



Ref. T3/1.01

DSC.1/Circ.44  
28 February 2006

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

**Communications 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 Two communications have 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 communications are circulated to SOLAS Contracting Governments for their information and appropriate action, if any.

**Translation**

Letter dated 21 February 2006, addressed to the Secretary-General, sent by the French Maritime Administration

Dear Sir,

I have the honour to attach a copy of exemption No. **F-02/06/EP/SEP** granted by France, which I should like to request you bring to the attention of SOLAS Contracting Governments as required under paragraph 7.9.1.2.1 of the IMDG Code.

With the assurance of my highest esteem,

[Signed] Jacques Vernier  
Head, Office for Transport of Dangerous Substances

Enc.: As mentioned

Cc: Mr. Gasc (with enclosures); archive (without enclosures)



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

La Défense, le  
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**PROVISIONAL EXEMPTION**  
**N°F-02/06/EP/SEP ( 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 paragraphs 3.4.4.1 and 7.9.1 and chapter 7.2 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), as amended, and 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, 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 paragraph 3.13 of the report to the maritime safety committee (DSC 9/15) of the sub-committee on dangerous goods, solid cargoes and containers of the International Maritime Organization dated 11 October 2004,

... / ...

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Having regard to the draft amendment 33-06 attached to document MSC 81/3/3 presented to the maritime safety committee of the International Maritime Organization and issued on 1 November 2005,

Having regard to the advice of the commission for the transport by sea of dangerous goods of 23 November 2004 (Item 2),

Having regard to the request made on 30 January 2006 by the KODAK-PATHE company,

Whereas, according to chapters 3.4 and 7.2 of the IMDG Code, it is forbidden to package in the same outer packaging, different dangerous goods in limited quantities for which chapter 7.2 and column (16) of the dangerous goods list require the goods to be segregated,

Whereas nevertheless that, during its 9<sup>th</sup> session, the sub-committee on dangerous goods, solid cargoes and containers (DSC 9) agreed to remove this prohibition for dangerous goods which belong to the same class and to packing group III and which do not interact dangerously,

Whereas this agreement should be included in amendment 33.06 to the IMDG Code which is scheduled to enter into force on 1 January 2008,

Whereas the situation leads to current problems in practice for dangerous goods which do not interact dangerously and noting that a solution needs to be found before the entry into force of this amendment,

Whereas this solution shall be in accordance with the decisions which have been taken by the International maritime Organization as recommended by the commission for the transport by sea of dangerous goods,

Whereas, consequently, a exemption may be issued to remove the prohibition mentioned above in accordance with the conditions agreed during DSC 9,

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

DECIDES as follows :

**Art. 1<sup>er</sup>.**- The KODAK-PATHE company is authorized to transport by sea in the same outer packaging and, as a consequence, in the same cargo transport unit, different dangerous goods notwithstanding the segregation provisions required by the segregation groups provisions mentioned in 7.2.1.7.1 to 7.2.1.7.4 of the IMDG Code and by column (16) of the dangerous goods list (chapter 3.2) of the IMDG Code provided that :

- those goods do not interact dangerously and do not lead to combustion and/or evolution of considerable heat, evolution of flammable, toxic or asphyxiant gases, the formation of corrosive substances or the formation of unstable substances,
- those goods are packing group III substances and belong to the same class, and
- those goods are transported in limited quantities.

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

.../...

**Art.3.-** 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.4.-** **This approval is valid up to and including 31 December 2007.** Any failure to comply with its provisions is liable to result in its withdrawal.

**Art.5.-** Prior to any shipment covered by the exemption, the KODAK-PATHE company shall notify other competent authorities concerned. Acceptance of this exemption is subject to the discretion of that competent authorities.

**Art.6.-** The serial number and the date of this exemption 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.7.-** 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 KODAK-PATHE company.

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.

**Translation**

Letter dated 21 February 2006, addressed to the Secretary-General, sent by the French Maritime Administration

Dear Sir,

I have the honour to attach a copy of exemption No. **F-03/06/EP/SEP** granted by France, which I should like to request you bring to the attention of SOLAS Contracting Governments as required under paragraph 7.9.1.2.1 of the IMDG Code.

With the assurance of my highest esteem,

[Signed] Jacques Vernier  
Head, Office for Transport of Dangerous Substances

Enc.: As mentioned

Cc: Mr Gasc (with enclosures); archive (without enclosures)



La Défense, le 21 FÉV 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-03/06/EP/SEP ( 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 paragraphs 7.2.2.3 and 7.9.1 and the provisions in column (16) of the dangerous goods list of this code related to UN Nos 1492 and 1505,

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), as amended, and 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, 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 advice referred as Log No II.2-751/05 issued by BAM, Unter den Eichen 87, 12205 Berlin on 23 November 2005,

Having regard to the exemption HH 150/05 issued by Polizei Hamburg / Germany on 30 November 2005,

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... / ...

Having regard to the request made on 10 February 2006 by Lexzau, Scharbau GmbH & Co KG, dangerous goods, international waste logistics dept, Hammerbrook str. 63, 20097 Hamburg,

Whereas, according to chapter 7.2 and to the provisions in column (16) of the dangerous goods list of the IMDG Code related to UN Nos 1492 and 1505, it is forbidden to stow in the same cargo transport unit dangerous goods which are classified under UN Nos 1492 or 1505 and dangerous goods classified under UN No 1444,

Whereas, nevertheless, BAM, a competent laboratory in Germany for classifying dangerous goods, has no safety objection to stow in the same cargo transport unit Un Nos 1444, 1492 and 1505 provided that the goods classified under those entries are the pure substances or solutions or mixtures of one of the above mentioned substances with inert materials,

Whereas, consequently, a provisional exemption for one year may be issued,

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

DECIDES as follows :

**Art. 1<sup>er</sup>.**- The Lexzau, Scharbau GmbH & Co KG company is authorized to transport by sea in the same cargo transport unit dangerous goods classified under UN Nos 1444 (ammonium persulphate, class 5.1, packing group III), 1492 (potassium persulphate, class 5.1, packing group III) and 1505 (sodium persulphate, class 5.1, packing group III) provided that the goods classified under those entries are the pure substances or solutions or mixtures of one of the above mentioned substances with inert materials.

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

**Art.3.**- 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.4.**- This approval is valid up to and including 22 February 2007. Any failure to comply with its provisions is liable to result in its withdrawal.

**Art.5.**- Prior to any shipment covered by the exemption, the Lexzau, Scharbau GmbH & Co KG company shall notify other competent authorities concerned. Acceptance of this exemption is subject to the discretion of that competent authorities.

**Art.6.**- The serial number and the date of this exemption 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.7.-** 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 Lexzau, Scharbau, GmbH & Co KG company.

**Art.8.-** 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.