



Ref. T3/1.01

DSC/Circ.22
3 February 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, 5 January 2004

SPECIAL COMPETENT AUTHORITY APPROVAL
No. F-12/2003/2015/AS/CIT

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 2 of its article 411-1.10,

The International Maritime Dangerous Goods Code (IMDG) currently in force,

Part A of MSC/Circ.1075 concerning the granting of exemptions from the IMDG Code,

The decision taken by the United Nations Economic and Social Council (ECOSOC) Sub-committee of Experts on the Transport of Dangerous Goods at its 23rd session, concerning the transport of stabilized hydrogen peroxide or hydrogen peroxide in stabilized aqueous solution containing more than 60% hydrogen peroxide (UN No. 2015) in tanks (paragraph 63 of report ref. no. ST/SG/AC.10/C.3/46),

The decision of the IMO Sub-committee on Dangerous Goods, Solid Cargoes and Containers at its seventh session (DSC 7), concerning the transport of stabilized hydrogen peroxide or hydrogen peroxide in stabilized aqueous solution containing more than 60% hydrogen peroxide (UN No. 2015) in tanks (paragraphs 3.17 and 3.18 of the report in document DSC 7/15),

The opinion expressed by the Committee for the Transport of Dangerous Goods by Sea on 3 December 2003 (paragraph 4),

The request of 9 December 2002 made by EUROTAINER, Le Stratège, 172 rue de la République, 92817 PUTEAUX Cedex, France; and

NOTING that:

The reference "T10" in the tank instructions in columns (12) and (13) of the Dangerous Goods List in the IMDG Code precludes the fitting of a frangible disc adapted for hydrogen peroxides in parallel with a spring-loaded valve, an assembly which, prior to the entry into force of amendment 30-00 of the IMDG Code, was the required device for use in cases of accelerating substance decomposition,

Tank instruction "T10" also calls into question the presence of a vent on tanks intended for the transport of hydrogen peroxide, even though such a vent is necessary on account of the slow decomposition of hydrogen peroxide during transportation,

In that context, the decision to amend this tank instruction has been taken both by the UN Sub-committee of Experts on the Transport of Dangerous Goods and by the IMO Sub-committee on Dangerous Goods, Solid Cargoes and Containers,

Consequently, the possibility exists to adopt with immediate effect the amendments decided on at international level pending the entry into force of amendments 32-04 and 33-06 to the IMDG Code,

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

DECIDES as follows:

Art.1 – EUROTAINER is authorized to transport by sea STABILIZED HYDROGEN PEROXIDE or HYDROGEN PEROXIDE IN STABILIZED AQUEOUS SOLUTION containing more than 60% hydrogen peroxide in IMO Type 1 tanks which meet the criteria in portable tank instruction "T9" as defined in paragraph 4.2.4.2.6 of the IMDG Code and in chapter 411-6 of the above-mentioned section 411 [Decree of 23 November 1987], subject to compliance with the provisions stipulated in this approval.

Art.2 – All other provisions of the IMDG Code and of the Decree of 23 November 1987 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 – **This approval is valid up to and including 31 December 2005 for IMO type-1 tanks and up to and including 31 December 2007 for UN-type tanks.**

Art.5 – Prior to any shipment covered by this approval, EUROTAINER shall notify the other competent authorities concerned. Acceptance of this approval is subject to the discretion of those competent authorities.

Art.6 – 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 must be notified to the "Ministère de l'Équipement, du Transport, 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.7 – Any appeals against this administrative decision must be addressed to the competent administrative court within 2 months from its date of notification to EUROTAINER.

For and with the authority of the Minister
(Signed) The Director of 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 in English, which may be found on the IMODOCS web site.
