

Memorandum of Understanding for the Transport of Packaged Dangerous Goods on Ro-Ro Ships in the Baltic Sea

- (1) The competent authorities of Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden authorize the provisions of this Memorandum of Understanding (MoU) by exemption in accordance with 7.9.1.1 of the International Maritime Dangerous Goods Code (IMDG Code).
- (2) This MoU lays down the exemptions (Annex 1) from the provisions of the IMDG Code when transporting dangerous goods covered by Appendix C (Regulations Concerning the International Carriage of Dangerous Goods by Rail (RID)) to the Convention Concerning International Carriage by Rail (COTIF) or Annexes A and B of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) on board ro-ro ships in the Baltic Sea.
- (3) Amendments to this MoU shall be made in accordance with the principles in Annex 2.
- (4) This MoU is not intended to supersede national or international law.
- (5) This MoU shall come into force on 1 January 2018. It shall replace the Memorandum of Understanding, Copenhagen 15-17 June 2004 edition as revised under the chairmanship of Denmark. This MoU is valid until revoked or replaced with a new edition by the competent authorities.

Signatures

Warsaw, June 2017

MINISTER
GOSPODARKI MORSKIEJ
I ŻEGLUGI ŚRODLĄDOWEJ
Marek Gróbarczyk

Minister of Maritime Economy and Inland Navigation

Marek Gróbarczyk

Memorandum of Understanding for the Transport of Packaged Dangerous Goods in the Baltic Sea

Section 1 Scope

By derogation from the provisions of the IMDG Code, the present provisions (hereinafter this MoU) may be applied on all ro-ro ships operating within the Baltic Sea proper, the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded in the north by the line Skaw-Lysekil.

Section 2 Definitions

(1) The terms used in this MoU refer to the IMDG Code except those listed below in this section.

(2) Shipowner means company as defined in the ISM Code.

(3) Low Wave Height Area (LWHA) is a sea area where according to the Agreement concerning specific stability requirements for ro-ro passenger ships undertaking regular scheduled international voyages between or to or from designated ports in North West Europe and the Baltic Sea, 28 February 1996 (Stockholm Agreement), put into effect on 1 April 1997, the significant wave height does not exceed 2.3 metres by a probability of more than 10 % on a yearly basis (see Appendix 1 of Annex 1). Traffic in other areas can be considered as LWHA traffic by the competent authorities concerned if an equivalent level of safety can be assured.

Section 3 Exempted dangerous goods

(1) Sections 3.4.4, 3.4.6 and 3.5.6 and chapter 5.4 of the IMDG Code need not be applied to dangerous goods transported in accordance with Chapter 3.4 and/or 3.5 of ADR/RID provided that the master has been informed by the consignor or his representative of the UN number(s) as well as class(es) of the respective dangerous goods. However, that information is not required for transport in accordance with subsection 3.5.1.4 of ADR/RID. Subsection 3.4.5.5 of the IMDG Code needs not be applied if the cargo transport unit (CTU) is marked in accordance with section 10 (1) c) of this MoU.

(2) The provisions of the IMDG Code need not be applied to dangerous goods exempted in accordance with paragraphs 1.1.3.1 (b) – (f) or 1.1.3.2 (a), (c) or (e) or 1.1.3.4.1 of ADR/RID provided that the master has been informed by the consignor or his representative that these paragraphs of ADR/RID are applied. This information is not required for dangerous goods exempted by the IMDG Code. However, UN 1327 shall be transported in accordance with the provisions of the IMDG Code.

(3) Irrespective of special provision 961 of the IMDG Code, the consignor or his representative shall inform the master of the presence of a vehicle (UN 3166 or UN 3171) when the vehicle is loaded in a closed or sheeted CTU.

Section 4 Training

Consignors and shipowners shall ensure that the persons involved in the transport of CTUs under the provisions of this MoU are made familiar, through repeated training, with the application of this

MoU including the relevant provisions of ADR/RID commensurate with their responsibilities. Records of the training shall be kept by consignors and shipowners and made available to the employee or competent authority upon request.

Section 5 Classification

Dangerous goods may be classified in accordance with part 2, chapters 3.2 and 3.3 of ADR/RID. However, substances assigned to special provision 900 of the IMDG Code are prohibited from transport.

Section 6 Use of packagings

Dangerous goods may be packaged in accordance with chapter 4.1 of ADR/RID, except that the packing instruction R001 in section 4.1.4 of ADR/RID may only be applied for traffic in LWHA.

Section 7 Use of tanks

Tanks may be used in accordance with chapter 4.2 of ADR/RID or chapter 4.3 of ADR/RID, except that tanks with open venting devices are not permitted on board ro-ro ships.

Section 8 Bulk transport

Dangerous goods may be transported in bulk in accordance with column 10 or 17 of Table A of chapter 3.2 and chapter 7.3 of ADR/RID with the following exceptions:

- a) For substances of class 4.3, only closed waterproof CTUs shall be used.
- b) For batteries assigned to UN 2794, UN 2795, UN 2800 or UN 3028, bulk transport is not permitted.

Section 9 Marking and labelling of packages

Packages may be marked and labelled in accordance with chapter 5.2 of ADR/RID.

Section 10 Placarding and marking of CTUs

(1) A CTU may be placarded and marked in accordance with chapter 5.3 of ADR/RID provided the following additional requirements are met:

- a) A CTU containing marine pollutants shall be marked in accordance with subsection 5.3.2.3 of the IMDG Code except when marked in accordance with section 5.3.6 of ADR/RID.
- b) A trailer without a motor vehicle shall display two orange-coloured plates from the time it has been checked at the port facility and during the voyage except when placarded in accordance with section 5.3.1 of the IMDG Code. One of the plates shall be affixed at the front and the other at the rear of the trailer.
- c) A CTU as referred to in paragraph 1.1.3.4.2 of ADR/RID shall display two orange-coloured plates from the time it has been checked at the port facility and during the voyage unless

marked in accordance with chapter 3.4 of ADR/RID. One of the plates shall be affixed at the front and the other at the rear of the CTU for road transport or on both sides of the CTU for rail transport.

- d) A CTU as referred to in subsection 1.1.3.6 of ADR shall display two orange-coloured plates from the time it has been checked at the port facility and during the voyage. One of the plates shall be affixed at the front and the other at the rear of the CTU.

(2) Additional plates required in accordance with paragraph (1) (b) to (d) shall be clearly visible and conform to paragraph 5.3.2.2.1 of ADR/RID regarding size and colour. These plates need not bear UN numbers and hazard identification numbers. These plates may be replaced by self-adhesive sheets, by paint or by any other equivalent process. The responsibility for affixing such plates shall rest with the person actually placing the CTU ready for loading on board the ro-ro ship.

Section 11 Documentation

(1) The dangerous goods transport document may be issued in accordance with section 5.4.1 of ADR/RID provided the following additional requirements are met:

- a) When liquid dangerous goods with a flashpoint of 60°C or below (closed cup (c.c.)) are to be transported, it shall be indicated whether the flashpoint is < 23°C or ≥ 23°C to ensure appropriate stowage.
- b) Marine pollutants shall be identified within the documentation as „MARINE POLLUTANT“ or „MARINE POLLUTANT/ENVIRONMENTALLY HAZARDOUS“ if required by paragraph 5.4.1.4.3.5 of the IMDG Code.

(2) By derogation from section 5.4.2 of the IMDG Code, a container/vehicle packing certificate (CTU packing certificate) needs not be provided for CTUs transported in accordance with subsections 1.1.3.1, 1.1.3.2, paragraphs 1.1.3.4.2 or 1.1.3.4.3 of ADR/RID.

(3) The packing certificate for CTUs packed in accordance with section 14 of this MoU shall state additionally: "Packed together in accordance with the MoU".

(4) The following documentation (paper version or electronic version) is required aboard the ship:

- a) in addition to section 5.4.3 of the IMDG Code:
- the International Maritime Dangerous Goods Code (IMDG Code) and
 - the applicable Regulations Concerning the International Carriage of Dangerous Goods by Rail (RID) or Annexes A and B of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), as appropriate to the mode of transport;
- b) in accordance with subsection 7.9.1.4 of the IMDG Code, the applicable edition of this MoU;
- c) the emergency response information in accordance with 5.4.3.2 of the IMDG Code shall include the Emergency Procedures for Ships Carrying Dangerous Goods (EmS) and the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods (MFAG).

(5) By derogation from special provision 932 of the IMDG Code, the certificate is not required if aluminium ferrosilicon powder of UN number 1395, aluminium silicon powder, uncoated of UN number 1398, calcium silicide of UN number 1405 and ferrosilicon of UN number 1408 is transported in packagings.

Section 12
Stowage of CTUs

(1) By derogation from subsection 7.1.3.2 and the stowage category in column 16a of the Dangerous Goods List of the IMDG Code, dangerous goods of classes 2 to 9 may be stowed in accordance with the table below.

Stowage table for CTUs containing packaged dangerous goods of classes 2 to 9

Note: Stowage shall also be in accordance with the Document of Compliance (SOLAS 1974, II-2/19) or the Letter of Compliance referred to in section 16 (1) of this MoU.

Description and class as specified in IMDG Code/RID/ADR		Cargo ships or passenger ships carrying either not more than 25 passengers or 1 passenger per 3 metres of overall length ¹⁾		Other passenger ships	
		On deck	Under deck	On deck	Under deck
Gases	2				
-flammable gases.	2.1	Permitted	Prohibited	Prohibited	Prohibited
-non-flammable non-toxic gases.	2.2	Permitted	Permitted ¹⁾	Permitted ¹⁾	Permitted ¹⁾
-toxic gases	2.3	Permitted	Prohibited	Prohibited	Prohibited
Flammable liquids	3				
- packing group I or II		Permitted	Permitted	Permitted	Prohibited
- packing group III		Permitted	Permitted	Permitted	Permitted
Flammable solids	4.1				
- UN No.1944, 1945, 2254, 2623		Permitted	Permitted	Permitted	Permitted
- other UN numbers		Permitted	Prohibited	Permitted	Prohibited
Substances liable to spontaneous combustion	4.2	Permitted	Prohibited	Permitted	Prohibited
Substances which give off flammable gases in contact with water	4.3	Permitted	Prohibited	Permitted	Prohibited
Oxidizing substances	5.1	Permitted	Permitted	Permitted	Prohibited
Organic peroxides	5.2	Permitted	Prohibited	Prohibited	Prohibited
Toxic substances	6.1				
- packing group I or II		Permitted	Prohibited	Permitted	Prohibited
- packing group III		Permitted	Permitted	Permitted	Permitted
Infectious substances	6.2	Permitted	Permitted	Prohibited	Prohibited
Radioactive material	7	Permitted	Permitted	Permitted	Permitted
Corrosive substances	8				
- packing group I or II		Permitted	Prohibited	Prohibited	Prohibited
- liquids packing group		Permitted	Permitted	Permitted	Prohibited

III - solids packing group III		Permitted	Permitted	Permitted	Permitted
Miscellaneous dangerous substances and articles	9	Permitted	Permitted	Permitted	Permitted

1) Refrigerated gases of ADR or of stowage category "D" of the IMDG Code are prohibited.

*) For the purpose of this MoU, the total number of passengers may be extended to not more than 1 person per 1 metre of the overall length of the ship.

(2) A Letter of Compliance issued in accordance with previous editions of this MoU for ships constructed before 31 December 2002 is considered to be equivalent to an authorization in accordance with paragraph 7.5.2.6 of the IMDG Code.

Section 13 Segregation of CTUs

By derogation from chapters 7.2 and 7.5 of the IMDG Code for classes 2 to 9 in LWHA traffic, no segregation is required between CTUs if segregation categories "away from" or "separated from" are applicable in accordance with the provisions of the IMDG Code.

Section 14 Packing of CTUs

By derogation from chapter 7.3 of the IMDG Code, for LWHA traffic, packages may be loaded together in the same CTU if segregation categories "away from" or "separated from" are applicable in accordance with the provisions of the IMDG Code. Substances and articles of class 1 or bearing a label of class 1 as a subsidiary risk may be loaded together in the same CTU in accordance with section 7.5.2 of ADR/RID.

Section 15

Contact information for the main designated national competent authorities

The competent authorities in accordance with these provisions are:

Denmark Danish Maritime Authority
Carl Jacobsens Vej 31
DK-2500 Valby
E-mail: info@dma.dk

Estonia Estonian Maritime Administration
Ship Supervision department
Lume 9
EE-10416 Tallinn
E-mail: mot@vta.ee

Finland Finnish Transport Safety Agency
P.O. Box 320
FI-00101 HELSINKI
E-mail: kirjaamo@trafi.fi

Germany Federal Ministry of Transport and Digital Infrastructure
P.O. Box 20 01 00
D-53170 BONN

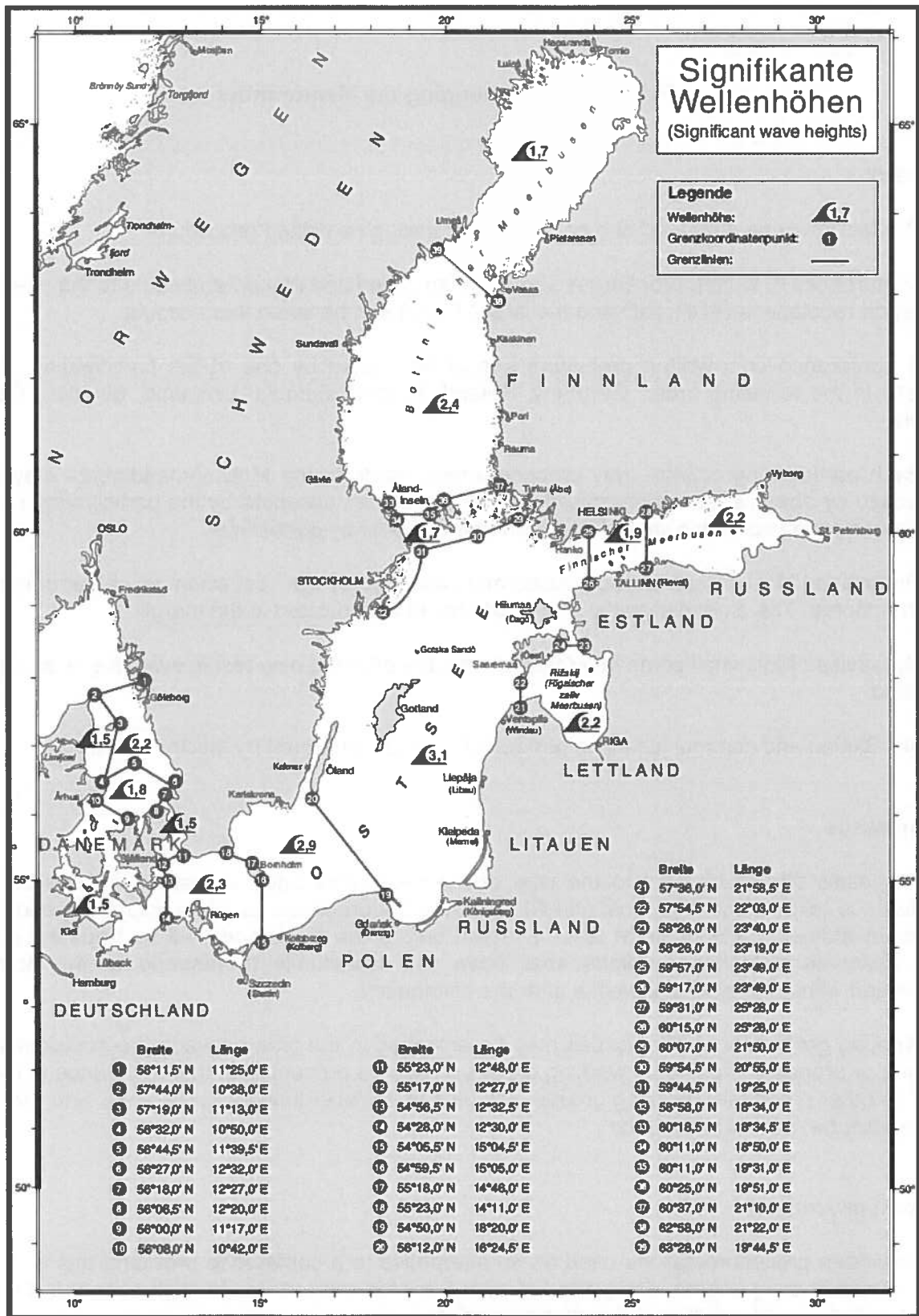
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Latvia	Maritime Administration of Latvia 5 Trijādibas str. LV-1048 RIGA E-mail: lja@lja.lv
Lithuania	Lithuanian Maritime Safety Administration J. Janonio str. 24LT-92251 KLAIPEDA E-mail: msa@msa.lt
Poland	Ministry of Maritime Economy and Inland Navigation ul. Nowy Świat 6/12 PL-00-400 WARSAW E-mail: sekretariatDGM@mgm.gov.pl
Sweden	Swedish Transport Agency SE-601 73 NORRKÖPING E-mail: sjofart@transportstyrelsen.se

Section 16 **Transitional provisions**

(1) Ships constructed before 1 September 1984 already provided with a Letter of Compliance in accordance with the Würzburg edition of the MoU may continue to stow dangerous goods in accordance with this Letter of Compliance.

(2) On board cargo ships and passenger ships carrying not more than 1 passenger per 1 meter length of the ship, CTUs may be stowed under deck in accordance with an approval of the competent authority having granted such a stowage until 31 December 2002 in this deck. In this case, section 13 of this MoU shall not be applied on that deck.



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Principles for amending the Memorandum

General

- 1) The MoU may be amended at a conference or through a written procedure.
- 2) Conferences or written procedures should be so scheduled that amendments to the international transport regulations (ADR, RID and the IMDG Code) can be taken into account.
- 3) A conference or a written procedure should be hosted by one of the participating countries usually in the following order: Germany, Poland, Finland, Estonia, Lithuania, Sweden, Denmark, Latvia.
- 4) Each participating country may propose amendments to the MoU. Amendments may also be proposed by observer states/organisations that have been accepted by the participating countries. The participating countries should agree on amendments by consensus.
- 5) The revised MoU should be reproduced and circulated by the host when new amendments have been adopted. The amended parts of the text should be indicated in the margin.
- 6) The revised MoU shall come into force six months after the new text is available or as otherwise decided.
- 7) Distribution and communication in general should be performed by electronic means.

Conference

- 8) Proposals should be sent to the host of the next conference at least 3 months before the conference takes place. The host should distribute the proposals to all participating countries and observer states/organisations at least 1 month before the conference. All participating countries and observer states/organisations shall have the opportunity to respond to the documents presented within a period of 2 weeks after the distribution.
- 9) Working groups for special issues may be arranged in the time between the conferences. The reports or proposals from such working groups should be presented at the conference in the same way as other proposals. Working groups may also take place during a conference, and this should, if possible, be notified in advance.

Written procedure

- 10) A written procedure can be used as an alternative to a conference providing this is proposed by the participating country designated to host the next conference. In such case the designated participating country will host the written procedure.
- 11) A written procedure can also be initiated if at least 3 participating countries request it. In such case, the participating country who hosted the latest conference should host the written procedure.

12) The host shall distribute proposals to the participating countries and announce the schedule for written comments. All participating countries should respond to the proposals within a period of 6 weeks. If the initial proposal is amended on the basis of comments of the participating countries, the revised proposal should be distributed again to the participating countries. From the time when the revised proposal is distributed, the participating countries shall declare within 4 weeks whether they agree to the amended text of the MoU.

13) The amendments are adopted if supported by all participating countries. The host shall notify the adoption of the amendments and reproduce and circulate the revised MoU in accordance with section 5.

14) In such case all participating countries shall sign and return to the host a hard copy of the revised MoU. The signed hard copies shall be kept by the host.

