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AMENDMENTS TO THE IMDG CODE AND SUPPLEMENTS

Documentation requirements for exempted dangerous goods

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SUMMARY

Executive summary: This document comments on the report of the Correspondence Group on a Review of Maritime Special Provisions (CCC 7/6/2) and proposes amendments to the IMDG Code regarding documentation requirements for all dangerous goods, including those exempted by maritime special provisions (SPs)

Strategic direction, if applicable: 6

Output: 6.10

Action to be taken: Paragraph 12

Related document: CCC 7/6/2

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 report of the Correspondence Group on a Review of Maritime Special Provisions (CCC 7/6/2), specifically action requested in paragraph 41.1.5 thereof.

2 The correct planning and physical stowage of containerized dangerous goods is dependent on the correct declaration as per the International Maritime Dangerous Goods (IMDG) Code by the shipper to the carrier. Such declaration needs to be made in advance of loading and in an appropriate manner that puts the carrier, including any vessel-sharing partners, in a position to undertake proper and safe handling of the goods, in accordance with statutory requirements and the carrier's own risk assessment planning. However, complete and correct documentation and information for dangerous goods, including those exempt under special provisions (SPs), is not always provided to the carrier. This results in challenges

for carriers in following appropriate processes, statutory requirements and industry-developed guidance on risk-based stowage,¹ which is aimed at minimizing the risk of fires and facilitating the use of compatible fire-fighting media.

Declaration requirements

3 In chapter 5.4 (Documentation) of the IMDG Code, provision 5.4.1.1.1 provides, inter alia, that:

"Except as otherwise provided, the consignor who offers dangerous goods for transport shall give to the carrier the information applicable to those dangerous goods, including any additional information and documentation as specified in this Code."

4 Provision 5.4.4.1 provides, inter alia, that:

"In certain circumstances, special certificates or other documents are required such as: [...]"

.2 a certificate exempting a substance, material or article from the provisions of the IMDG Code (such as, see individual entries for charcoal, fish meal, seed cake)".

5 In chapter 3.3 ("Special Provisions Applicable to Certain Substances, Materials or Articles") of the IMDG Code, several maritime SPs, i.e. SPs specific to the sea mode, starting from SP 900, contain phrases such as:

"The provisions of this Code do not apply to [...]" or "[...] not subject to the provisions of this Code."

6 These exemptions can be conditional upon obtaining a certificate (as mentioned in provision 5.4.4.1 above), and in other cases no certificate is required for the exemption.

Practical effect of the above provisions

7 The combination of the above provisions results in a regulatory gap regarding shippers² declaration requirements. Specifically, it is widely (mis)understood by shippers that the documentation requirements in chapter 5.4, which are applicable to all dangerous goods in chapter 3.2 (Dangerous Goods List), are wholly inapplicable to those dangerous goods that are exempt under one of the SPs in chapter 3.3.

8 For instance, shippers who hold a certificate or determine that their goods meet requirements that exempt a substance from "the provisions of this Code" under an SP, as the case may be, rarely provide documentation/information on those substances to the carrier, based on their impression that those substances are not "dangerous" under the IMDG Code. As a result, the carrier is not given the opportunity to request any exempting certificates, raise queries with regard to the exempted dangerous goods being shipped, nor take appropriate precautions in the handling of such goods. This results in improper handling and stowage plans and increases the risk of fires both on board and onshore.

¹ Industry guidance on risk-based stowage can be found in "Safety Considerations for Ship Operators Related to Risk-Based Stowage of Dangerous Goods on Containerships" (version 1.00, November 2019), as published by the Cargo Incident Notification System (CINS) and made available through the following link: <http://www.cinsnet.com/wp-content/uploads/2019/11/CINS-DG-Stowage-Considerations-Final.pdf>

² For the purposes of this document, "shipper" has the same meaning as the "consignor", as per the definition in provision 1.2.1 of the IMDG Code. It is recommended that use of consistent wording throughout regulatory instruments be considered in a future revision of the Code.

Recommended solutions

9 The co-sponsors recommend that amendments to the IMDG Code be introduced to the effect that all dangerous goods, as listed in chapter 3.2 (Dangerous Goods List), including exempt dangerous goods under maritime SPs, be subject to appropriate documentation requirements. Specifically, the co-sponsors recommend that the Code contains clear and harmonized language mandating that relevant information on all dangerous goods, **including** dangerous goods exempted by maritime SPs:

- .1 be documented on the dangerous goods transport document at the booking stage and at the same time;
- .2 include certificates (if required for exemption under the maritime SP); and
- .3 **not** be allowed for provision through other types of transport documents, such as bills of lading, waybills or similar documents.

10 With regard to sub-paragraph .3 above, these types of documents are considered inadequate for providing sufficient notice to the carrier prior to the intended shipment, and also hinder the facilitation of sharing necessary information by the carrier with other carriers and contractors, e.g. in Vessel Sharing Agreements (VSAs). This point also applies to provision 5.1.5.4.2 of the IMDG Code, for example, which allows information on excepted packages of radioactive material of class 7 to be shown on such documents, rather than the dangerous goods transport document itself.

Proposal

11 The co-sponsors propose that the issues discussed above and the solutions recommended in paragraphs 9 to 10 be:

- .1 considered along with the report of the Correspondence Group on a Review of Maritime Special Provisions (CCC 7/6/2), specifically under action requested in paragraph 41.1.5 thereof; and
- .2 included in the terms of reference for a working group or other group, as necessary.

Action requested of the Sub-Committee

12 The Sub-Committee is invited to consider the proposal in paragraph 11 and take action, as appropriate.
