

**GUIDE TO SOLVING POTENTIAL MISINTERPRETATIONS IN SHIPMENT OF
DANGEROUS GOODS BY SEA**
(and where other requirements may require further explanation)

The attached document has been drafted by a group of experts from shipping lines, freight industry and consignors from the Standing Advisory Committee on the Carriage of Dangerous Goods in Ships (SAC). This Committee which considers a wide range of dangerous goods issues, is Chaired by the Maritime and Coastguard Agency (MCA).

The MCA is promulgating this document on behalf of the SAC which is a guide to solving potential misinterpretations in the shipment of dangerous goods by sea. The document incorporates a flow-diagram which recommends an appropriate dialogue mechanism in order to resolve any problems.

You are invited to circulate this document to your Members and customers for their information.

Keith Bradley
Hazardous Cargoes Adviser
Environmental Policy
Maritime and Coastguard Agency

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(and where other requirements may require further explanation)**

1 Background

This document addresses concerns at requests for additional information prior to DG being accepted for shipment and outlines how the issues may be resolved.

The document has been developed, discussed and agreed by representatives from shippers and shipping lines who are members of the Maritime and Coastguard Agency's (MCA's) Standing Advisory Committee (SAC).

Given the volumes of DG being efficiently and successfully carried it is not considered that the resolution of differences in interpretation is an insuperable problem and one which has been and can be resolved by dialogue between Shippers and Shipping Lines as described in this document.

2 Regulatory and Other Statutory Obligations

It is accepted that all parties acknowledge that the IMDG Code (in conjunction with MGN's, etc) establishes the legal framework that IMO requires all involved in the Carriage of Dangerous Goods by Sea to fulfil and comply with. For alternative provisions to be applied (by a National Government) a Shipping or Port Operator, Freight Forwarder or Shipper (Consignor) has to make appropriate representation to, and receive subsequent approval from, the responsible Competent Authority. Without this the full provisions of the Code should be adhered to accordingly.

It is also important to recognise that Ports and Shipping Lines may have additional legislative or operational conditions imposed upon them, which are additional to the requirements specified in the IMDG Code. These mandatory conditions inevitably impact on units wishing to travel via a certain terminal, destination port or Shipping Lines. **NB These additional conditions which can vary between Shipping Lines** - for example, many vessels now have certification, such as *Documents of Compliance*, which can assign specific alternative stowage or segregation requirements (or restrictions) which are more stringent or prohibitive to those provided in the IMDG Code.

3 Recommended Flow Diagram

The primary responsibility for all Ports and Shipping Lines is to ensure both the legal and safe transit/carriage of dangerous substances and articles via their terminals or services. Therefore all obligatory conditions, many enforceable by Regulatory Authorities, are fundamental in achieving this and demand full compliance by all involved.

Shipping Lines have highly trained sea and shore staff to ensure that all goods offered for transit meet and are carried in full compliance with the IMDG code and any other port/route/ship constraints. Consequently Shipping Lines have to decline any movement or

shipment where a non-conformance has been identified, as compromising safety is never an option. Reasons for non-carriage will include, but are not limited to, inaccuracies in relation to the provisions for documentation in Chapter 5.4 (IMDG), or stowage / segregation requirements identified in Chapters 7.1 & 7.2 (IMDG).

However, the Shipping Lines concerned should subsequently be prepared, and be duty-bound, to work with (and not against) the Shipper, to ensure that on such occasions all applicable requirements are completely understood, fulfilled and discharged.

Note:- Shipping Lines have a Dangerous Goods Department, or designated Dangerous Goods Advisor, who should be consulted where requests for specific intervention or clarification are required – they can discuss with shippers any requirements related to the IMDG Code, Company / Operational Policy, or Port / Vessel certification / regulations.

It is anticipated that the mandatory training provisions being enforced by Amendment 34 of the IMDG Code will:

- Reduce the probability for misunderstandings of the IMDG Code provisions and requirements,
- Promote opportunities to improve the dialogue process, where concise explanations for additional information or alternative shipment requirements are necessary and have to be indicated accordingly.

However, in some circumstances, there will always be the possibility that the provisions of the IMDG Code are actually unclear or ambiguous - even for very experienced and / or well trained personnel. In these circumstances a paper should be submitted for inclusion as an SAC agenda item - with a view, if determined justifiable, that the MCA submit appropriate papers to the relevant IMO Committee to remove any ambiguity.

The **attached flow-chart** (Annex A) demonstrates how the use of an appropriate dialogue mechanism will assist in understanding, and subsequently resolving most situations where two parties are encountering difficulties, either in relation to the text or requirements of the IMDG Code, or where 'additional information' or 'actions' are disputed.

4 Solutions – A Constructive Dialogue

The use of the Flow Chart shown in the Appendix is recommended for use in resolving differences and thereby ensuring that DG will continue to be carried safely and efficiently.

Shipping Lines have competent trained and authoritative staff who should engage positively and proactively with Shippers. Any Shipper who does not consider his Shipping Line staff are doing so should make representations to the Shipping Line management.

FLOW CHART FOR RESOLVING DANGEROUS GOODS DOCUMENTATION ISSUES

There is always the possibility that the provisions of the IMDG Code are actually unclear or ambiguous - even for very experienced and / or well trained personnel. In these circumstances advice will be sought from the appropriate Competent Authority to clarify / remove any ambiguity.

The following flow-chart recommends how the use of an appropriate dialogue mechanism could assist in understanding and subsequently resolving some situations - for use in circumstances where two parties are encountering difficulties, either in relation to the text or requirements of the IMDG Code, or where 'additional information or actions' are disputed.

Recommended process for an appropriate dialogue to be conducted where disagreements exist

