



Ref. T3/1.01

DSC.1/Circ.41
16 January 2006

**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.



La Défense, le 10 JAN 2006

OFFICIAL TRANSLATION (1)

ministère
des Transports
de l'Équipement
du Tourisme
et de la Mer



direction générale
de la Mer
et des Transports

mission
Transport des
matières dangereuses

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PROVISIONAL EXEMPTION
N°F-01/06/EP/CdV (3 pages)

The Minister for Transport, Infrastructure, Tourism and the Sea,

Having regard to the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74), as amended, published by Decree No 80-369 of 14 May 1980, as amended, including the International Maritime Dangerous Goods code (IMDG code) and in particular the introductory note of chapter 4.3 and paragraphs 4.3.1.3 and 7.9.1 of this code,

Having regard to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the protocol of 1978 relating thereto (MARPOL 73/78), in particular annex III as published by Decrees Nos 97-353 and 97-611 of 10 April 1997 and 31 May 1997, respectively,

Having regard to the 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,

Having regard to the 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,

Having regard to the Decree of 23 November 1987, as modified, concerning the safety of ships and in particular the division 411 of the attached regulations on the safety of ships and in particular paragraph 1 of its article 411-1.10,

Having regard to the exemption E001/05 of 24 October 2005 issued by the Maritime and Coastguard Agency /United Kingdom,

... / ...

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Having regard to the request DLW/MCA/F001 made on 25 October 2005 by the H.J. Enthoven & Sons company, Darley Dale Smelter, South Darley, Matlock Derbyshire DE4 2LP, United Kingdom,

Whereas the transport by sea of dangerous goods in bulk containers is presently forbidden in order to prevent any leakage from the containers especially if bad weather conditions are met,

Whereas, nevertheless, the transport by road of dangerous goods classified under UN 3077 in sheeted large containers is permitted and their transport by sea is authorized by the competent authority of United Kingdom,

Whereas the transported wastes are classified as dangerous goods based on their ecotoxicity and are not declared as presenting any risk of classes 1 to 8,

Whereas, in these circumstances, the short international voyages, as defined in chapter 1.2 of the IMDG Code, of bulk containers transporting dangerous goods classified under UN 3077 may be authorized provided that those containers are stowed under deck in order to prevent the transported wastes to affect the marine environment in case of an accidental leakage ,

Whereas, as a consequence, the exemption as requested may be issued,

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

DECIDES as follows :

Art. 1^{er}.- The H.J Enthoven & Sons company is authorized to have wastes containing lead (in metallic, oxide and sulphate form) classified as ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S, UN 3077, class 9, packing group III transported by sea in sheeted bulk containers between Dover (United Kingdom) and Calais (France) and vice versa, in the conditions described in the current exemption.

Art. 2.- The containers shall be stowed under deck only, "away from" foodstuffs and clear of living quarters.

Art.3.- All other provisions of the IMDG Code and all the provisions of the Decree of 23 November 1987 shall be followed.

Art.4.- A copy of this exemption shall accompany each consignment sent under the conditions specified herein, so that it may be produced on request. A copy of this exemption (in paper or electronic form) shall also be kept on board all ships called upon to transport the goods under the conditions established herein.

Art.5.- In addition, this exemption shall not be used as documentary proof of correct classification. Correct classification remains the responsibility of the shipper.

Art.6.- This approval is valid up to and including 31 December 2006. Any failure to comply with its provisions is liable to result in its withdrawal.

Art.7.- Prior to any shipment covered by the exemption, the Enthoven & Sons company shall notify other competent authorities concerned. Acceptance of this exemption is subject to the discretion of that competent authorities.

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Art.8.- The serial number and the date of this approval shall be indicated in the appropriate space on the dangerous goods transport document. Any incident or accident that occurs during transport must be notified to the « Ministère des Transports, de l'Équipement, du Tourisme et de la Mer, Direction Générale de la Mer et des Transports, Mission du transport des matières dangereuses ».

Art.9.- Any appeal against this administrative decision must be addressed to the competent administrative court within 2 months of the date of its notification to the H.J. Enthoven & Sons company.

Art.10.- Any possible request to renew this exemption shall be sent at least three months in advance before its expiry date. Furthermore, this exemption can only be renewed after advice of the commission for the transport by sea of dangerous goods in accordance with paragraph 1 of article 411-1.10 above-mentioned.

For and with the authority of the Minister

In the absence of the Director of the Sea and
Transports

The head of the mission for the transport of
dangerous goods

Jacques VERNIER

(1) The French text serves as basis for the translation. If any differences exists between the text in French and the text in English, the text in French prevails.
