



Ref. T3/1.01

DSC.1/Circ.47
11 August 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 will be circulated to SOLAS Contracting Governments for their information and appropriate action, if any.

Translation

Note addressed to the Secretary-General, from the French Ministry for Transport, Infrastructure, Tourism and the Sea, dated 21 July 2006

Dear Sir,

I have pleasure in attaching to this note a copy of exemption No. F-04/06/EP/SEP issued by France, which I should like to request you bring to the attention of SOLAS Contracting Governments in accordance with paragraph 7.9.1.2.1 of the IMDG Code.

With the assurance of my highest esteem.

(Signed) JACQUES VERNIER
Head, Transport of Dangerous Goods

Enc.: as indicated

Cc: (with attachment) Mr. G. Gasc, Permanent Representative of France to IMO

Cc: (without attachment) Archive

PROVISIONAL EXEMPTION
N°F-04/06/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), in particular paragraphs 3.4.4.1 and 7.9.1 and chapter 7.2,

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 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, 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) by the Sub-committee on Dangerous Goods, Solid Cargoes and Containers of the International Maritime Organization, dated 11 October 2004,

Having regard to draft amendment 33-06 attached to document MSC 81/3/3 submitted 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 27 June 2006 by the KODAK INDUSTRIE for CEPL Chalon, Campus Industriel, Route de Demigny, 71100 Chalon sur Saône,

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

Considering nevertheless that, during its ninth session, the Sub-committee on Dangerous Goods, Solid Cargoes and Containers (DSC 9) agreed to remove this prohibition in the case of dangerous goods which belong to the same class and to packing group III and 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 existing situation leads to problems in practice for dangerous goods which do not interact dangerously, and a solution therefore needs to be found before the entry into force of that amendment,

Whereas that solution shall be in accordance with the decisions taken by the International Maritime Organization, as recommended by the Commission for the Transport by Sea of Dangerous Goods,

Whereas, consequently, an 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 for the Sea and Transport,

DECIDES as follows:

Art. 1.- The Compagnie Européenne de Prestations Logistiques (CEPL) Chalon is authorized to transport by sea in the same outer packaging, and consequently in the same cargo transport unit, different dangerous goods, notwithstanding the provisions relating to segregation groups as contained in 7.2.1.7.1 to 7.2.1.7.4 of the IMDG Code and in 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 CEPL Chalon company shall notify other competent authorities concerned. Acceptance of this exemption is subject to the discretion of those 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 CEPL Chalon company.

For and with the authority of the Minister
In the absence of the Director-General for the Sea and Transport
Jacques VERNIER
Head, Transport of Dangerous Goods

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