



GUIDE FOR CERTIFICATION OF OFFSHORE CONTAINERS

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**American Bureau of Shipping
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Foreword (15 December 2017)

IMO has issued MSC/Circ.860 Guidelines for the approval of offshore containers handled in open seas. This circular is intended to assist the competent authorities in developing the requirements for approving the offshore containers. IMO requires that all intermodal containers conform to the requirements of the International Convention for Safe Containers (CSC). The requirements of the CSC convention may not be applicable to offshore containers primarily due to non-standard designs, exposure to the marine environment for extended periods as well as the lifting of offshore containers by padeyes. EN 12079 has been published based on the MSC/Circ.860 and is currently used as an International industry standard to approve offshore containers.

Containers built to the *ABS Guide for Certification of Offshore Containers* will meet all the requirements of MSC/Circ.860 and EN 12079:2006. This Guide provides guidance for manufacturing facilities to build offshore containers. It also serves to assist the ABS Engineers and Surveyors in certifying offshore containers around the globe.

The December 2017 edition adds a new Appendix 5 detailing the certification of existing containers.

This Guide becomes effective on 15 December 2017.

Users are advised to check periodically on the ABS website www.eagle.org to verify that this version of this Guide is the most current.

We welcome your feedback. Comments or suggestions can be sent electronically by email to rsd@eagle.org.



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CHAPTER 1 General Information

SECTION 1 General

1 Scope (15 December 2017)

This Guide has been developed to provide requirements for the certification of offshore containers with a gross mass not exceeding 25,000 kg (55,116 lb), intended for repeated use to, from and between fixed or floating installations and ships.

These containers may not always conform to the standard design requirements of the International Convention for Safe Containers (CSC). Some features that differentiate offshore containers from the containers that are designed according to the International Convention for Safe Containers (CSC) are indicated below:

- Containers conforming to CSC convention are designed for loading and unloading in ports and in inland transport only and are not designed for being handled in the open seas. However, offshore containers are designed to be lifted onto and off offshore installations and ships, and such operations may often take place in unfavorable weather and sea conditions.
- Offshore containers are not to be lifted using spreader beams or ISO Corner fittings and are to be lifted using padeyes or lifting lugs with the designated lifting sets only.
- Offshore containers, unlike ISO containers, are not standardized with regard to sizes or gross mass.

Therefore, the intention of this Guide is to provide a standard for containers that are utilized in the offshore industry by conforming to the Guidelines issued by IMO in MSC/Circ. 860.

This Guide only applies to the transport and lifting requirements for offshore containers with respect to design, manufacturing, marking, testing and periodic inspections. This Guide does not include requirements for containers intended for intermodal transport. For this application refer to the *ABS Rules for Certification of Cargo Containers*. This Guide does not include requirements for temporary or permanent installation of offshore containers on fixed or floating offshore facilities. For these applications refer to the *ABS Guide for Portable Accommodation Modules* or the *ABS Rules*.

Offshore containers that are certified to the requirements of this Guide will also comply with MSC/Circ.860 and EN 12079:2006. Offshore Container Production Certificates issued by ABS will indicate this compliance.

Certification of existing containers may be considered on a case by case basis. Refer to Appendix 5 of this Guide for requirements.

2 Relationship with Other Standards, Codes and Regulations

This Guide references standards recognized by ABS which are listed in Appendix 1.

2.1 IMO-MS/Circ.860

The International Maritime Organization (IMO), has issued guidelines for the approval of offshore containers, in circular MSC/Circ.860. This circular is intended to guide national authorities in developing approval and certification requirements for offshore containers. It recommends that new offshore containers be approved, prototype tested, and certified by duly authorized bodies.

2.2 EN 12079:2006

EN 12079:2006 is a standard used in the offshore industry for the certification of offshore containers and associated lifting sets.

This standard consists of three parts as described below:

- EN 12079:2006, Part 1: Offshore Containers - Design, Manufacturing and Marking
- EN 12079:2006, Part 2: Lifting sets - Design, Manufacturing and Marking
- EN 12079:2006, Part 3: Periodic Inspection, Examination and Testing

2.3 IMDG, US DOT, RID/ADR

Offshore Containers that are intended for the carriage of dangerous cargo are required to be in compliance with the International Maritime Dangerous Goods (IMDG) Code.

Some of the offshore containers may also be required to conform to other national and international standards and regulations such as United States Department of Transport (US DOT), Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) and European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), etc.



CHAPTER 1 General Information

SECTION 2 Certification Procedure

1 Certification Procedure for Offshore Containers

The certification procedure outlined below is a typical procedure which will facilitate the certification of offshore containers to this Guide. ABS may consider alternative procedures, provided they are not less effective than the requirements indicated in this Guide.

1.1 Application for Certification

An application is to be submitted by the designer or manufacturer who has legal rights to the design. The designer and manufacturer may not be the same entity and are to be indicated on the application.

The application is to be submitted with, but not limited to, the following:

- i) Design drawings including but not limited to the following information:
 - Dimensions
 - Maximum gross mass and payload
 - Scantling of members
 - Material properties
 - Padeye details
 - Welding details
 - Markings
- ii) Design calculations
- iii) Testing results (if applicable)
- iv) Declaration for the absence of asbestos

Applications for additional units to be certified under an approved design are to include at least the application and marking drawings if the owner has changed them.

Revisions to an existing ABS approved design will require an application which is to be submitted with, but not limited to, the applicable documents indicated above. Submitted documents are to completely describe the changes.

1.2 Design Review

The documents submitted with the application will be reviewed by an ABS engineer. The engineer will evaluate the design under the requirements of this Guide and any other requested Rules, regulations or standards. Upon a successful review, an ABS review letter with test agenda, if applicable, will be returned indicating that the design meets the requirements of this Guide. The prototype test agenda is provided only after all review items are addressed.

The design is not approved until the prototype test is conducted in the presence of an ABS Surveyor in accordance with the prototype test agenda specified by ABS.

1.3 Quality Control

The manufacturing facility is to submit a quality manual to the ABS Surveyor which describes the quality system. The Surveyor will review the manual to verify aspects of the production of the container are addressed in the manual. Following a successful review of the manual, a quality audit will be performed at the manufacturing facility to verify that the system outlined in the manual is in place and functioning properly.

Upon a successful quality audit, the ABS Surveyor will issue a Factory Approval Certificate. The certificate will be valid for 5 years with annual endorsements required.

Notes:

- 1 A quality control document for the manufacturing facility is required to be submitted only if the facility is submitting for the first design to be manufactured at the facility.
- 2 Any updates to the quality control documents are to be submitted for review. The document is to be updated if a new design requiring additional quality procedures is to be produced at the facility.

1.4 Production

Upon a successful design review, prototype test and quality assessment, the manufacturing facility may begin production under the surveillance of an ABS Surveyor.

The ABS Surveyor will initially request a meeting to discuss inspection schedules, hold points and other related items. The Welding Procedure Specifications (WPS) and Welder Qualifications will be reviewed and approved by the ABS Surveyor prior to production.

Production testing is to be carried out in the presence of an ABS Surveyor or quality representative nominated by the manufacturer as indicated in the ABS approved quality document. The Surveyor is to “walk the production line” during each attendance to verify that the quality system continues to function properly.

The below documents are to be presented to the ABS Surveyor at the time of final inspection in an as-built dossier in order to support the certification of the offshore container. The documents are to include, but are not limited to the following:

- i) Material certificates
- ii) Material Traceability Reports (MTR) for primary structure
- iii) Fabrication inspection reports
- iv) Dimensional control reports
- v) Nondestructive Testing (NDT) reports
- vi) Production testing reports
- vii) Pressure testing records

1.5 ABS Production Certificate

An ABS Production Certificate will be issued by the Surveyor following a successful review of the as-built dossier and final inspection. Additionally, the certificate will reference the ABS engineering approval letter and prototype test certificate, applicable to the container design.

1.6 Certification to Other Standards

When the application includes a request for certification to governmental requirements, international conventions, or other standards, the submittal is to include all necessary required information. These additional requirements are to be indicated in the certificate.

2 Certification procedure for the Lifting Set

The certification procedure outlined below is a typical procedure which will facilitate the certification of the lifting sets. ABS may consider alternative procedures, provided they are not less effective than the requirements indicated in this Guide.

Lifting sets are to be assembled from the various components described within this Guide. The components are to meet the requirements of this Guide and applicable standards and be presented to the manufacturer of the lifting set with supporting documentation. The lifting set will be certified in the assembled condition by the attending ABS Surveyor.

2.1 Components

Manufacturers of the following components are to submit the component for certification through the ABS Type Approval program.

- Shackles
- Chains
- Links (master links and master link assemblies, intermediate links, end links)
- Couplings

The ABS Type Approval procedure as well as the application can be found on the ABS web site, www.eagle.org. The above components are to be presented to the lifting set manufacturer with traceability to the ABS Type Approval certificate.

Other components such as wire rope, ferrules, and thimbles do not require ABS Type Approval. However, they are to be presented to the lifting set manufacturer with a 3.1 Certificate in accordance with ISO 10474 or another standard recognized by ABS.

2.2 Application for Certification

An application is to be submitted by the designer or manufacturer who has legal rights to the design of the lifting set. The designer and manufacturer may not be the same entity and are to be indicated on the application.

The application is to be submitted with, but not limited to, the following:

- i) Specification of the lifting set, along with the following:
 - Applicable standards
 - Material specification
 - Dimensions of all the components
 - Working Load Limit (WLL)
 - Proof Load (PL)
 - Breaking Load (BL)
- ii) Drawings of lifting set and its components
- iii) Calculations demonstrating how the lifting set components were selected, including determination of required strength
- iv) Description of all the manufacturing/assembly procedures (e.g. for wire rope sling: the assembly of the sling legs with terminal, etc.)
- v) Marking details on the tags
- vi) Description of the test methods and procedures for all relevant prototype and production tests
- vii) Type approval/3.1 certificates for the components according to 1-2/2.1

Applications for additional units to be certified under an approved design are to include at least the application and marking drawings if the owner has changed them.

Revisions to an existing ABS approved design will require an application which is to be submitted with, but not limited to, the applicable documents indicated above. Submitted documents are to completely describe the changes.

2.3 Design Review

The documents submitted with the application will be reviewed by an ABS engineer. The engineer will evaluate the design under the requirements of this Guide and any other requested Rules, regulations or standards. Upon a successful review, an ABS review letter with test agenda, if applicable, will be returned indicating that the design meets the requirements of this Guide. The prototype test agenda is only provided after all review items are addressed.

The design is not approved until the prototype test is conducted in the presence of an ABS Surveyor in accordance with the test agenda specified by ABS.

2.4 Quality Control

The manufacturing facility is to submit a quality manual to the ABS Surveyor which describes the quality system. The Surveyor will review the manual to verify aspects of the production of the lifting set are addressed in the manual. Following a successful review of the manual, a quality audit will be performed at the manufacturing facility to verify that the system outlined in the manual is in place and functioning properly.

Upon a successful quality audit, the ABS Surveyor will issue a Factory Approval Certificate. The certificate will be valid for 5 years with annual endorsements required.

Notes:

- 1 A quality control document for the manufacturing facility is required to be submitted only if the facility is submitting for the first design to be manufactured at the facility.
- 2 Any updates to the quality control documents are to be submitted for review. The document is to be updated if a new design requiring additional quality procedures is to be produced at the facility.

2.5 Production

Upon a successful design review, prototype testing and quality assessment, the manufacturing facility may begin production of lifting sets in accordance with the approved design.

Testing carried out during the production phase are to be in accordance with the relevant sling or component standards.

2.6 ABS Production Certificate

An ABS Production Certificate will be issued by the Surveyor following a successful review of the as-built dossier (which includes the ABS Type Approval or 3.1 certificates for the components of the Lifting Set) and final inspection. Additionally, the certificate will reference the ABS engineering approval letter and prototype test certificate, applicable to the lifting set design.



CHAPTER 1 General Information

SECTION 3 Definitions

1 Assembly Secured Shackle

A shackle fitted to a sling leg and secured by a seal or similar device, so as to signal unambiguously, whether or not the shackle has been exchanged.

2 Breaking Force

The maximum load at which a tensile failure occurs in the sample of wire rope being tested.

3 Corner Fitting

A corner fitting is a fixture consisting of standard apertures and faces which provide a common interface for handling and securing containers.

4 Designer

The person or legal entity that has proprietary rights to the design and its use. This may be the OEM.

5 Lifting Set

Items of integrated equipment used to connect the offshore container to the lifting appliance. This can comprise one or multi leg slings (with or without a top leg) and shackles, whether assembly secured or not.

6 Non-conformance

Non-fulfilment of a specified requirement.

7 Offshore Container

A portable unit with gross mass not exceeding 25,000 kg (55116 lb), for repeated use in the transport of goods or equipment handled in open seas to, from and between fixed and/or floating installations and ships.

Note: The unit incorporates permanently installed equipment for lifting and handling and may include equipment for filling, emptying, cooling, heating, etc.

8 Original Equipment Manufacturer (OEM)

The person or legal entity that has the legal or patent rights to produce the material, component, product, or system.

9 Owner

Legal owner of the offshore container or the delegated nominee of that body.

10 Permanent Equipment

Equipment that is attached to the container and which is not cargo.

Note: This may include lifting sets, refrigeration units, shelves, securing points, garbage compactors.

11 Primary Structure

Load carrying and supporting frames, load carrying panels, supporting structures for tanks, padeyes, etc.

Primary structure is divided into the following two subgroups:

11.1 Essential/Non-redundant Primary Structure

Main structural elements which transfer the cargo load to the crane hook (i.e., forming the “load path” from the payload to the lifting sling) include but are not limited to:

- Top and bottom side rails
- Top and bottom end rails
- Corner posts
- Padeyes

Other primary structure may also be considered as essential/non-redundant.

11.2 Non-essential Primary Structure

Structural elements such as floor plates, protective frame members, etc. which do not have their functional requirement as specified in 1-3/11.1 are to be categorized here. Side and roof panels (including corrugated panels), are not considered to be part of primary structure and are not be taken into account when evaluating the strength of the container.

12 Production Units

Production units are identical containers built under conditions which duplicate, insofar as is practicable, the conditions under which the prototype was built.

13 Proof Load

The specific tension applied to a sling or component in the performance of a proof test

14 Proof Test

A non-destructive tension test of the sling or components.

15 Prototype

Prototype is a representative unit of a series of identical containers built under conditions which duplicate, insofar as is practicable, the conditions under which all of the containers in the series are to be fitted.

16 Prototype Testing

This is the destructive and nondestructive testing of the materials and components presented for evaluation of the original design of a product. If a Surveyor’s witness is required, this may not be waived under any sections of the Rules, unless it is done by a recognized third party.

17 Secondary Structure

Parts which are not considered as load carrying for the purpose of the design calculations, including the following components:

- Doors, wall and roof panels;
- Panels stiffeners and corrugations;
- Structural components used for tank protection only;
- Internal securing points.

Note: Not all container walls are corrugated.



CHAPTER 1 General Information

SECTION 4 Symbols

F_s	=	resulting sling force
g	=	acceleration due to gravity
ℓ_n	=	nominal reference length (often different from actual span of a beam)
n	=	number of padeyes (for calculation purposes, n is to be either 2 or 4)
P	=	payload (i.e., the maximum permissible mass of cargo which may be transported by the container)
R	=	rating (i.e., the maximum gross mass of the container including permanent equipment and its cargo, but excluding the lifting set)
S	=	mass of the lifting set
SF	=	Safety Factor
T	=	tare mass (i.e., the mass of an empty container including any permanent equipment but excluding cargo and lifting set)
t	=	material thickness
$t_{\min}$	=	minimum material thickness
T_D	=	design air temperature (i.e., a minimum reference temperature used for the selection of steel grades used in offshore containers and equipment expressed in degrees centigrade)
$WLL_{\min}$	=	working load limit in tonnes (i.e., the maximum amount of mass that a lifting component is authorized to sustain in lifting service)
WLL_s	=	minimum working load limit for each shackle/sling in tonnes
y	=	deflection of structural member
β	=	angle of sling leg from vertical in degrees
σ_e	=	allowable Von Mises equivalent stress
σ_y	=	specified minimum yield stress
σ_u	=	specified minimum tensile strength at room temperature
ε	=	0.2% proof stress at room temperature
Ψ	=	dynamic factor (= 3)

Notes:

- 1 $P = R - T$
- 2 The term “Safe Working Load” is never used in this Guide as it is not clearly defined for containers and for the same reason it is not used when referring to offshore containers. The term “Working Load Limit” is only used for lifting sets and not for containers.



CHAPTER 1 General Information

SECTION 5 Quality Assessment

1 General

In general, the ABS Quality Assessment will consist of a review of the Quality Manual and audit of the facility to verify manufacturing is being performed in accordance with the manual.

The quality assessment will consist of:

- i) Contract or application
- ii) Quality Manual review
- iii) Quality Plan review
- iv) Management assessment
- v) Production assessment
- vi) Certification

2 Quality Manual

The purpose of the Quality Manual is to describe the scope and extent of the company's quality system in a concise and brief format.

The company is to establish and maintain a quality manual that includes but is not limited to,

- i) The scope of quality management system, including details of and justification for any exclusions
- ii) The documented procedures established for the quality management system, or reference to them
- iii) A description of the interaction between the various processes within the quality management system

The Quality Manual to be submitted to ABS for review and approval prior to requesting an initial assessment. Where a recognized certification body has approved the Quality Manual, ABS will not require the manual to be submitted to ABS for review. The Quality Manual is to be available for the ABS Surveyor to assess the performance of the quality system in place at the manufacturing facility.

3 Quality Plan

A typical Quality Plan is to describe methods of assuring and controlling quality during production as may be required by the product specifications and will be subject to review by ABS. In particular, the Quality Plan is to reflect specific inspections, tests, etc., required by the Rules, Guides, regulations and standards. The manufacturer is to present a representative sample of the product "type" to the Surveyor for the purpose of verifying that the "type" has been manufactured in conformance with the design documents.

Prior to the assessment, the manufacturer is to submit the Quality Plan to the Surveyor.

The plan is to include but not to be limited to the following:

- Issuance of material specification for purchasing
- Receiving inspection of materials
- Receiving inspection of finished components and parts
- Calibration certification
- Dimensional and functional checks on finished components and parts
- Edge preparation and fit-up tolerances
- Welding procedure qualifications
- Welder qualification
- Welding defect tracking
- NDT written procedures and qualification documentation
- NDT plan
- Casting and weld defect resolutions
- Assembly and fit specifications
- Subassembly inspection: alignment and dimensional checks, functional tests
- Testing of safety devices
- Hydrostatic testing plan
- Factory acceptance test plan

4 Quality Assessment

An assessment is a systematic and independent examination to determine whether quality, environmental, financial, other management activities and the related results comply with planned arrangements, and whether these arrangements are implemented effectively and suitable to achieve objectives.

- Management Assessment.* Evaluating the quality assurance and quality control system of the manufacturing facility in order to verify its capability to consistently meet the manufacturer's specified level of product quality and satisfy the requirements of the Rules, Guides, regulations or standards.
- Production Assessment.* Evaluating the product specific manufacturing process in order to verify that the manufacture and inspections of the products are established to meet the manufacturer's specified level of quality control and, to satisfy the requirements of the Rules, Guides, regulations or standards.

Items that are periodically renewed which require verification by the ABS Surveyor is to be obtained, verified and attached to the assessment report.

4.1 Initial Assessment

The manufacturer shall submit an application to ABS requesting an initial assessment. The application are to include a copy of the manufacturer's Quality Manual which shall be reviewed by ABS prior to the initial assessment at the manufacturer's location.

The quality assurance system is more comprehensive than the manufacturing process, since it considers all of the factors that affect the process. The system includes, but is not limited to, the following:

- Design Assessment
- Quality Manual

- Quality Plan
- Control of process inputs
- Process controlling factors (e.g., competency of personnel, procedures, facilities and equipment, training, etc.)
- Process outputs
- Measurements of quality
- Process and product for continual improvement
- Control of contracted vendors, service providers, and suppliers.

4.2 Annual Assessment

The manufacturer must be able to produce records of the products continued compliance with the standard.

Calibration certificates for each piece of equipment used in the production of the container are to be collected during the annual quality assessment and retained as part of the endorsement.

4.3 Renewal Assessment

The manufacturer shall submit an application to ABS for renewal of an existing quality assessment at least 90 days prior to the expiration date of the current quality Factory Approval Certificate. Where for a practical reason the renewal process of the Factory Approval Certificate cannot be completed before the expiration date of the current certificate, a short-term extension may be considered upon application. When the certificate is renewed within 90 days of the expiration date, the new certificate shall be valid for five years from the expiration of the previous certificate.

The renewal assessment is to be no less detailed than an initial or annual assessment.

During the renewal process, the ABS Surveyor shall verify the following:

- There have been no changes to the design
- The design assessment indicates the most current Rules, Guides, regulations and standards.
- The Quality Plan remains effective to control quality during production.

4.4 Quality Assessment Report

The applicant is expected to acknowledge any comments or observations. The applicant is expected to take corrective action on all non-conformances and the conditions found. Corrective actions are to be detailed in the auditor's report.

4.4.1 Findings, Non-Conformances and Observations

- Finding.* A statement of fact supported by objective evidence about a process whose performance characteristics meet the definition of non-conformance or observation.
- Non-Conformance.* A non-conformance is the identification of a non-fulfillment of a specified requirement.
- Observation.* An observation is a statement of fact made during a system audit and substantiated by objective evidence. It may also be a statement made by the auditor referring to a situation within the Management System which, if not corrected, may lead to a nonconformity in the future. Therefore, in all subsequent audits, previous observations are to be reviewed to determine if they have become non-conformities.

Initial, annual or renewal certification is not to be credited if a non-conformance is present. Non-conformances found at initial, annual or renewal assessments must be addressed within 90 days of the audits.

4.5 Overdue Assessment

If an annual or renewal audit is not completed within 90 days after the anniversary date of the Factory Approval Certificate, all production work is to be inspected for verification of compliance with the latest Rules, Guides, regulations or standards.

5 Factory Approval Certificate

The approval of the factory is based on the assessment outlined above.

5.1 Certificate

Manufacturing facilities will be issued a Factory Approval Certificate once they are successfully audited and are found to comply with the following requirements:

- i) Have undergone a satisfactory design evaluation
- ii) Comply with a quality assurance standard
- iii) Have manufacturing quality control that meets the applicable provisions of the Rules, product standard, or manufacturer's specification.

5.2 Validity

Each Factory Approval Certificate is valid for 5 years subject to annual endorsements. ABS reserves the right to carry out unscheduled assessments without notice.

The Factory Approval certificate is not transferable and is issued to a unique manufacturer, at a specific address, with specific ownership and a specific organization.



CHAPTER 1 General Information

SECTION 6 Terms and Conditions

1 Container/Lifting Set Certification Application

Unless otherwise agreed in writing, all services rendered and certificates issued in connection with offshore container and lifting set are governed by the terms and conditions of this Section and the offshore container/lifting set certification application ("Agreement") specification. By requesting offshore container/lifting set certification, the client agrees to be bound by these terms and conditions.

2 Representations as to Certification

Certification is a representation by ABS as to the structural fitness for a particular use or service in accordance with its Rules, Guides and standards. The ABS Rules and Guides are not meant as a substitute for the independent judgment of professional designers, naval architects and marine engineers nor as a substitute for the quality control procedures of shipbuilders, container manufacturers, steel makers, suppliers, manufacturers, and sellers of marine materials, machinery or equipment. ABS, being a technical society can only act through Surveyors or others who are believed by it to be skilled and competent.

ABS represents solely to the container/lifting set manufacturer, container/lifting set Owner or client of ABS that when certifying it will use due diligence in the development of Rules, Guides and standards and in using normally applied testing standards, procedures and techniques as called for by the Rules, Guides, standards and other criteria of ABS. ABS further represents to the container/lifting set manufacturer, container/lifting set Owner or other client of ABS that its certificates and reports evidence compliance only with one or more of the Rules, Guides, standards or other criteria of ABS in accordance with the terms of such certificate or report. Under no circumstances whatsoever are these representations to be deemed to relate to any third party.

3 Suspension of Certification

Any of the following events will cause immediate suspension of the Design Assessment unless a request is submitted to ABS for a new review and audit.

- i) Redesign of the product or products covered by a Design Assessment certificate
- ii) Change in production methods
- iii) Substantial change in management organization
- iv) Substantial change in frequency or curriculum for personnel training
- v) Refusing access to ABS personnel for periodic or annual audits
- vi) Failure to correct a non-compliance identified during an audit or in service
- vii) Failure to pay ABS fees

4 Validity

The validity, applicability and interpretation of a certificate issued under the terms of or in contemplation of ABS Container Certification are governed by the Rules, Guides and standards of ABS which shall remain the sole judge thereof. Nothing contained in a Design Assessment or Factory Approval Certificate or in any report issued in contemplation of such a Certificate shall be deemed to relieve any designer, builder, owner, manufacturer, seller, supplier, repairer, operator, insurer, or other entity of any duty to inspect or any other duty or warranty express or implied, nor create any interest, right, claim or benefit in any third party. Nothing expressed herein or in any Certificate or report issued under these Rules is intended or shall be construed to give any person, firm or corporation other than the parties hereto, any right, remedy, or claim hereunder or under any provisions herein contained; all provisions hereof are for the sole and exclusive benefit of the parties hereto.

5 Disagreement

Any disagreement regarding either the proper interpretation of the Guide or translation of the Guide from the English language edition is to be referred to ABS for resolution.

6 Limitation

ABS makes no representations beyond those contained herein and in the provisions of the Agreement regarding its reports, statements, plan review, surveys, certificates or other services. Except as otherwise specifically set out in this Agreement, neither ABS nor any of its officers, committees, directors, employees, subcontractors, or agents shall be liable for any loss, damage, or expense of whatever type or kind sustained by any person due to any act, omission or error of any nature caused by ABS, its officers, committees, directors, employees, subcontractors, or agents, or due to any inaccuracy of any nature, even if held to amount to a breach of warranty.

7 Hold Harmless

Client, or its assignee or successor in interest, agree to release ABS and all ABS officers, directors, employees, subcontractors and agents (collectively "ABS Representatives"), and to indemnify and hold harmless ABS and ABS Representatives against any and all claims, demands, lawsuits, or actions for damages, including legal fees, to persons and/or property, tangible, intangible, or otherwise which may be brought against ABS or ABS Representatives incidental to, arising out of or in connection with the Agreement, the work to be done, the services to be provided or material to be furnished under ABS certificates, except for those claims caused solely and completely by the negligence of ABS or ABS Representatives.

Any other individual, corporation, partnership, limited liability company, or other entity who in any way participates in, is engaged in connection with or is a beneficiary of, any portion of the services described herein shall also release ABS and all ABS Representatives and shall indemnify and hold ABS and all ABS Representatives harmless from and against all claims, demands, lawsuits or actions for damages, including legal fees, to persons and/or property, tangible, intangible or otherwise, which may be brought against ABS or ABS Representatives by any person or entity as a result of the services performed pursuant to this Agreement, except for those claims caused solely and completely by the negligence of ABS or ABS Representatives.

8 Arbitration

Any and all differences and disputes of whatsoever nature arising out of this Agreement shall be put to arbitration in the City of New York pursuant to the laws relating to the arbitration there in force, before a board of three persons, consisting of one arbitrator to be appointed by ABS, one by Client, and one by the two so chosen. The decision of any two of the three on any point or points shall be final. Subject to 1-6/9 until such time as the arbitrators finally close the hearings either party shall have the right by written notice served on the arbitrators and on an officer of the other party to specify further disputes or difference under

this Agreement for hearing and determination. The arbitration is to be conducted in accordance with the rules of the Society of Maritime Arbitrators, Inc. in the English language. The governing law shall be the law of the State of New York, U.S.A. The arbitrators may grant any relief which they, or a majority of them, deem within the scope of the agreement of the parties, including, but not limited to, specific performance. Awards made in pursuance to this clause may include costs including a reasonable allowance for attorney's fees and judgment may be entered upon any award made hereunder in any court having jurisdiction. ABS and Client hereby mutually waive any and all claims to punitive damages in any forum.

Client shall be required to notify ABS within thirty (30) days of the commencement of any arbitration or any other legal proceeding between it and third parties which may concern ABS's work in connection with this Agreement and shall afford ABS an opportunity, at ABS's sole option, to participate in the arbitration or legal proceeding.

9 Time Bar to Legal Action

Any statutes of limitation notwithstanding, Client expressly agrees that its right to bring or to assert against ABS any and all claims, demands or proceedings whether in arbitration or otherwise shall be waived unless (a) notice is received by ABS within ninety (90) days after Client had notice of or should reasonably have been expected to have had notice of the basis for such claims; and (b) arbitration or legal proceedings, if any, based on such claims or demands of whatever nature are commenced within one (1) year of the date of such notice to ABS.

10 Limitation of Liability

If Client, any licensee, subcontractor or anyone claiming through, or in the name of Client relies on any information or advice given by ABS or ABS Representatives and suffers loss, damage or expense directly thereby which is proven to have been caused by the negligent act, omission or error of ABS, ABS Representatives or from any breach of any implied or express warranty of workmanlike performance in connection with the services, or from any other reason, then the combined liability of ABS or ABS Representatives to Client or any other person, corporation, partnership, business entity, sovereign, country or nation, will be limited to the greater of a) \$100,000 or b) an amount equal to ten (10) times the sum actually paid for the services alleged to be deficient.

The limitation of liability may be increased up to an amount twenty-five (25) times that sum paid for services alleged to be deficient upon receipt of Client's written request at or before the time of performance of those services and upon payment by Client of an additional fee of \$10 for every \$1,000 increase in the aggregate limitation of liability for all services.

Neither ABS nor ABS Representatives shall in any circumstances be liable for indirect or consequential loss or damage (including, but without limitation, loss of profit, loss of contract, or loss of use) suffered by any person including Client from any failure by ABS in the performance of its obligations under this Agreement. Under no circumstances whatsoever shall any individual who may have personally caused the loss, damage or expense be held personally liable.

11 Scope of Certification

Nothing contained in any certificate, Design Assessment, Factory Approval, or report is to be deemed to relieve any designer, builder, owner, manufacturer, seller, supplier, repairer, operator, insurer or other entity or person of any duty to inspect or any other duty or warranty, expressed or implied. Any certificate, Design Assessment, Factory Approval, or report evidences only that at the time of the review or audit the material, component, product or system, or any other item covered by a certificate, Design Assessment, Factory Approval, or report complied with one or more of the Rules, Guides, standards or other criteria of ABS, or, where there is no ABS standard, complied with the industry or manufacturer's standard specified in the Design Assessment. Any listing or certificate is issued solely for the use of ABS, its committees, its clients or other authorized entities. Nothing contained in any listing, certificate, Design Assessment, Factory Approval, or report is to be deemed in any way a representation or statement beyond those contained herein. ABS is not an insurer or guarantor of the integrity, safety or suitability of a container or of the material, components, products, systems, equipment, machinery and other items incorporated in it.

The validity, applicability and interpretation of any certificate, report, plan or document review or approval are governed by the Rules, Guides, standards or other criteria of ABS who shall remain the sole judge thereof. ABS is not responsible for the consequences arising from the use by other parties of the Rules, Guides, standards or other criteria of ABS, without review, plan approval and survey by ABS.

The term “approved” shall be interpreted to mean that the plans, reports or documents have been reviewed for compliance with one or more of the Rules, Guides, standards or other criteria acceptable to ABS.

12 Confidentiality

All plans, drawings, specifications and information given to and reports prepared by ABS in connection with performance under this Agreement shall be treated as confidential by ABS and shall not be used for any other purposes than those for which furnished without prior written consent, except as may be required by judicial order, by governmental order or regulation, by subpoena or by direction of a governmental agency with subpoena power, by the European Commission, by the flag Administration, or as necessary to enforce any of ABS’s rights hereunder or to defend any claim hereunder. ABS may release specific information related to the statutory certification application and status. This information may be published on the ABS website or by other media and may include the names, dates and locations of all surveys performed by ABS, the expiration date of all statutory certificates issued by ABS, transfers, suspensions, withdrawals, cancellations and reinstatements of approval, and other related information as may be required.

13 Emblem

This Emblem is a representation that will be affixed to each offshore container that meets the criteria of this Guide and is certified by ABS

FIGURE 1
Emblem – ABS Offshore Container (ABS OC)





CHAPTER 2 Offshore Containers

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