



Secretariat

Distr.
GENERAL

ST/SG/AC.10/C.3/2007/37
28 August 2007

Original: ENGLISH

**COMMITTEE OF EXPERTS ON THE TRANSPORT OF
DANGEROUS GOODS AND ON THE GLOBALLY
HARMONIZED SYSTEM OF CLASSIFICATION
AND LABELLING OF CHEMICALS**

Sub-Committee of Experts on the
Transport of Dangerous Goods

Thirty-second session
Geneva, 3-12 (a.m.) December 2007
Item 11 of the provisional agenda

OTHER BUSINESS

Facilitation of shipments of radioactive material

Submitted by the International Maritime Organization (IMO)^{*/}

1. Pursuance of the specific requests of IMO resolution A.984(24) on Facilitation of the carriage of IMDG Code class 7 radioactive materials including those in packaged form used in medical or public health applications, which, amongst others, requested the Secretary-General of IMO to explore the possibility of establishing an *ad hoc* mechanism within the Organization to co-ordinate the speedy resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials, the UN Sub-Committee of Experts on the Transport of Dangerous Goods is informed that, on a trial basis, the Secretary-General of IMO has established Class 7 Focal Point, whereby the Secretariat will monitor, facilitate and co-ordinate the resolution of such difficulties.

^{*/} In accordance with the Economic and Social Council's resolution 2007/6, of 23 July 2007, section A, operative paragraph 5 whereby the Committee is requested to continue to study in consultation with, *inter alia*, the IMO, the possibilities of improving the implementation of the Model Regulations on the Transport of Dangerous Goods for the purposes of ensuring a high level of safety and eliminating technical barriers to international trade.

2. Details of mechanism within the IMO Secretariat for the resolution of difficulties in the carriage of dangerous goods including class 7 radioactive materials is set out in the annex to this document.
3. The Sub-Committee is invited to note the information provided and to take action as appropriate.

Annex

MECHANISM WITHIN THE IMO SECRETARIAT FOR THE RESOLUTION OF DIFFICULTIES IN THE CARRIAGE OF IMDG CODE DANGEROUS GOODS INCLUDING CLASS 7 RADIOACTIVE MATERIALS

I. Introduction

1. Using the provisions of Assembly resolution A.984(24) and relevant decisions of the Facilitation Committee as guidance, the mechanism within IMO for the resolution of difficulties in the carriage of IMDG Code dangerous goods including class 7 radioactive materials is described in the ensuing paragraphs. The flowchart, as set out in appendix 1, provides a step-by-step review of the working process.

2. At this stage, the IMO Secretariat's role will be limited to the resolution of difficulties associated with class 7 radioactive material; however, information submitted on difficulties encountered in the shipments of other dangerous goods will be compiled for consideration by the appropriate bodies.

II. Abbreviations/Definitions

3. The following abbreviations/definitions are used in this mechanism:

IAEA:	International Atomic Energy Agency
IAPH:	International Association of Ports and Harbors
ICHCA:	ICHCA International Limited (representing cargo handlers)
ICS:	International Chamber of Shipping
IMDG Code:	International Maritime Dangerous Goods Code
IMO:	International Maritime Organization
Involved Association:	That association (VOHMA/ICS/ICHCA/IAPH) whose member has been involved in the denial/delay of shipment
Involved Organization:	That organization or party which is denying or delaying the transport of the radioactive material
Manufacturer:	That organization which has manufactured the finished product which is undergoing a denial or delay in transit
Competent authority:	Administration associated with the difficulty in the carriage of class 7 radioactive material in the Member State concerned
Producer:	That organization which has produced the radioactive material which is undergoing a denial or delay in transit
RAM:	Radioactive material
Report:	Report on Difficulties Encountered in Relation to the Carriage of IMDG Code class 7 Radioactive Materials
Shipper:	That organization which has submitted the radioactive material for carriage which is undergoing a denial or delay in transit

- VOHMA:** International Vessel Operators Hazardous Materials Association, Inc.
- Working Process:** The process followed from the moment of shipping difficulty to the moment of reporting outcome of the IMO facilitation process

III. Working process

4. The IMO process to facilitate the resolution of difficulties encountered in the carriage of IMDG Code class 7 radioactive materials incorporates 4 essential components:

A. Notification

5. This is the initial step of the process where a shipment of IMDG Code class 7 radioactive materials has been denied or delayed for/in transport by a carrier or via a certain route or through a certain geography/port, or by a country's regulatory restriction. Normally, it will be the Manufacturer/Producer/Shipper who will experience this denial or difficulty, either in planning a shipment or while a shipment is in transit. A denial/delay involves situations where a planned route is unavailable because of one of the restrictions noted above or where an alternate routing has had to be found and utilized at significant additional cost or administration (e.g., a more convoluted route to the point of cargo disembarkation). The notification will occur using the Report on Difficulties encountered in relation to the carriage of IMDG Code dangerous goods including class 7 radioactive materials, as set out in appendix 2.

6. The Notification Process requires the involved Manufacturer/Producer/Shipper to prepare and submit the Report to the Maritime Administration of the country in which they reside. The Maritime Administration, or the appropriate NGO with consultative status, or the shipper/consignor shall then submit the Report (once they have investigated and reviewed it to define a potential action plan to deal with the denial) to the IMO designated contact. It is expected that the Competent Authority or the NGO will promptly submit the Report to the IMO, following receipt and review.

7. The IMO Secretariat will then interact/communicate with the appropriate designated contact within the IAEA and, if required, with another UN agency.

B. Investigation

8. This is the interim step where information is gathered and questions are asked/answered regarding the shipping denial/difficulty. This can occur between any of the parties involved, however it is expected that the IMO Member State's Competent Authority will have reviewed and evaluated the Manufacturer/Producer/Shipper Report, upon receipt, to ensure it is complete and the information accurate and consistent. Essentially, this will be a quality control and validation step to ensure that the information and concern raised is valid and that it should be integrated into the IMO process.

9. Upon receipt, the IMO Secretariat will review the Report and clarify any questions which may exist with either or both the submitting Competent Authority and the originator of the Report. In addition, the IMO Secretariat will, as standard practice, request feedback from the organization experiencing the denial/delay as to what corrective action they see as possible and reasonable in that situation. As required and depending upon the incident, the IMO Secretariat may then discuss and plan appropriate subsequent actions (step 3), based on this review.

10. The IMO Secretariat will, upon receipt, uniquely code and classify the incident and enter the resulting data into a secure database system within the IMO. This database will be developed by the IMO (in conjunction with other organizations as deemed necessary). The coding and classification will incorporate:

- (a) a reference to the specific Report code;
- (b) name of country where the incident occurred;
- (c) denial or delay;
- (d) timing of incident (in planning, or during transit);
- (e) reason for denial/delay (carrier/port or port authority/cargo handler/regulatory); and
- (f) resolved/not resolved (this report will be updated throughout the working process).

11. The reference back to the detailed Report will allow additional and ongoing investigation and evaluation of the history of that incident. The unique coding will also provide IMO with the ability to maintain an essentially separate file for each incident. Coding and classification is critical to the effectiveness of the reporting mechanism described below.

12. Where the denial is due to a regulatory restriction, the IAEA will assist in the evaluation and review, and subsequent facilitation and resolution of the problem with the involved Member State. The consistent mandate of IAEA and IMO, and the reciprocal nature of these organizations, provides significant opportunity for a combination of resources and efforts which will significantly improve the possibility for resolution of shipping difficulties. The individual nature of each incident may require a specific investigation and action plan. Where the incident is not regulatory, the IMO will submit the Report to the relevant Involved Association for investigation and review.

13. It is possible that the Involved Organization in the denial is not a member of one of the referenced Involved Associations, thereby negating the Involved Association's ability to work directly with them. In such circumstances, the Involved Association will note this to the IMO Secretariat who will then forward the Report directly to the Maritime Administration of the country where the denial/delay occurred. That Maritime Administration will then review/discuss the denial with the organization involved.

C. Facilitation/Mediation/Action

14. This step involves the IMO Secretariat (with IAEA where appropriate) facilitating/mediating an evaluation and resolution of the issue. This will be the most time consuming step in the process as it may entail the IMO Secretariat contacting the IMO Member

State representative in whose country the restriction occurred as well as the Involved Association.

15. It is foreseeable that the IMO Secretariat will also interact with the IAEA Secretariat where the restriction is due to a national regulatory restriction. Integration of the Manufacturer/Producer/Shipper and their Competent Authority will occur as required by the situation and as deemed appropriate by the IMO Secretariat.

16. Actions taken will be specific to each incident. It is also acknowledged that discussions will be detailed and iterative enough to ensure that all options and opportunities are explored and evaluated. This may mean that the process will be time intensive. Parties involved may vary from incident to incident and at various times throughout the investigation and facilitation/mediation. The IMO Secretariat, the Competent Authority (of Manufacturer/Producer/Shipper and/or of Involved Organization), the Involved Association and the Involved Organization will all form part of this process.

17. The IMO Secretariat, as the initiator of the notification and subsequent review of the incident by the Involved Association and the Involved Organization may be enough to cause the Involved.

Organization to contact and work with the affected manufacturer/producer/shipper towards a mutual agreement on course of action taken, which will lead to resolution.

18. Where this does not occur, the IMO Secretariat will encourage the Involved Association and Involved Organization to review the circumstances around the incident and to discuss any options forward which may result in a resolution. Where this does not occur, the IMO Secretariat will contact directly the Involved Organization in an effort to explore meaningful steps toward resolution.

19. Where such intervention results in progress, the IMO Secretariat will work with both the Involved Organization and the Manufacturer/Producer/Shipper to encourage discussion and problem solving. A successful resolution will be tested with subsequent shipments, whereby the Manufacturer/Producer/Shipper will notify their Competent Authority and the IMO Secretariat of the outcome so that the incident can be closed and the database updated accordingly. However, where the intervention proves unsuccessful, the Manufacturer/Producer/Shipper will produce another Report (referencing the original) and will start the notification process again.

20. Where such intervention does not result in progress, the reason may be one of corporate policy or physical inability to transport radioactive materials. This working process is not intended to compromise safety, therefore if the denial is due to lack of ability to safely transport RAM (e.g. not having the equipment, procedures or infrastructure needed), then either the decision is final or subject to discussion regarding appropriate requirements to safely handle and ship these products. Where the issue is policy driven, the Involved Organization will be requested to consider options which would allow carriage in the future. IMO will contribute to the Involved Organization's understanding of the impact on the industry and assist in "education" regarding the regulatory environment, precautions and controls in place to help

assure safe transport of these products. If this results in a solution being defined, the Manufacturer/Producer/Shipper will take the same actions as noted in the paragraph above. Where no progress is made, the incident report will be closed and the database updated accordingly.

21. It is also possible that the IMO Secretariat facilitation will result in industry associations (representing the Manufacturer/Producer/Shipper) meeting with Involved Associations to work towards a broader and more global approach to denials.

22. Where the reason for denial is based on regulation, the IMO Secretariat will work with IAEA Secretariat to identify an appropriate process forward. Progress or lack of progress will be managed as above.

23. On a broader basis, the IAEA and IMO should look for opportunities to standardize requirements in shipping, handling regulations, required processes, practices and procedures at ports and with Port Authorities around the world. An initiative to look solely at these factors would help facilitate this issue and help both organizations achieve their mandate regarding this important issue. Consistency in requirements will significantly assist in this process.

D. Reporting

24. This is the final step in the process. The outcome of the facilitation/mediation process will be recorded in the database according to success/no success, to ensure each incident is brought to closure. The IMO Secretariat shall endeavour to maintain the database current and shall prepare status reports for each Facilitation Committee (FAL) and Assembly meeting. This report may be a standing agenda item in each of these meetings, and will be drafted as submissions (from the Secretariat), are prepared in time to be considered in these meetings. The IMO Secretariat will maintain ongoing co-operation with IAEA.

25. The Working Process Flowchart, as set out in appendix 3, summarizes the actions and outcomes described above.

IV. Summary of method of operation

26. The Facilitation Committee will monitor and support the facilitation of instances of denials in the transport of radioactive material. The Facilitation Committee will not involve itself in solving individual instances of denial, but should focus on broad and long term solutions associated with underlying causes. The Facilitation Committee will review the records, will seek to determine the root causes and agree on actions intended to resolve these causes.

27. Interested UN agencies will collectively develop administrative processes, systems and a single, secure database to retain, compile and analyse the reports. The database will include fields, which permit the grouping of reports for ease of analysis.

The method of operation will be the following:

(a) Notification of instances

IMO Secretariat will:

- (i) establish a point of contact to whom reports are to be submitted; and
- (ii) establish a mutually agreed, upon information, sharing methodology.

Manufacturers/producers/shippers should:

- (iii) utilize the standard report form for notifications of denials/delays (as shown in appendix 2); and
- (iv) file the report with the relevant Competent Authority.

The Competent Authority should:

- (v) validate the information in the manufacturers/producers/shippers report; and
- (vi) file the report with the appropriate UN agency.

(b) Investigation of the cause of specific instances

The appropriate Competent Authorities will:

- (i) work together to investigate reports on denials of shipments to determine the root cause; and
- (ii) after the root cause has been determined, provide the information to the appropriate UN agency.

The IMO Secretariat will:

- (iii) co-ordinate with the Competent Authorities and the manufacturers/producers/shippers, who experience difficulty, to ensure the accuracy of the report;
- (iv) share information with other UN agencies and coordinate on next steps; and
- (v) communicate reported instances of denials to involved associations and organizations.

(c) Facilitation / Mediation of specific instances

All parties involved, including manufacturers/producers/shippers, Competent Authorities, involved associations and organizations and UN agencies will cooperate to facilitate the resolution of issues which result in the denial or delay of shipments of radioactive materials.

On this basis the involved parties should:

- (i) work together to facilitate the investigation and resolution of the reason for denial/delay;
- (ii) conduct open and meaningful discussions regarding the incident, with the aim of finding a resolution.

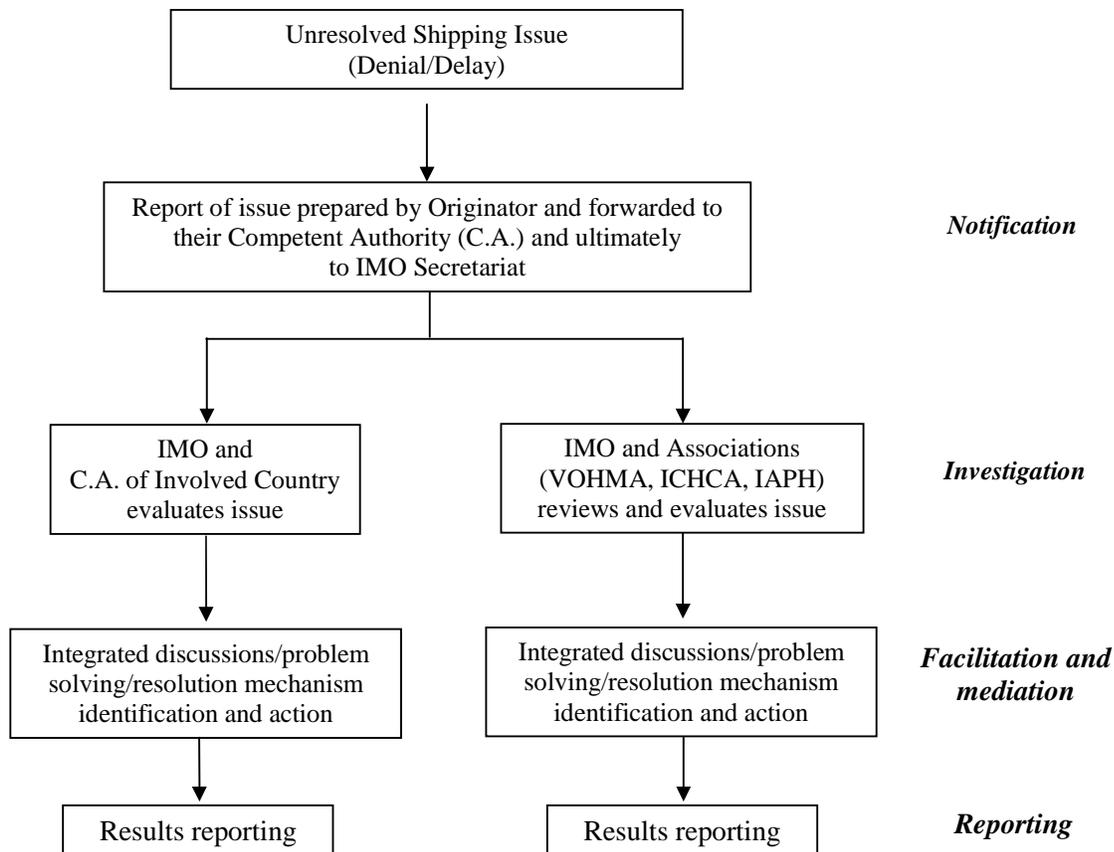
(d) Reporting of instances

The IMO Secretariat, in co-operation with other interested UN Agencies, will:

- (i) ensure that the database is kept up to date, including all outcomes of the facilitation/mediation process; and
- (ii) prepare a report of denial/delay incidents/status/causes/key outcomes for submission to the Facilitation Committee and to other appropriate bodies, if required.

Appendix 1

OVERVIEW OF IMO WORKING PROCESS



Appendix 2

REPORT ON DIFFICULTIES ENCOUNTERED IN RELATION TO THE CARRIAGE OF IMDG CODE DANGEROUS GOODS INCLUDING CLASS 7 RADIOACTIVE MATERIALS

(submitted pursuant to the provisions of resolution A.984(24) and decisions of FAL 34)

Report submitted by¹:

Date of report:

Product name:

UN number:

Proper shipping name:

IMDG Code class or division:

Shipment reference number (consignor ID):

The carriage of the above consignment was delayed was denied

Consignor:

Consignee:

Carrier:

Name of aircraft/ship/vehicle:

Type of aircraft/ship/vehicle:

Flight/IMO Ship identification/vehicle number:

Flight number/Voyage reference/route reference:

Location and date of loading:

Date of difficulty:

Name of entity with whom the alleged difficulty:

Location(s) and date(s) of transit:

Destination:

Brief description of events:

Reasons stated for the difficulty of the carriage:

Action(s) taken to resolve the matter *(if any)*:

Consequences of the development(s):

Other relevant information or comments:

Suggestions *(if any)*:

Name, title and contact details of person submitting the report:

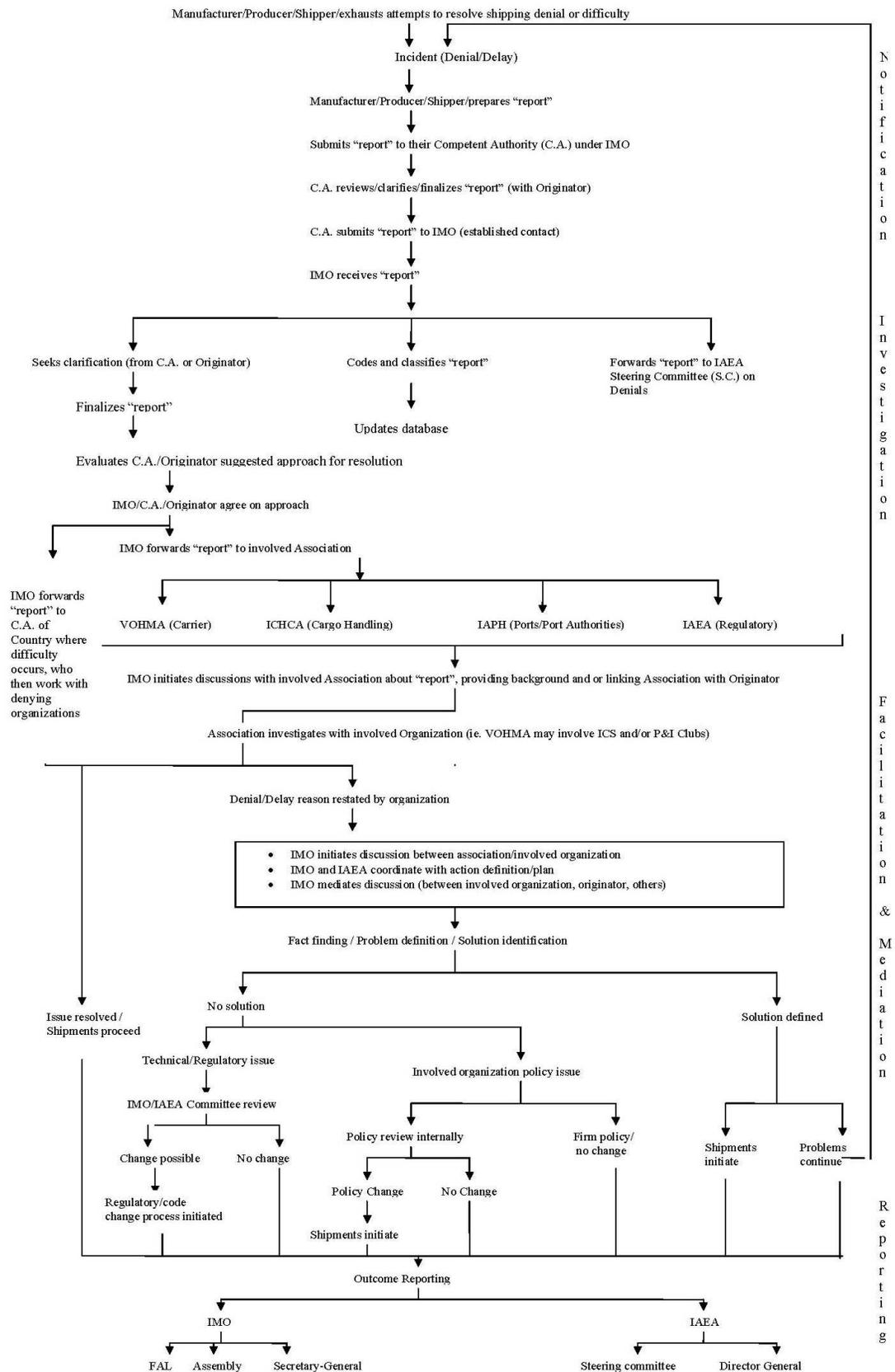
¹ *Name of Member Government's Maritime Administration or Non-Governmental Organization with consultative status, Manufacturer/Producer/Shipper submitting the Report.*

Appendix 3

**IMO WORKING PROCESS FOR MONITORING, FACILITATING AND CO-
ORDINATING RESOLUTION OF DIFFICULTIES IN THE CARRIAGE OF IMDG
CODE CLASS 7 RADIOACTIVE MATERIALS**

(see next page)

IMO Working Process for Monitoring, Facilitating and Co-ordinating Resolution of Difficulties in the Carriage of IMDG Code Class 7 Radioactive Materials



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