



Ref. T3/1.01

DSC.1/Circ.57
5 November 2007

**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.

Translation

Directorate for the Sea and Transport

24 October 2007

**DECISION: TRANSPORT OF DANGEROUS GOODS
EXEMPTION No. 07/060**

The Minister for Ecology and Sustainable Development and Land-use Management,

Having regard to:

The International Convention for the Safety of Life at Sea, 1974 (SOLAS 74), as amended, including the International Maritime Dangerous Goods Code (IMDG Code), in particular the note introducing chapter 4.3, and paragraphs 4.3.1.3 and 7.9.1,

The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), as amended,

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

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

The decree of 23 November 1987 concerning the safety of ships, as amended, including division 411 of the attached regulations on the safety of ships and in particular paragraph 1 of its article 411-1.10,

Exemption No. E001/07 dated 15 October 2007 issued by the Maritime and Coastguard Agency of the United Kingdom,

The advice of the Interministerial Committee on the Transport of Dangerous Goods (Subcommittee for exemptions, authorizations and agreements) at its session of 17 October 2007,

The request by H.J. Enthoven & Sons, Darley Dale Smelter, South Darley, Matlock, Derbyshire DE24 2LP, United Kingdom, dated 17 October 2007,

Considering that:

In general, the transport of dangerous goods by sea in sheeted bulk containers is currently prohibited in order to prevent these goods escaping from their containers, especially when weather and navigating conditions are poor,

Nevertheless, the transport by road of dangerous goods classified under UN No. 3077 is permitted in large sheeted bulk containers, and their transport by sea is the subject of an exemption issued by the competent United Kingdom authority,

The request concerns the transport of goods classified on account of their ecotoxicity which are not stated to present a risk under classes 1-8,

The sea route between Calais and Dover is one which constitutes a short voyage in the sense of chapter 1.2 of the IMDG Code,

Under these conditions, the transport by this route of goods classified under UN No. 3077 in sheeted bulk containers may be authorized, provided that specific stowage arrangements are made ensuring that the transported waste does not harm the marine environment,

On the proposal of the Director General for the Sea and Transport,

Decides as follows:

Art. 1.- H.J. Enthoven & Sons is authorized to transport by sea, between Calais (France) and Dover (United Kingdom), and vice versa, waste containing lead (in the form of metallic lead, lead oxide and lead sulphate) classified as ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S., UN No. 3077, class 9, packing group III, in sheeted bulk containers under the conditions stated in this exemption.

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

Art. 3.- The containers shall have stowage attachments which ensure that they can be secured to the ship. All other provisions of the IMDG Code, the regulations attached to the decree of 23 November 1987 and the above-mentioned exemption E001/07 shall be observed.

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

Art. 5.- This exemption must not be used as proof of correct classification of goods. Correct classification of transported merchandise remains the responsibility of the shipper.

Art.6.- This approval is valid up to and including 31 October 2009. Any failure to comply with its provisions is liable to result in its withdrawal.

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

Art.8.- The serial number and date of issue of this exemption shall be indicated in the appropriate space on the transport document. Any incident or accident that occurs during transport must be notified to the Ministère de l’écologie, du développement et de l’aménagement durables, 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 H.J. Enthoven & Sons.

For and with the authority of the Minister

(Signed) Jacques VERNIER
Head, Office for the Transport of Dangerous Materials
