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Ref. T3/1.01

DSC.1/Circ.58
17 December 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.

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Translation

Directorate for the Sea and Transport

**DECISION: TRANSPORT OF DANGEROUS GOODS
EXEMPTION No.07/077 of 5 December 2007**

The Minister for Sustainable Ecology, 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 paragraph 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,

The Decree of 1 June 2001 concerning the transport of dangerous goods by road, "the ADR decree", as amended,

Technical specification No.MPS0021 (issue 1), of 26 February 2003, with which heat pipes must comply,

Certificates Nos.XI/5111/2044 (813/95) and XI/5015/172/4 issued on 18 August 1995 and 2 November 2007, respectively, by the Health and Safety Executive as the competent authority for classification of explosives,

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 EADS Astrium, of 31 rue des Cosmonautes, ZI du Palais, 31402 Toulouse Cedex 4, dated 16 November 2007,

Considering that:

The packing provisions in the IMDG Code (P 200) for the transport of anhydrous ammonia (UN No.1005) do not cover the carriage of this gas in heat pipes mounted on equipment identified by EADS Astrium as the Eurostar-3000 service module,

Nevertheless, with respect to hazard identification, UN No.1005 is the most suitable category for the transport of these modules, as stated by the Subcommittee for exemptions, authorizations and agreements at its session of 17 October 2007 concerned with similar modules and panels, provided there are no other dangerous goods of IMDG Code classes 1 to 9 present in those modules.

Accordingly, transport of the modules concerned may be exempted from application of P 200, provided that the quantities of ammonia carried are limited and that the heat pipes have undergone pressure- and watertightness testing during production,

In addition, the carriage of heat pipes as mounted on the modules is not subject to the provisions of the decree of 1 June 2001 concerning the transport of dangerous goods by road, “the ADR decree” (see paragraph 1.1.3, annex A),

Moreover, the total quantities of ammonia being carried are lower than the maximum quantities considered in the case submitted to the Subcommittee for exemptions, authorizations and agreements at its session of 17 October 2007,

Under these conditions, an exemption to the packing provisions of the IMDG Code may be granted,

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

Decides as follows:

Art. 1 – EADS Astrium is authorized to transport by sea, between the United Kingdom and France, Eurostar-3000 modules as identified individually in safety assessment reports produced by EADS Astrium, classified under the heading AMMONIA, ANHYDROUS, UN NO.1005 (class 2.3, subsidiary risk class 8) in accordance with the conditions stated in this exemption.

Art.2 – Each module may contain up to 50 heat pipes. Each heat pipe must conform to the above-mentioned MPS0021 (issue 1) specification. The maximum ammonia content shall be 20g per metre in each heat pipe and 1200g in each module. The module may not contain any other goods of IMDG Code classes 1-9.

Art. 3 – The packing instructions in P200 shall not apply to the modules. However, these must be correctly secured in a cargo transport unit in compliance with chapter 7.5 of the IMDG Code, so as to avoid any movement of components in the CTU or damage to the heat pipes.

Art.4 – All other provisions of the IMDG Code and those of the decree of 23 November 1987 shall remain applicable.

Art. 5 – Any incident or accident occurring 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.6 – 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.7 – Prior to any shipment covered by this exemption, EADS Astrium shall notify the 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 dangerous goods transport document. **This approval is valid up to and including 4 December 2012.** Any failure to comply with its provisions is liable to result in its withdrawal.

Art.9. – This administrative decision may become the subject of an appeal before the competent administrative court within 2 months of the date of its notification to EADS Astrium.

Art.10. – Any request to extend this exemption shall be made at least three months before its date of expiry.

For and with the authority of the Minister
(Signed)
Jacques VERNIER
Head, Office for the Transport of Dangerous Goods
