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PREPARATION OF DRAFT AMENDMENTS (43-26) TO THE IMDG CODE

Consideration of new proposals submitted to E&T 42

Amendment to paragraph 5.4.2 of the IMDG Code

Submitted by Netherlands (Kingdom of the)

SUMMARY

Executive summary: This document proposes to amend paragraph 5.4.2 of the IMDG Code to require certification for the filling of portable tanks and road tank vehicles.

*Strategic direction,
if applicable:* 7

Output: 7.10

Action to be taken: Paragraph 13

Related documents: None

Introduction

1 In the IMDG Code, certification for certain responsibilities is required to provide proof that these responsibilities are met. Examples are certification for a consignment, container/vehicle packing certificate, weathering certificate, etc. For one essential responsibility, the filling of portable tanks and road tank vehicles, certification is not required.

2 The "container packing certificate" was introduced at the twenty-first session of the Sub-Committee on the Carriage of Dangerous Goods in 1972. The motivation was the following: "Bearing this in mind, the safety of the vessel with regard to containerized dangerous goods traffic is dependent upon safe practice at all stages both before and after loading the container on to the vessel. For this reason, the attached draft deals with the responsibilities of those who, while they may be far removed from the vessel are an integral link in the "safety chain" of marine safety when dangerous goods are carried in containers."

Comparison of responsibilities for packing of containers/vehicles and filling of tanks

3 The responsibilities for packing a container or filling a tank are quite similar. Before loading or filling, a number of preparations and checks have to be done to make sure the requirements are met (for example, external inspection of packagings and suitability of the portable tank/road tank vehicle).

4 The preparations and checks that have to be conducted are not difficult to perform after packing or filling is completed.

5 During loading or filling, certain conditions have to be met (for example, segregation during packing and complying with degree of filling).

6 After loading, the cargo has to be adequately braced and secured where necessary, and after filling, the service equipment has to be examined and found to be in good working order.

7 If all essential safety conditions are met before transport, the risk of incidental loss of containment during transport is minimized. This is similar for packing and filling.

8 The preparations and checks for packing and filling are not repeated or rechecked during acceptance or transport. During acceptance, the presence of a signed container/vehicle packing certificate is verified. For portable tanks and road tank vehicles, a certification is not required. Therefore, the responsibilities regarding filling are not verified.

9 Inspections on portable tanks and road tank vehicles by the Human Environment and Transport Inspectorate (ILT) in the Netherlands (Kingdom of the) showed frequent infringements with regard to:

- .1 incorrect closure for bottom discharge outlets;
- .2 incorrect closure of man lids;
- .3 incorrect or damaged gasket;
- .4 incorrect or non-functional service equipment; and
- .5 incorrect degree of filling.

Discussion

10 The responsibilities for filling portable tanks or road tank vehicles are included in the mandatory function-specific training, mentioned in paragraph 1.3.1.2.2 of the IMDG Code, for the filling of tanks, and should be known to all shore-side personnel. For the packing of containers and vehicles, a certification is required in addition to the specific training requirements. Therefore, should this not also apply to filling? The motivation for introducing the "portable/road tank filling certificate" is similar to the motivation for the "container packing certificate" in 1972. The safety of the vessel and pollution prevention of the marine environment is dependent on safe practices at all stages of transport. The "tank filling certificate" embodies a checklist of the basic safe practices to be followed by those filling a portable tank or a road tank vehicle in the same way this was introduced for the packing of containers in 1972.

11 When an enterprise is responsible for the filling of portable tanks and road tank vehicles, it is essential that they are aware of this responsibility and receive notification if an infringement has been detected during or after transport. By including these responsibilities and the details of the enterprise in a certification, both awareness and notification can be enhanced.

Proposal

12 It is proposed to amend paragraph 5.4.2 of the IMDG Code, as per the annex to this document, in order to require certification for the filling of portable tanks and road tank vehicles. When paragraph 5.4.2 is amended, this will require consequential amendments to paragraphs 1.3.5 and 5.4.5.

Action requested of the Group

13 The Group is invited to consider the proposal in paragraph 12 and take action, as appropriate.

ANNEX

PROPOSED AMENDMENTS TO THE IMDG CODE

5.4.2 Container/vehicle packing certificate and tank filling certificate

- 5.4.2.1 When dangerous goods are packed or loaded into any container* or vehicle, those responsible for packing the container or vehicle shall provide a "container/vehicle packing certificate" specifying the container/vehicle identification number(s) and certifying that the operation has been carried out in accordance with the following conditions:

(*) See definition of "freight container" in 1.2.1.

- .1 The container/vehicle was clean, dry and apparently fit to receive the goods;
- .2 Packages which need to be segregated in accordance with applicable segregation requirements have not been packed together onto or in the container/vehicle (unless approved by the competent authority concerned in accordance with 7.3.4.1);
- .3 All packages have been externally inspected for damage, and only sound packages have been loaded;
- .4 Drums have been stowed in an upright position, unless otherwise authorized by the competent authority, and all goods have been properly loaded and, where necessary, adequately braced with securing material to suit the mode(s)[‡] of transport for the intended journey;
([‡]) See CTU Code.
- .5 Goods loaded in bulk have been evenly distributed within the container/vehicle;
- .6 For consignments including goods of class 1 other than division 1.4, the container/vehicle is structurally serviceable in accordance with 7.1.2;
- .7 The container/vehicle and packages are properly marked, labelled and placarded, as appropriate;
- .8 When substances presenting a risk of asphyxiation are used for cooling or conditioning purposes (such as dry ice (UN 1845) or nitrogen, refrigerated liquid (UN 1977) or argon, refrigerated liquid (UN 1951)), the container/vehicle is externally marked in accordance with 5.5.3.6; and
- .9 A dangerous goods transport document, as indicated in 5.4.1, has been received for each dangerous goods consignment loaded in the container/vehicle.

Note: The container/vehicle packing certificate is not required for portable tanks and road tanks.

5.4.2.2 When dangerous goods are filled into a [[portable] tank [road] tank vehicle]*, those responsible for filling the tank shall provide a "tank filling certificate", specifying the container/vehicle identification number(s) and certifying that the operation has been carried out in accordance with the following conditions:

(*) See the definition for "portable tank" in 6.7.2.1, for "road tank vehicle" in 1.2.1 and "tank" in 1.2.1.

.1 the tank was apparently fit for filling, the service equipment was in good working order and gaskets were checked for wear, damage and compatibility with the substances to be loaded;

.2 the appropriate tank is used;

.3 the tank is properly marked, labelled and placarded, as appropriate;

.4 after filling, all service equipment was examined and found to be in good working order;

.5 no leakage was detected;

For tanks for the transport of substances of class 1 and classes 3 to 9 only:

.6 the tank is not loaded with substances which in contact with the shell, gaskets, service equipment and any protective lining, are likely to react dangerously with them to form dangerous products or appreciably weaken these materials;

.7 the maximum degree of filling for the specific substance is not exceeded;

.8 the tank is not offered for transport with a degree of filling, for liquids having a viscosity less than 2,680 mm²/s at 20°C or at the maximum temperature of the substance during transport in the case of a heated substance, of more than 20% but less than 80%, unless the shells of portable tanks are divided, by partitions or surge plates, into sections of not more than 7,500 L capacity;

.9 no residue of substance previously transported is adhering to the shell or service equipment;

For tanks for the transport of non-refrigerated liquefied gases and chemicals under pressure only:

.10 the tank is approved for the non-refrigerated liquefied gas or the propellant of the chemical under pressure to be transported and the tank is not loaded with non-refrigerated liquefied gases, or with chemicals under pressure which, in contact with the materials of the shell, gaskets and service equipment, are likely to react dangerously with them to form dangerous products or appreciably weaken these materials. During filling, the temperature of the non-refrigerated liquefied gas or propellant of chemicals under pressure shall be within the limits of the design temperature range;

.11 the tank is not filled with a liquified gas that was not marked on the tank and the maximum permissible load for the specific liquified gas was not

exceeded. Maximum permissible load mass for the specific non-refrigerated liquefied gas is not exceeded;

For tanks for the transport of refrigerated liquefied gases of class 2 only:

.12 the tank is approved for the refrigerated liquefied gas to be transported and the tank was not loaded with refrigerated liquefied gases which, in contact with the materials of the shell, gaskets and service equipment, are likely to react dangerously with them to form dangerous products or appreciably weaken these materials. During filling, the temperature of the refrigerated liquefied gas was within the limits of the design temperature range;

.13 the actual holding time is marked either on the tank itself or on a metal plate firmly secured to the tank;

.14 the date at which the actual holding time ends is included in the transport document.

Note: The tank filling certificate is not required for packing of containers and vehicles.

5.4.2.2.3 The information required in the dangerous goods transport document, the container/vehicle packing certificate or the portable/road tank certificate may be incorporated into a single document; if not, these documents shall be attached. If the information is incorporated into a single document, the document shall include a signed declaration such as "It is declared that the packing of the goods into the container/vehicle or filling of the goods in the portable/road tank has been carried out in accordance with the applicable provisions". This declaration shall be dated and the person signing this declaration shall be identified on the document. Facsimile signatures are acceptable where applicable laws and regulations recognize the legal validity of facsimile signatures.

5.4.2.3.4 If the container/vehicle packing certificate or tank filling certificate is presented to the carrier by means of EDP or EDI transmission techniques, the signature(s) may be electronic signature(s) or may be replaced by the name(s) (in capitals) of the person authorized to sign.

5.4.2.4.5 When the container/vehicle packing certificate or tank filling certificate is given to a carrier by EDP or EDI techniques and subsequently the dangerous goods are transferred to a carrier that requires a paper dangerous goods transport document, the carrier shall ensure that the paper document indicates "Original received electronically" and the name of the signatory shall be shown in capital letters.