



Ref.: T3/1.01

DSC/Circ.17
19 January 2004

**EXEMPTIONS GRANTED FROM THE PROVISIONS OF THE INTERNATIONAL
MARITIME DANGEROUS GOODS (IMDG) CODE**

Communication received from the Government of France

- 1 The Maritime Safety Committee, at its seventy-seventh session (28 May to 6 June 2003), agreed that the unified interpretation set forth in the annex to MSC/Circ.1075 contained appropriate guidance for the competent authorities acting in accordance with chapter 7.9 of the IMDG Code when granting exemptions not specifically covered under the approvals, permits, certificates and other authorizations already provided for by the provisions of chapter 7.9.
- 2 A communication has been received from the Government of France concerning exemptions authorized under the provisions of part A, paragraph 1 of MSC/Circ.1075.
- 3 In accordance with the provisions of part A, paragraph 3.1 of MSC/Circ.1075, the above mentioned communication is circulated to SOLAS Contracting Governments for their information and appropriate action, if any.

Ministry of Public Works, Transport,
Housing, Tourism and the Sea

Paris, 22 December 2003

**SPECIAL PROVISIONAL COMPETENT AUTHORITY APPROVAL
No. F-08/2003/3264/3265/3266/ASP/SEP**

The Minister,

CONSIDERING:

Law No.83-581 of 5 July 1983, as amended, concerning the safety of life at sea, accommodation on board ship and the prevention of pollution by ships,

Decree No.84-810 of 30 August 1984, as amended, concerning the safety of life at sea, accommodation on board ship and the prevention of pollution by ships,

The Decree of 23 November 1987, as amended, concerning the safety of ships, in particular section 411 concerning the transport by sea of packaged dangerous goods and paragraph 3 of its article 411-1.10,

The International Maritime Dangerous Goods Code (IMDG Code), in particular paragraph 3.4.4.1 and chapter 7.2,

Part A of MSC/Circ.1075 concerning the granting of exemptions from the provisions of the International Maritime Dangerous Goods (IMDG) Code,

Competent Authority Approval CA2003090005 issued by the United States Competent Authority (US Department of Transportation / Research and Special Programs Administration) on 11 September 2003,

Proposal DSC 8/3/30 submitted by the United States and paragraph 3.31 of the report to the Maritime Safety Committee (DSC 8/15) by the Sub-committee on Dangerous Goods, Solid Cargoes and Containers of the International Maritime Organization,

Report No.101438 issued by EML (CHEM) PTY LTD, 417-431 Canterbury Road, Surrey Hills, VIC 3127, Australia, on 14 November 2003,

The report of 9 December 2003 issued under reference PBSKCN0019 by CRT Laboratoires d'analyses of KODAK INDUSTRIE,

The request by KODAK INDUSTRIE of 30 July 2003, and

NOTING that:

According to chapter 7.2 of the IMDG Code, goods classified under UN No.3266 (CORROSIVE LIQUID, BASIC, INORGANIC, N.O.S) shall be stowed "Away from" acids and, in particular, "Away from" goods classified under UN No.3265 (CORROSIVE LIQUID, ACIDIC, ORGANIC, N.O.S),

As a consequence, goods classified under UN No.3266 and goods classified under UN No.3265 may not be packaged in the same outer packaging,

This prohibition also applies to goods transported as limited quantities according to paragraph 3.4.4.1 of the IMDG Code,

Nevertheless, according to the IMDG Code, two substances are considered mutually incompatible when their stowage together may result in undue hazards in the event of leakage or spillage or any other accident and, in this context, may cause combustion and/or the release of considerable heat, the release of flammable, toxic or asphyxiating gases, the formation of corrosive substances or the formation of unstable substances,

In adducing report No.101438 issued by EML on 14 November 2003 in combination with report no. PBSKCN0019 issued by CRT Laboratoire d'analyses of KODAK INDUSTRIE on 9 December 2003, KODAK INDUSTRIE has demonstrated that goods classified under UN No.3266 and goods classified under UN No. 3265 and corresponding to catalogue Nos.846 8332, 526 5665 and 528 4013 (see annex I of the current approval) are not incompatible and may be packaged in the same outer packaging,

In addition, all the goods concerned are transported as limited quantities,

As a consequence, the above-mentioned catalogue nos. may be exempted from the provisions of paragraph 3.4.4.1 of the IMDG Code,

On the proposal of the Director for Maritime Affairs and Seafarers,

DECIDES as follows:

Art.1. – KODAK INDUSTRIE is authorized to transport by sea in the same outer packaging, and thus in the same cargo transport unit, the following dangerous goods:

- part B and part C of the Kodak Ektacolor SM (RA-2SM) Processing Unit P1 (see annex I of the current approval) classified under UN No.3265 and UN No.3266 respectively,
- part B and part C of the Kodak Speed Replenisher-Developer (see annex I of the current approval) classified under UN No.3265 and UN No.3266 respectively,
- part B and part C of the Kodak Ektacolor SM Tank Developer (see annex I of the current approval) classified under UN No.3265 and UN No.3266 respectively,

provided that :

- these goods are transported as limited quantities,
- the provisions relating to the outer and inner packagings, as described in annex I, are followed,
- the commercial names, as mentioned in annex I, of the products to which these dangerous goods relate are stated, together with the description of the dangerous goods, on the transport document required by chapter 5.4 of the IMDG Code.

Art.2.- All other provisions of the IMDG Code and all other provisions of the Decree of 23 November 1987, as amended, shall be followed.

Art.3.- A copy of this approval shall accompany each shipment carried out under the conditions specified herein, so that it may be produced on request. A copy of this approval shall also be retained on board all ships transporting the dangerous goods for which this approval has been granted.

Art.4.- Approval shall apply only to the goods described in annex I of this document. Appropriate classification of the goods mentioned herein is the responsibility of the shipper, and the current approval may not be used as proof of correct classification.

Art.5.- This approval is valid up to and including 31 December 2004. It may be renewed, only on the advice of the Committee on the Transport of Dangerous Goods by Sea, for a maximum period of 4 years. Any failure to comply with the provisions of this approval is liable to result in its withdrawal.

Art.6.- Prior to any shipment, KODAK INDUSTRIE shall notify the other competent authorities concerned. Acceptance of this approval is subject to the discretion of these competent authorities.

Art.7.- The serial number of this approval shall be indicated in the appropriate space on the dangerous goods transport documentation. Any incident or accident that occurs during transportation must be notified to the «Ministère de l'Équipement, des Transports, du Logement, du Tourisme et de la Mer, Direction des Affaires Maritimes et des Gens de Mer, bureau du contrôle des navires et des effectifs».

Art.8.- Any appeals against this administrative decision must be addressed to the competent administrative court within 2 months from the date of its notification to KODAK INDUSTRIE.

For and with the authority of the Minister
(Signed) The Director for Maritime Affairs and Seafarers

Michel AYMERIC

N.B. The French text serves as the basis for the translation. If any differences exist between the text in French and the text in English, the French text shall prevail.

In order to facilitate the accessibility of the electronic version of the circular in French, it has been linked to the electronic version of the circular in English, which may be found on the IMODOCS web site.

Annex I of special provisional competent authority approval No. F-08/2003/3264/3265/3266/AP/ARR

DESCRIPTION OF GOODS TO WHICH APPROVAL No. F-08/2003/3264/3265/3266/AP/ARR APPLIES

1 – Commercial name: Kodak Ektacolor SM(RA – 2SM) Processing Unit P1

Safety Data Sheet Number: 000003406/F/Fapproved on12/04/2002

Catalogue N° : 846 8332

Description of outer packaging: Fibreboard box with a total net mass of around 5.6 kg including 4.2 kg of goods classified as dangerous by the shipper.

Description of goods placed in the outer packaging described above:

Composition* and proper shipping name	UN No	Class	Packing Group	Description of inner packaging	Other
Part A 80-85% Water 5-10% N,N-Diethylhydroxylamine 5-10% Triethanolamine 1-5% Substituted stilbene	N/A	NC	N/A	2 plastic receptacles, each of 0.467 L	-
Part B 80-85% Water 10-15% 4-(N-ethyl-N-2-methanesulfonylaminoethyl)-2-methylphenylenediamine sesquisulfate monohydrate 1-5% Lithium sulfate Proper shipping name : Corrosive liquid, acidic, organic, N.O.S (4-(N-ethyl-N-2-methanesulfonylaminoethyl)-2-methylphenylenediamine sesquisulfate monohydrate)	3265	8	III	2 plastic receptacles, each of 0.851 L	Transported as limited quantities
Part C 70-75% Water 20-25% Potassium carbonate 5-10% Potassium hydroxide Proper shipping name : Corrosive liquid, basic, inorganic, N.O.S (potassium hydroxide, potassium carbonate)	3266	8	II	2 plastic receptacles, each of 0.901 L	Transported as limited quantities
Part D 85-90% Water 1-5% Polyvinylpyrrolidone 1-5% Sodium alkyl oxysulfate 1-5% Magnesium nitrate < 1% 5-chloro-2-methyl-2H-isothiazole-3-one < 0.5% 2-methyl-2H-isothiazole-3-one	N/A	NC	N/A	2 plastic receptacles, each of 0.23 L	-

2 – Commercial name: KODAK SPEED Replenisher-Developer
 Safety Data Sheet Number: 000016312/F/F approved on 24/10/2002
 Catalogue No: 526 5665

Description of outer packaging: Fibreboard box with a total net mass of around 8.8 kg including 6.7 kg of goods classified as dangerous by the shipper.

Description of goods placed in the outer packaging described above:

Composition* and proper shipping name	UN No	Class	Packing Group	Description of inner packaging	Other
Part A 75-80% Water 10-15% Triethanolamine 5-10% N,N-Diethylhydroxylamine 1-5% Substituted stilbene	N/A	NC	N/A	4 plastic receptacles, each of 0.512 L	-
Part B 75-80% Water 15-20% 4-(N-ethyl-N-2-methanesulfonylaminoethyl)-2-methylphenylenediamine sesquisulfate monohydrate 1-5% Lithium sulfate Proper shipping name : Corrosive liquid, acidic, organic, N.O.S (4-(N-ethyl-N-2-methanesulfonylaminoethyl)-2-methylphenylenediamine sesquisulfate monohydrate)	3265	8	III	4 plastic receptacles, each of 0.512 L	Transported as limited quantities
Part C 65-70% Water 25-30% Potassium carbonate 1-5% Potassium chloride 1-5% Substituted phosphonate 0.5-2% Potassium hydroxide Proper shipping name : Corrosive liquid, basic, inorganic, N.O.S (potassium hydroxide, potassium carbonate)	3266	8	III	4 plastic receptacles, each of 0.834 L	Transported as limited quantities

3 – Commercial name: Kodak Ektacolor SM Tank Developer
 Safety Data Sheet Number: 000008577/F/F approved on 27/08/2002
 Catalogue No: 528 4013

Description of outer packaging: Fibreboard box (8 cases) with a total net mass of around 8.1 kg (total net mass of each case equal to 1.011 kg) including 6.14 kg of goods classified as dangerous by the shipper.

Description of goods placed in the outer packaging as described above :

Composition* and proper shipping name	UN No	Class	Packing Group	Description of inner packaging	Other
Part A 80-85% Water 5-10% Triethanolamine 5-10% N,N-diethylhydroxylamine 1-5% Substituted stilbene	N/A	NC	N/A	8 cases, each containing 3 plastic receptacles of 0.08 L	-
Part B 80-85% Water 10-15% % 4-(N-ethyl-N-2-methanesulfonylaminoethyl)-2-methylphenylenediamine sesquisulfate monohydrate 1-5% Lithium Sulfate Proper shipping name : Corrosive liquid, acidic, organic, N.O.S (4-(N-ethyl-N-2-methanesulfonylaminoethyl)-2-methylphenylenediamine sesquisulfate monohydrate)	3265	8	III	8 cases, each containing 3 plastic receptacles of 0.09 L	Transported as limited quantities
Part C 65-70% Water 25-30% Potassium carbonate 5-10% Potassium chloride <1% Potassium hydroxide Proper shipping name: Corrosive liquid, basic, inorganic, N.O.S (potassium carbonate)	3266	8	III	8 cases, each containing 3 plastic receptacles of 0.12 L	Transported as limited quantities

* % represents percentage mass based on the total weight of the solution

N/A: Not applicable

NC: Not classified by KODAK as dangerous goods according to the IMDG Code