



Ref. T3/1.01

DSC/Circ.31
20 January 2005

**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.

Letter accompanying DSC/Circ.31, dated 12 January 2005, addressed to the Secretary-General, from the Director for Maritime Affairs and Seafarers, French Ministry for Transport and the Sea

Dear Sir,

I have the honour to attach a copy of an exemption granted by France, which I should like to request you bring to the attention of the SOLAS Contracting Governments as required under paragraph 3.1 of document MSC/Circ.1075.

With the assurance of my highest esteem,

(Signed) Michel AYMERIC
Director

Enc.:

Cc: Mr. GASC; archives

Ministry of Public Works, Transport,
Land-use Management, Tourism and the Sea

Paris, 12 January 2005

SPECIAL COMPETENT AUTHORITY APPROVAL
No. F-02/2005/2984/AS/SEP

The Minister,

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,

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,

The International Maritime Dangerous Goods Code (IMDG Code) in force (Amendment 31-02), in particular the provisions on segregation applicable to UN No.1479 (Oxidising solid, N.O.S.) mentioned in column 16 of the Dangerous Goods List in chapter 3.2,

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 relating to the safety of life at sea, accommodation on board ship and the prevention of pollution by ships, as amended,

The Decree of 23 November 1987 relating to the safety of ships, as amended, in particular section 411 of the regulations on the safety of ships and paragraph 2 of article 411-1.10,

Resolution MSC.157(78) (Amendment 32-04) adopted by the Maritime Safety Committee of IMO,

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

The decision taken at its meeting of 23 November 2004 by the Committee on the Transport of Dangerous Goods by Sea (item 9),

The request made on 9 April 2004 by the L'OREAL company;

WHEREAS:

Amendment 32-04 to the IMDG Code states that goods classified under UN No.1479 must be separated from peroxides,

In accordance with paragraph 3.1.4.4 of the IMDG Code, hydrogen peroxide in aqueous solution containing at least 8% but less than 20% hydrogen peroxide, listed in the Code under UN No.2984, is not included among the peroxide segregation group,

Consequently, amendment 32-04 to the IMDG Code permits stowage of goods classified under UN No.1479 and UN No.2984 in the same external packaging, provided that they do not interact dangerously with each other and do not cause combustion and/or the release of considerable heat, the release of flammable, toxic or asphyxiating gases, the formation of corrosive substances or the formation of unstable substances,

The Committee on the Transport of Dangerous Goods by Sea has approved the possibility of using amendment 32-04 as from 1 January 2005,

The decree citing that possibility has not yet appeared in the Journal officiel, but has been signed by the minister responsible for the merchant marine,

In the meantime, special approval may be granted to enable the requesting party to take advantage of the provisions set out in amendment 32-04,

This approval may also be needed by certain authorities in 2005, since amendment 32-04 does not come into compulsory effect until 1 January 2006,

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

DECIDES as follows:

Article 1. – The L'OREAL company is authorized to transport by sea in the same external packaging, and thus in the same cargo transport unit, goods classified under UN No.1479 and aqueous hydrogen peroxide solutions containing at least 8% and less than 20% hydrogen peroxide classified under UN No.2984, provided that the said goods do not interact dangerously with each other and do not cause:

1. combustion and/or the release of considerable heat;
2. release of flammable, toxic or asphyxiating gases;
3. formation of corrosive substances;
4. formation of unstable substances.

Article 2. – All other provisions of the IMDG Code and all the provisions of the Decree of 23rd November 1987, as amended, shall be followed.

Article 3. – A copy of this approval shall accompany each consignment sent under the conditions specified herein, so that it may be produced on request. A copy of this approval shall also be kept on board all ships called upon to transport dangerous goods under the conditions established herein.

Article 4. – **This approval shall be valid up to and including 31 December 2005.** Any failure to comply with its provisions is liable to result in its withdrawal.

Article 5. – Prior to any shipment covered by this approval, the L'OREAL company shall notify the other competent authorities concerned. Acceptance of this approval is left to the discretion of those competent authorities.

Article 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 during transportation must be notified to the “Ministère de l'Équipement, des Transports, de l'Aménagement du Territoire, du Tourisme et de la Mer, Direction des Affaires Maritimes et des Gens de Mer, bureau de la réglementation et du contrôle de la sécurité du navire”.

Article 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 International Safety Products Ltd.

For and with the authority of the Minister

(Signed) Director for Maritime Affairs and Seafarers
Michel AYMERIC
