

**MEMORANDUM OF UNDERSTANDING FOR THE TRANSPORT OF PACKAGED
DANGEROUS GOODS ON RO-RO SHIPS IN THE BALTIC SEA**

Stowage in accordance with the MoU

Submitted by Germany

Executive summary: The stowage table in Section 12(1) of the MoU should be deleted so that, in the future, the stowage categories in accordance with the IMDG Code will apply.

Action to be taken: Paragraph 8.

Related documents: DNK 02 as submitted for the 36th conference.

Background

1. The stowage table in Section 12(1) of the MoU lays down stowage categories for classes 2 to 9, partly differentiated by packing groups. Already for the 36th Conference, Denmark had proposed to amend the table to better align it with the stowage provisions in the current IMDG Code, see document DNK 02 for the 36th session. During the 36th Conference, however, no amendment of the stowage table was agreed in order to first give the concerned shipping companies the opportunity to assess the consequences of such an amendment.

2. Within the framework of the 37th Conference, the wording was made more precise to unambiguously clarify that the stowage table is a deviation from the allocation of the stowage categories within the meaning of 7.1.3.2 of the IMDG Code. This means that all

other stowage provisions of the IMDG Code, such as the requirements in accordance with the SW stowage codes, continue to apply.

3. The stowage table is originally based on a proposal by Germany. Germany, however, no longer sees the need to keep the stowage table, in particular for the following reasons:

- a) The table does not constitute a simplification for the user. As the other stowage provisions in accordance with the IMDG Code need to be observed, the IMDG Code always has to be consulted additionally to conclusively establish permissible stowage on board the ship.
- b) The application of the table in accordance with the MoU does not generally result in facilitated conditions for the shipping companies. Document DNK 02 submitted by Denmark for the 36th Conference was based on a comparison of the requirements under the MoU with those under the IMDG Code. For this purpose, Denmark had compared the stowage categories ordinarily allocated to the classes in accordance with the IMDG Code with the stowage categories under the MoU. The comparison shows that the stowage table of the MoU does not generally entail less stringent stowage categories than the IMDG Code. The main facilitation results from the increased number of passengers.
- c) The stowage categories in accordance with the table depend on the class taking into consideration the packing group for classes 3, 6.1 and 8 as well as the state solid or liquid for class 8. Compared with the IMDG Code, this is a very generalized provision; additionally, no subsidiary risks can be considered. For this reason, document DNK 02 already proposed an extended differentiation between liquids and solids.
- d) The stowage table is not comprehensive. An allocation of articles of classes 3, 6.1 or 8 which have not been assigned a packing group is not possible. This applies, among others, to batteries of UN 2794 or UN 2795.

4. The proposal does not refer to the possibility to stow goods also on passenger ships carrying a number of passengers limited to 1 passenger per 1 m of overall ship length as on cargo ships. With regard to the question of whether the increased number of passengers is also applicable where stowage is not done in accordance with the MoU stowage table but in accordance with the stowage categories of the IMDG Code, however, the competent authorities have differing views. The report of the 37th Conference states the following on this issue:

“It was discussed to which extent the stowage requirements in accordance with the IMDG Code and the MoU table could be combined. The MoU working group had not been able to reach a consensus on this issue. One standpoint was that the increased passenger number in accordance with footnote * was also applicable when stowage is prohibited in accordance with the MoU table while stowage on cargo ships and passenger ships with a limited number of passengers is permitted in accordance with the IMDG Code. Another standpoint was that the passenger number in accordance with the IMDG Code was decisive in this case. It was noted that the issue had been already discussed at the conference 2011 in Klaipeda. Denmark had submitted a proposal to amend note C in order to exclude the possibility to apply the footnote even if the stowage category is determined in accordance with the IMDG Code, but this proposal was refused as the majority of the participants in Klaipeda were of the opinion that such a combination should be possible. It was noted that the existing text do not clearly reflect that intention. Therefore, an amendment to the text of the footnote * was considered to

clarify the results of the discussions of Klaipeda. However, Denmark maintained its concerns and stated that it was not in a position to accept any text that allows for the combination of the increased passenger number in accordance with the MoU and the stowage category in accordance with the IMDG Code. Denmark's concerns were due to the wording but not to safety reasons. After a lengthy discussion, it was noted that the opinions on this issue remain divided; to accommodate the Danish concerns, the footnote * was not amended at that stage.”

5. If one were to request for reasons of safety that the application of the increased number of passengers in accordance with the MoU also requires the application of the stowage table of the MoU, this would imply that the stowage table of the MoU on principle contained more stringent stowage provisions to compensate for the more liberal passenger provision. However, this is not the case. The stowage table of the MoU is a generalization compared with the substance-specific allocation of stowage categories in the IMDG Code. For the majority of substances, the stowage category in accordance with the MoU is equivalent to the stowage categories in accordance with the IMDG Code. For some substances, however, the MoU stowage table results in tightened or facilitated provisions in comparison with the IMDG Code. Some examples are given below:

- UN 1146, Class 3 PG II
MoU: corresponds to stowage category B. Stowage on passenger ships carrying more than 1 passenger per 3 m is permitted on deck and prohibited under deck. The same applies to passenger ships with an increased number of passengers up to a maximum of 1 passenger per 1 m.
IMDG Code: stowage category E. Stowage on passenger ships is prohibited. The simultaneous application of the MoU passenger provision has no effect.
- UN 1170, Class 3 PG II
MoU: corresponds to stowage category B. Stowage on passenger ships carrying more than 1 passenger per 3 m is permitted on deck and prohibited under deck. The same applies to passenger ships with an increased number of passengers up to a maximum of 1 passenger per 1 m.
IMDG Code: stowage category A. Stowage on passenger ships is permitted on deck and under deck. The simultaneous application of the MoU passenger provision has no effect.
- UN 1945, Class 4.1 PG III
MoU: corresponds to stowage category A. Stowage on passenger ships is permitted on deck and under deck.
IMDG Code: Stowage category B. Stowage on passenger ships carrying more than 1 passenger per 3 m is permitted on deck and prohibited under deck. The simultaneous application of the MoU passenger provision results in stowage under deck being permitted also on passenger ships carrying more than the above number of passengers but not more than 1 passenger per 1 m. However, this would also be the case if the MoU were applied exclusively.
- UN 1384, Class 4.2 PG III
MoU: corresponds to stowage category C. Stowage on cargo ships and passenger ships is permitted on deck only.
IMDG Code: Stowage category E. Stowage is permitted on cargo ships on deck and under deck. If the number of passengers exceeds 1 passenger per 3 m, stowage is prohibited. The simultaneous application of the MoU passenger provision results in the stowage of this substance being permitted on or under deck also on passenger ships carrying more than the above number of passengers but not more than 1 passenger per

1 m. Compared with the exclusive application of the MoU stowage provisions, this constitutes a facilitation.

6. In conclusion, it is to be noted that the linking of the MoU passenger provision with the MoU stowage table does not follow any compelling logic. The increased number of passengers in accordance with the MoU was included for economic reasons to be able to also carry the drivers and other passengers in the case of large ro-ro ships. Therefore, the stowage table and the increased number of passengers are provisions that have to be considered separately. For this reason, the stowage table can be deleted without the deletion leading to a lower level of safety compared with the current MoU; the stowage provisions of the IMDG Code are more comprehensive and differentiated.

Proposal

7. Replace Section 12(1) with the following provision:

“(1) By derogation from subsection 7.1.3.2 of the IMDG Code, stowage on passenger ships carrying a number of passengers limited to not more than 25 or to 1 passenger per 1 m of overall length, whichever is the greater number, is permitted as on cargo ships.”

Action to be taken

8. The participating countries are invited to consider the proposal and take action as appropriate.

Please send proposals before 15th of March 2020, on the following address:
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