

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

CCC 6/6/...  
05 July 2019  
Original: ENGLISH  
Pre-session public release:

## AMENDMENTS TO THE IMDG CODE AND SUPPLEMENTS

### Non-declaration and Misdeclaration of Dangerous Goods: Special Provisions in the IMDG Code

Submitted by Liberia, BIMCO, ICHCA, ICS, the International Group of P & I Associations, IUMI, IVODGA and WSC

#### SUMMARY

*Executive summary:* This document discusses the problem of non-declaration and misdeclaration of dangerous goods and contains a proposal to undertake a comprehensive review of maritime special provisions (SPs) in the IMDG Code, as appropriate.

*Strategic direction, if applicable:* Other Work

*Output:* OW 3

*Action to be taken:* Paragraph 10

*Related documents:*

1 This document is submitted in accordance with the provisions of paragraph 6.12.4 of the document on 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 contains a proposal to undertake a comprehensive review of maritime special provisions (SPs) in the IMDG Code, i.e. SPs specific to the sea mode, starting from SP 900.

#### Background

2 The Dangerous Goods List in Chapter 3.2 of the IMDG Code includes UN numbers assigned to dangerous goods, with an allocated Proper Shipping Name (PSN), classification according to the hazard or most predominant of the hazards that each substance presents, packing, stowage, SPs and other provisions. These provisions need to be complied with, so as to avoid safety risks associated with the carriage of dangerous goods.

3 At the same time, the IMDG Code is not applicable to commodities which fulfil the requirements of certain SPs, meaning that those commodities are not considered dangerous and do not need to be declared as such by the shipper to the carrier. For example, a consignment of charcoal, which could otherwise be considered dangerous as liable to spontaneous combustion (UN 1361 and UN 1362), is authorized to be shipped as non-dangerous cargo so long as it has passed the tests for self-heating substances and is accompanied by a certificate as required by SP 925. Similar exemptions are applicable to other commodities, e.g. fish meal (UN 1374 and UN 2216 - SP 928), hay (UN 1327 - SP 954) and metal borings (UN 2793 - SP 931), which would otherwise be considered and declared as dangerous cargo by the shipper, allowing the carrier to take safety measures as appropriate.

### **Discussion**

4 The increasing number of casualties related to container fires during the past years suggests that the problem is exacerbating despite the extensive provisions of the IMDG Code and additional initiatives taken by carriers to e.g. identify undeclared and misdeclared dangerous cargo being tendered for carriage. In 2019, up to the time of writing this submission, there is an alarmingly increasing number of containership fires which, compared to previous years, may indicate an increasing severity of the problem.

5 The co-sponsors, in cooperation with ocean carriers, shipping companies and other stakeholders, are engaged in ongoing efforts to address the root causes of container and ship fires in order to help prevent them through appropriate risk mitigation. In this context, feedback has been received from parties directly involved in the sea transport of containerized dangerous goods, reporting underlying problems that may be linked to certain provisions within the regulatory framework covering their safe carriage.

6 This feedback consistently confirms that maritime SPs in the IMDG Code have been a frequent basis of exempting goods from the safety provisions of the Code, when in fact those goods were later proven to be dangerous. A significant number of reports additionally suggests the intentional non-declaration or misdeclaration of dangerous goods by shippers. This is done in different ways, including the provision of fraudulent certificates to the carrier, in an attempt to achieve exemptions allowed under SPs and as such by-pass the provisions of the IMDG Code. Stated differently, the shipper of the commodity is by special provisions (SPs) provided an opportunity to ship dangerous goods in practice without declaring them as such.

7 Non-declaration or misdeclaration of dangerous goods in accordance with the IMDG Code, either inadvertent or deliberate, deprives ocean carriers, shipping companies and transportation intermediaries of critical information that would otherwise allow them to arrange for proper handling and stowage, depending on the significant hazards that these shipments present. As such, non-declaration or misdeclaration leads to unsafe stowage and cargo segregation which dramatically increase the risk of fire, resulting in potential loss of life, damage to the environment and assets.

### **Need for a comprehensive review of maritime Special Provisions**

8 In view of this information and given the magnitude of the problem of non-declaration and misdeclaration of dangerous goods, the co-sponsors believe that a holistic approach should be taken to reduce the risk of incidences involving container and ship fires. A key element in this approach is the extent to which maritime SPs authorize exemptions from the application of the IMDG Code to shipments of goods that otherwise would be considered dangerous.

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9 As such, the co-sponsors recommend that a comprehensive review of maritime SPs in the IMDG Code be undertaken, as appropriate, in a way and within a timeline deemed appropriate by the Sub-Committee, to help prevent non-declaration or misdeclaration of dangerous goods.

**Action requested of the Sub-Committee**

10 The Sub-Committee is invited to consider the proposal in paragraph 9 and take action as appropriate.

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