

SUB-COMMITTEE ON DANGEROUS
GOODS, SOLID CARGOES AND
CONTAINERS
17th session
Agenda item 3

DSC 17/3/..
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**AMENDMENTS TO THE IMDG CODE AND SUPPLEMENTS, INCLUDING
HARMONIZATION OF THE IMDG CODE WITH THE UN RECOMMENDATIONS ON THE
TRANSPORT OF DANGEROUS GOODS**

Non-declared and Mis-declared Dangerous Goods

Submitted by ICS and BIMCO

SUMMARY

Executive summary: This submission provides comment on submission DSC 17/3 and addresses the issue of non-declaration, incorrect declaration and misdeclaration of Dangerous Goods by consignors and suggests a way forward that may address this problem.

Strategic direction: 5.2

High-level action: 5.2.3

Planned output: 5.2.3.4

Action to be taken: Paragraph 14

Related documents: DSC 17/3, DSC 16/3/7

Introduction

1. This document is submitted in accordance with paragraph 6.12.4 of the Guidelines on 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.4/Rev.2), and provides comments on document DSC 17/3 (Secretariat).

2. Dangerous Goods cargoes placed on board without correct declarations are a major safety problem. They endanger the entire transport chain and are a particular hazard for seagoing vessels, their crew, other cargo on board and the marine environment. The potential consequences of incorrect carriage of dangerous goods have been highlighted by a

recent major incident. When the IMDG Code is correctly followed, dangerous goods can be carried with an assurance of safety.

3. Some individual shipping companies have implemented additional investigative measures in an attempt to identify containerized cargoes that could possibly be wrongly declared and reduce the risk of cargoes being loaded inappropriately. It has been found that a wrong declaration can be either due to deliberate misrepresentation or to ignorance of the relevant requirements by consignors. However, even with best efforts being made, it is not possible for ship operators and crews to reliably identify and prevent wrongly declared Dangerous Goods being loaded and transported in sealed containers. ICS considers it is imperative that the problem of wrongly declared Dangerous Goods is solved prior to the cargo arriving on-board as the source of the problem is outside the control of the ship.

4. The safety problems created by not strictly adhering to the IMDG Code have been described in DSC 16/3/7 submitted by Germany. The measures under discussion in the proposed IMDG Code amendment 36-12 relating to reporting and notification of Code non-compliance to the competent authorities of contracting parties has the ability to partially address these problems with time; however, the fundamental problem of undeclared Dangerous Goods will not be solved by this measure alone.

5. Some shipping companies have implemented measures such as the development of internal databases and compiled lists of products and counterfeit product names that have been found to be a problem in an attempt to identify potentially suspect cargoes before they are presented for loading. One safety initiative by a number of maritime carriers has resulted in the development of an internet platform to collate information on poorly or mistakenly packed cargoes, incorrect cargo declarations etc. in order to establish areas of concern and trends to improve safety in the transport chain. However, such limited actions cannot be expected to effectively control the problem identified.

Recent Developments

6. It is noted that there are articles posted on the internet informing consignors of ways in which goods can be declared or labeled to conceal and disguise their dangerous nature. This is done purportedly to save money on shipping costs and administration. This concern has already been the subject of a P&I Club circular.

7. It has become apparent that the actual number of wrongly declared dangerous cargoes is much higher than has previously been assumed. Although many of these cases are based on ignorance, some may be intentional.

Key issues

8. All merchant ships and ports can be affected. It is almost impossible to detect wrongly declared dangerous goods once they have been shipped

9. It appears that there is a need for some contracting parties transporting Dangerous Goods by ship to implement more effective inspection regimes to detect wrongly declared dangerous goods. At present there seems to be inconsistency of enforcement of the IMDG Code provisions in some areas with training of inspectors being identified as a crucial factor.

10. To discourage misdeclaration of dangerous goods ICS considers it important that competent authorities carry out inspections prior to loading. This could be at the consignors premises and/or in ports premises and would provide greater assurance of safety.

Conclusions

11. There is a need for full and consistent implementation of the IMDG Code by all parties. Particular emphasis needs to be placed on correct declarations of Dangerous Goods by consignors.

12. It is noted that DSC 16/3/7 by Germany, containing a proposal to facilitate notification to competent authorities of serious infringements committed by enterprises with headquarters on their territories is to be further discussed during the forthcoming meeting of DSC E&T 16. ICS believes that the incorporation of such a provision to the IMDG Code can only be beneficial.

Suggestions

13. The following suggestions are provided for the Sub-Committees consideration of possible ways to address the issue of wrongly declared dangerous goods during its discussion of the IMDG Code:

- i. Inclusion of consignees in paragraph 1.3.1.2 of the IMDG Code;
- ii. Development of means to facilitate the reporting of wrongly declared Dangerous Goods to competent authorities.
- iii. Contracting parties to provide IMO with contact details to be used for receiving information on consignors who have infringed IMDG Code provisions;
- iv. The development of a suitable reporting module within the GISIS database for reporting incidences of wrongly declared Dangerous Goods; and

- v. The development of a circular addressing:
 - a. promotion of correct implementation of the declaration requirements of the IMDG Code;
 - b. guidance on inspections by competent authorities for the identification of wrongly declared dangerous goods before they are loaded on to ships – consideration of guidance on targeting representative samples of containers may be necessary, and in particular, identification of higher risk products;
 - c. notification to competent authorities of dangerous goods wrongly declared by consignors in their national territory;
 - d. reporting of wrongly declared Dangerous Goods to the Organization;

Action to be taken

14. The Committee is invited to consider the suggestions made above and to take action as appropriate.
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