteria set out in this paper could reach the market 36 months from approval of the criteria by the competent IMO bodies" (annex, paragraph 15). This timeline represents the collective assessment by the technology developers, who participated in the development of the criteria proposed by ISO, as to what may be feasible and realistic taking into account development of prototypes, tests and trials, and arrangements for actual production, and deployment of devices that meet the proposed criteria, amended as appropriate.

### ***Number of devices in current commercial deployment***

6 Consideration must also be given to the significant investments already made by ocean carriers, beneficiary cargo owners, shippers, freight forwarders and others in the international supply chains for the installation and usage of data loggers and tracking devices on containers in commercial deployment.

7 There are no authoritative sources for determining the number of container data loggers and tracking devices in current commercial deployment. It is, however, estimated that approximately 0.5 million permanently affixed container devices are in current deployment. In addition, there may be hundreds of thousands of single-trip devices in commercial usage.

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<sup>1</sup> For the purpose of this document, it is assumed that the criteria developed by ISO may form the basis for the Sub-Committee's considerations on this matter. Hence, this document will consistently refer to the criteria proposed by ISO, amended as appropriate.

<sup>2</sup> This document has been made before MSC 102 has decided on the IMDG Code amendment process and schedule, following the postponement of the MSC 102 meeting (originally planned for 13 to 22 May). However, the dates proposed in paragraph 15 of the annex to CCC 7/6/3 are based on the assumption that the CCC Sub-Committee will approve the "certified safe type" criteria by no later than 2021, so that the container industry, for the reasons discussed in this document, can be given a lead time of a minimum of 5 years, in order to arrange for compliance with the criteria.

8 None of the devices in current commercial deployment, whether permanently affixed or single-trip devices, are in conformity with the criteria proposed by ISO. In fact, no device is currently being produced and brought to market that is in conformity with these criteria. This helps explain the assessment by the technology developers that it could take up to 3 years for devices in conformity with the criteria proposed by ISO to reach the market.

### ***Expected lifetime of container data loggers and tracking devices***

9 The co-sponsors also believe that another relevant factor, when determining the effective date from when container devices must meet the criteria for "certified safe type", is the expected lifetime of container data loggers and tracking devices in current commercial deployment.

10 The co-sponsors have been advised by numerous ocean carriers and technology developers that the normal expected lifetime of devices permanently affixed to non-reefer containers would be around 5 years. Due to their complexity and integration with the control units and power systems, the lifetime for devices permanently affixed to reefer containers could be 10 years or higher. However, due to technological developments, innovations etc., such devices may be replaced within 7 to 10 years from the date of installation. Single-trip devices have a shorter lifetime expectancy, irrespective of which type of container they are affixed to or in.

### **Two transitional dates should be considered**

11 Considering the above factors, it would in the view of the co-sponsors not be reasonable to require that devices in current commercial deployment be discarded effective from 1 January 2024, when amendment 41-22 to the IMDG Code would normally enter into force.

12 In this regard, the co-sponsors note that CCC 6, when considering this issue, heard the view expressed by several delegations that "early movers should not be penalized" (CCC 6/14, paragraph 6.45). "Smart container" technologies and devices, by their very nature, are intended to bring enhanced safety, security and efficiency to containerized supply chains and transportation, and IMO should be careful not to take steps that could make significant investments already made obsolete and disincentivize parties in these supply chains to become early users of new technologies. This concern was an important reason for the decision by CCC 6 to request ISO to develop recommendations for "certified safe type" container devices. The concern is still valid, and the co-sponsors believe that it should be of particular relevance in the considerations by the Sub-Committee on the effective date from when container devices must meet the approved criteria for "certified safe type", as set out in an amended IMDG Code.

13 From both a compliance and an enforcement perspective, the co-sponsors believe that it would be advisable to consider applying only two dates with regard to from when container data loggers and tracking devices should be required to comply with the proposed criteria for "certified safe type", amended as appropriate: one date for all types of devices on non-reefer containers and for single-trip devices on reefer containers, and a different (and later) date for permanently affixed devices on reefer containers.

### **Proposal**

14 Specifically, and based on the assumption that the Sub-Committee will approve the "certified safe type" criteria by no later than 2021, the co-sponsors recommend for the Sub-Committee's consideration of the following dates regarding from which date container

devices must be in conformity with the "certified safe type" criteria proposed by ISO, amended as appropriate:

- .1 fixed and single-trip devices on non-reefer containers should be required to comply with the new criteria from 1 January 2026;
- .2 single-trip devices on reefer containers should be required to comply with the new criteria from 1 January 2026; and
- .3 fixed devices on reefer containers should be required to comply with the new criteria as soon as possible after 1 January 2026, but in no case later than 1 January 2030.

**Action requested of the Sub-Committee**

15 The Sub-Committee is invited to consider the proposal in paragraph 14 and take action, as appropriate.

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