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25 November 2010

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

**Memorandum of Understanding for the Transport of Packaged Dangerous Goods
in the Baltic Sea**

Communication received from the Government of Estonia

- 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 Estonia 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.



VEEVEEDE AMET
ESTONIAN MARITIME ADMINISTRATION

International Maritime Organization
Maritime Safety Division
4 Albert Embankment
London SE1 7SR
UNITED KINGDOM

21. September 2010 no 5-1-17/1127

Information from the Government of Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden in accordance with chapter 7.9 (MSC/Circ.1075) in the IMDG Code regarding exemptions granted from requirements in the Code

The Memorandum of Understanding for the Transport of Dangerous Goods in Ro-Ro Ships in the Baltic (MoU) is a multimodal agreement for the transport of packaged dangerous goods between Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden. The MoU has been in force for over 25 years.

The MoU is applied when transporting dangerous goods on board ro-ro ships in sheltered sea areas in the Baltic Sea where the significant wave heights and their forces are limited.

Some differences between the MoU and the IMDG Code are in short:

- Mixed loading in CTUs
- The number of passengers on board ro-ro passenger ships referred to in the stowage table
- Stowage and segregation
- Definition of low wave height area (LWHA)

Other additional requirements worth mentioning are:

- Joint checks made of the competent authorities involved in the MoU
- Training of persons involved in the MoU

The full text of the MoU is enclosed.

Yours sincerely

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**MEMORANDUM OF UNDERSTANDING
FOR THE TRANSPORT OF PACKAGED DANGEROUS GOODS
IN RO-RO SHIPS IN THE BALTIC SEA
32nd session, Haapsalu
25 to 26 August 2009**

**Memorandum of Understanding for the Transport of Packaged Dangerous Goods in
the Baltic Sea**

**Section 1
Application**

(1) By derogation from the provisions of the IMDG Code, these provisions may be applied on all ro-ro ships operating within the Baltic Sea proper, the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded in the north by the line Skaw-Lysekil provided that the requirements following below are met.

(2) Ro-ro ships having been issued with a Document of Compliance in accordance with Section 8 below may carry, at the same time, cargo transport units (CTUs) which either fulfil the requirements of RID/ADR or of the IMDG Code.

(3) Dangerous goods, which either fulfil the requirements of the IMDG Code or RID or ADR may be loaded together in the same CTU (see Section 4).

**Section 2
Definitions**

(1) The terms used in this MoU refer to the IMDG Code except those listed below in this section.

(2) Shipowner means company as defined in the ISM Code.

(3) On-deck stowage means stowage on the weather deck.

(4) Under-deck stowage means stowage in a cargo space; in an open ro-ro cargo space, unless it is considered by a competent authority to be a weather deck; and/or in a closed ro-ro cargo space, as appropriate.

(5) Low Wave Height Area (LWHA) is a sea area where according to the Agreement concerning specific stability requirements for ro-ro passenger ships undertaking regular scheduled international voyages between or to or from designated ports in North West Europe and the Baltic Sea, 28 February 1996 (Stockholm Agreement), set into effect on 1 April 1997, the significant wave height does not exceed 2.3 metres more than 10 % of the year (see Appendix 1 of Annex 1). Traffic in other areas can be considered as LWHA traffic by the competent authorities concerned if equivalent safety can be assured.

(6) The competent authorities in accordance with these provisions are:

Denmark Danish Maritime Authority
Vermundsgade 38 c
DK-2100 COPENHAGEN O
E-Mail: info@dma.dk

Estonia Estonian Maritime Administration
Maritime Safety Division
Valge 4
EE-11413 Tallinn
E-Mail: mot@vta.ee

Finland Finnish Maritime Administration
P.O. Box 171
FI-00181 HELSINKI
E-Mail: kirjaamo@fma.fi

Germany Federal Ministry of Transport, Building and Urban Affairs
P.O. Box 20 01 00
D-53170 BONN
E-Mail: ref-a33@bmvbs.bund.de

Lithuania Lithuanian Maritime Safety Administration
24, J.Janonio str.LT-92251 KLAIPEDA
E-mail: msa@msa.lt

Latvia Maritime Administration of Latvia
5 Trijādibas iela
LV-1048 RIGA
E-Mail: lja@lja.lv

Poland Ministry of Infrastructure
Ul. Chalubinskiego 4/6
PL-00928 WARSAW
E-Mail: info@mi.gov.pl

Sweden Swedish Transport Agency
Box 653
SE-601 15 Norrköping
E-Mail: kontakt@transportstyrelsen.se

Section 3 **Transport of dangerous goods**

(1) Dangerous goods that are classified, packaged, marked, labelled, documented and loaded together on or in a CTU or unit load in accordance with the requirements of RID, ADR or the IMDG Code may be transported in accordance with the provisions of this MoU.

(2) The application of packing instruction R001 or section 4.1.4 of ADR or RID is allowed only for the traffic in LWHA.

(3) Tanks shall either comply with chapter 4.2 ADR/RID/IMDG Code, as amended, or comply with chapter 4.3 ADR/RID, as amended. Tanks with open venting devices should not be permitted for transport on board of ro-ro ships.

(4) Bulk containers shall comply with chapter 7.3 ADR, as amended, or 4.3 of the IMDG Code, as amended.

Section 4 Loading and placarding of CTUs

(1) Packages (packagings, large packagings or IBCs) containing dangerous goods shall be segregated from each other within CTUs in accordance with the provisions of the IMDG Code. For traffic in LWHA packages with segregation categories 1 and 2 of table 7.2.1.16 of the IMDG Code may be loaded together in the same CTU. Paragraph 7.5.2.2 Note a of RID/ADR may be used for traffic in LWHA.

(2) Substances and articles assigned to class 1 or bearing a label of class 1 as subsidiary risk, shall be loaded and segregated in accordance with ADR/RID or the IMDG Code.

(3) Placarding and marking of CTUs containing dangerous goods shall be in accordance with the provisions of the IMDG Code or RID/ADR, see Section 5. CTUs containing Marine Pollutants have to be marked according to the IMDG Code, if they are not marked according to section 5.3.6 of RID/ADR.

Section 5 Transport of CTUs

CTUs containing dangerous goods may be carried on ro-ro ships in accordance with the following provisions:

(1) A container/vehicle packing certificate (CTU packing certificate) shall be issued for each CTU containing dangerous goods. The model CTU packing certificate shall comply with the IMO/ILO/UN ECE Guidelines¹ for packing of Cargo Transport Units (CTUs) referred to in Section 9 (2). For mixed loading for traffic in LWHA, the packing certificate shall state that any prohibition of mixed loading as specified in Section 4 (1) sentence 2, has been complied with. In that case the following has to be stated in the packing certificate: "Packed together according to the MoU".

(2) When dangerous goods are transported in accordance with chapter 3.4 and/or 3.5 of RID or ADR the consignor or his representative shall provide the master with the following information: "Dangerous goods in limited and/or in excepted quantities of class(es) ...".

When dangerous goods are transported in accordance with paragraphs 1.1.3.1 (b) – (f) or 1.1.3.2 (a) – (c) or (e) or 1.1.3.4.1 of RID /ADR, unless exempted by the IMDG Code, the consignor or his representative shall inform the master that these paragraphs are used.

(3) CTUs as referred to in 1.1.3.4.2 RID/ADR and 1.1.3.6 ADR shall display on two opposite sides a neutral orange-coloured plate from the time they are loaded on, until the time they are unloaded from a ro-ro ship, unless they are marked according to chapter 3.4 RID/ADR. The responsibility for fitting such plates shall rest with the person actually placing the CTU ready for loading on board the ro-ro ship.

(4) When the placarding and marking of trailers without a motor vehicle is not in accordance with the provisions of the IMDG Code, the trailers shall display, on two opposite sides a neutral orange-coloured plate, from the time they are loaded on, until the time they are unloaded from a ro-ro ship. The responsibility for fitting such plates shall rest with the person actually placing the trailer ready for loading on board the ro-ro ship.

¹ See IMDG Code, 5.4.2 and Supplement, 4.4.2.

(5) Orange-coloured plates mentioned in 5 (3) and 5 (4) means plates conforming to RID/ADR 5.3.2. Additional plates required only in the MoU shall be clearly visible and conform to RID/ADR 5.3.2.2.1 regarding size and colour. These plates may be replaced by self-adhesive sheets, by paint or by any other equivalent process.

Section 6 Stowage and segregation between CTUs

(1) Segregation between CTUs shall be in accordance with the provisions of the IMDG Code, except that for LWHA traffic no separation is required for segregation categories 1 and 2 in table 7.2.4.2 of the IMDG Code.

(2) Stowage and segregation of class 1 shall be in accordance with the IMDG Code and the Document of Compliance (SOLAS 1974, II-2/19).

(3) The following table shall apply to the stowage of CTU containing dangerous goods:

Stowage table for CTUs containing packaged dangerous goods of classes 2 to 9

Note: Stowage shall also be in accordance with the Document of Compliance (SOLAS 1974, II-2/19) or the Letter of Compliance referred to in Section 8 of the MoU.

Description and class as specified in IMDG Code/RID/ADR		Cargo ships or passenger ships carrying either not more than 25 passengers or 1 passenger per 3 metres of length ¹⁾		Other passenger ships	
		On deck	Under deck	On deck	Under deck
Gases	2				
-flammable gases.	2.1	Permitted	Prohibited	Prohibited	Prohibited
- non-flammable non-toxic gases.	2.2	Permitted	Permitted ³⁾	Permitted ³⁾	Permitted ³⁾
- toxic gases	2.3	Permitted	Prohibited	Prohibited	Prohibited
Flammable liquids	3				
- packing group I or II		Permitted	Permitted	Permitted	Prohibited
- packing group III		Permitted	Permitted	Permitted	Permitted
Flammable solids	4.1 ²⁾				
- UN No.1944, 1945, 2254, 2623		Permitted	Permitted	Permitted	Permitted
- other UN numbers		Permitted	Prohibited	Permitted	Prohibited
Substances liable to spontaneous combustion	4.2	Permitted	Prohibited	Permitted	Prohibited
Substances which give off flammable gases in contact with water	4.3	Permitted ¹⁾	Prohibited	Permitted ¹⁾	Prohibited
Oxidizing substances	5.1	Permitted	Permitted	Permitted	Prohibited
Organic peroxides	5.2 ²⁾	Permitted	Prohibited	Prohibited	Prohibited
Toxic substances	6.1				
- packing group I or II		Permitted	Prohibited	Permitted	Prohibited
- packing group III		Permitted	Permitted	Permitted	Permitted
Infectious substances	6.2	Permitted	Permitted	Prohibited	Prohibited

Radioactive material	7	Permitted	Permitted	Permitted	Permitted
Corrosive substances	8				
- packing group I or II		Permitted	Prohibited	Prohibited	Prohibited
- liquids packing group III		Permitted	Permitted	Permitted	Prohibited
- solids packing group III		Permitted	Permitted	Permitted	Permitted
Miscellaneous dangerous substances and articles	9	Permitted	Permitted	Permitted	Permitted

- 1) The carriage of Aluminium ferrosilicon powder of UN number 1395, Aluminium silicon powder, uncoated of UN number 1398, Calcium silicide of UN number 1405 and Ferrosilicon of UN number 1408 when transported in bulk packagings, in containers, road vehicles or rail wagons, tank containers or demountable tanks is allowed only when accompanied by a certificate stating that the material was stored under cover, but in the open air, and that the particle size is representative of the material stored.
- 2) For the stowage of these substances, chapter 7.7 of the IMDG Code shall be complied with in addition to the provisions of ADR.
- 3) Refrigerated gases of ADR or of stowage category "D" of the IMDG Code are prohibited.
- *) The total number of passengers shall not be more than 1 person per 1 metre of the length of the ship.

Notes pertaining to this table:

- A: If the stowage of dangerous goods is prohibited according to this table for one item contained in a CTU loaded with mixed dangerous goods, this prohibition applies to the whole unit within that compartment.
- B: Substances assigned to special provision SP 900 of the IMDG Code are prohibited.
- C: If the stowage of dangerous goods is prohibited according to or not covered by this table, but is permitted under the provisions of the IMDG Code, the stowage requirements of the IMDG Code may be applied instead.

Section 7
Additional duties for the consignors

- (1) The consignor shall ensure that, in addition to the information required by the provisions of RID/ADR, the dangerous goods are identified within the documentation as "MARINE POLLUTANT", if applicable.
- (2) If liquid dangerous goods to be transported having a flashpoint of 60°C or below (closed cup (c.c.)), the flashpoint range in accordance with the relevant packing group may be indicated.

Section 8
Requirements applicable to ships

- (1) Ships shall, with regard to design and equipment, fulfil the requirements of regulation II-2/54 of SOLAS 74, as amended. For ships constructed on or after 1 July 2002 regulation II-2/19 SOLAS 74, as amended, shall be applicable. The Document of Compliance shall include information specifying the classes of dangerous goods, which may be stowed in the individual cargo spaces of the ship.
- (2) Ships constructed before 1 September 1984 already provided with a letter of compliance may continue to transport dangerous goods in accordance with the requirements applicable at the time, when the letter of compliance was issued. However, these ships shall comply with the requirements of chapter 7.4 of the IMDG Code.
- (3) A Letter of Compliance issued in accordance with the MoU is considered to be equivalent as being specified in 7.4.5.7 of the IMDG Code.

Section 9 Additional requirements

- (1) During the voyage, CTUs containing dangerous goods shall be secured in compliance with the Cargo Securing Manual approved by the Administration. As far as practicable, IMO Resolution A.581(14) of 20 November 1985 shall be observed. CTUs without facilities for lashing may not be offered for transport under the provisions of this MoU.
- (2) The IMO/ILO/UN ECE Guidelines for Packing of Cargo Transport Units (CTUs) shall be observed for all cargo transport units.
- (3) Ro-ro vessels shall have on board current versions of:
- a) the International Maritime Dangerous Goods Code (IMDG Code);
 - b) the Emergency Procedures for Ships Carrying Dangerous Goods (EmS);
 - c) the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods (MFAG);
 - d) the applicable Regulations Concerning the International Carriage of Dangerous Goods by Rail (RID) or Annexes A and B of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), as appropriate to the mode of transport.
- (4) Shipowners shall ensure that the persons they appoint and who are involved in the transport of CTUs under the provisions of the present MoU are made familiar, through repeated training, with the application of the relevant provisions, in particular, with those of ADR or RID. They shall ensure that the persons involved will be issued with a certificate stating that they have been trained and informed accordingly.
- (5) The competent authorities concerned may grant exemptions for a period of not more than 1 year, provided an equivalent level of safety is maintained. The MoU member states shall be notified of such exemptions.
- (6) The competent authorities as listed in Section 2 above should arrange for a representative proportion of checks to be conducted on consignments using a checklist (Appendix 2).
- (7) The number and results of checks shall be presented at the MoU meetings and circulated to the competent authorities concerned.

Section 10 Transitional Regulations

On board cargo ships and passenger ships carrying not more than 1 passenger per 1 meter length of the ship, CTUs may be stowed under deck by using the approval of the competent authority having granted such a stowage until 31 December 2002. Segregation of the CTUs in this deck must be performed in compliance with the requirements in the IMDG Code, section 7.2.4.2 (Table of segregation of cargo units on board ro-ro ships).

Section 11 Entry into force

- (1) This amendment to the Memorandum of Understanding shall come into force not later than 1 January 2010.
- (2) The German and English versions of this amendment to the Memorandum of Understanding shall be equally authoritative.