

MCA interpretation of the certification and vehicle/container packing certificate requirements of the IMDG Code and UK legislation which gives it force of law

Signatures on Dangerous Goods Notes (DGN)

The International Maritime Dangerous Goods (IMDG) Code requires either two signatures on a single transport document, or one signature on each of the Dangerous Goods Transport Document and Container/Vehicle Packing Certificate which shall be attached to each other. The IMDG Code is brought into UK law through the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 S.I. 2367 (as amended) and the relevant regulatory text is reproduced below:

IMDG Code Section 5.4.1.6 - Certification

The dangerous goods transport document prepared by the shipper should in addition carry, or be accompanied by, a certificate or declaration that the consignment offered can be accepted for transport and that the goods are properly packaged, marked and labelled, and in proper condition for transport in accordance with the applicable regulations. The form for this declaration is:

"I hereby declare that the contents of this consignment are fully and accurately described above by the Proper Shipping Name, and are classified, packaged, marked and labelled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations."

The declaration should be signed and dated by the consignor. Facsimile signatures are acceptable where applicable laws and regulations recognise the legal validity of facsimile signatures.

This requirement is covered by box 22 of the 5.4.5 Multimodal Dangerous Goods Form or box 17 of the SITPRO Dangerous Goods Note or equivalent.

IMDG Code Section 5.4.2 - Container/vehicle packing 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:

- .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 7.2.2.3);
- .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;
- .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 7.4.6;
- .7 The container/vehicle and packages are properly marked, labelled and placarded, as appropriate;
- .8 When solid carbon dioxide (CO₂-dry ice) is used for cooling purposes, the container/vehicle is externally marked or labelled in a conspicuous place, such as, at the door end, with the words: "DANGEROUS CO₂ (DRY ICE) INSIDE. VENTILATE THOROUGHLY BEFORE ENTERING"; 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 tanks.

5.4.2.2 The information required in the dangerous goods transport document and the container/vehicle packing certificate may be incorporated into a single document; if not, these documents shall be attached one to the other. 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 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.

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

This requirement is met by a signature and completion of box 20 of the 5.4.5 Multimodal Dangerous Goods Form or box 15 on the SITPRO Dangerous Goods Note or equivalent.

Interpretation of responsibilities

If the consignor loads dangerous goods, which includes securing and correctly segregating the whole load for sea transport,, placards the cargo transport unit for sea transport, and closes the whole container/vehicle prior to transport to the ship, they are then responsible for signing box 20 of the 5.4.5 Multimodal Dangerous Goods Form or box 15 on the SITPRO Dangerous Goods Note or equivalent.

However, if the consignor passes the goods to another organisation for carriage, a process commonly known as groupage, then that secondary organisation (e.g. consolidator, carrier or forwarder) is responsible for the whole process of securing, correctly segregating the load and placarding for sea transport and closing the container/vehicle prior to transport to the ship. In this case it is not the original consignor but the secondary organisation who should then sign box 20 of the 5.4.5 Multimodal Dangerous Goods Forms or box 15 on the SITPRO Dangerous Goods Notes or equivalent relating to all the dangerous goods in the container/vehicle (or should complete one container/vehicle Packing Certificate for the entire load if that is more convenient).

Note: The consignor should be aware that if they sign, or are asked to sign, the container/vehicle Packing Certificate, then they take responsibility for the correct stowage etc of their own and any other goods subsequently loaded in the container/vehicle prior to transport to the ship.

An operator or master shall not accept for carriage, or takes or receives on board a ship any dangerous goods for which a document and certification has not been provided. In addition, an operator or the master shall not accept on any ship a container or vehicle with dangerous goods in it without a signed container/vehicle packing certificate.

In addition any personnel involved in the transport of dangerous goods by sea should have received training commensurate with their responsibilities in transporting dangerous goods by sea.

Dangerous Goods
Environmental Quality Branch
Maritime and Coastguard Agency

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