



DGP-WG/08-IP/2
30/10/08

**DANGEROUS GOODS PANEL (DGP)
MEETING OF THE WORKING GROUP OF THE WHOLE**

The Hague, 3 to 7 November 2008

Agenda Item 6: Miscellaneous dangerous goods issues

**FREELY DOWNLOADABLE TECHNICAL INSTRUCTIONS FROM THE INTERNET —
SUPPLEMENT TO DGP-WG/08-WP/1**

(Presented by CEFIC and FEA)

SUMMARY

This working paper supplements DGP-WG/08-WP/1.

submit proposals, for solutions to the issue of fires in containers, to that Sub-Committee for consideration.

TEXT OF THE IMDG CODE FREELY DOWNLOADABLE FROM THE INTERNET

13/3/4

3.27 The Sub-Committee noted that MSC 84 had instructed it to consider the merits of placing the complete text of the IMDG Code on the Internet and allowing it to be freely downloadable in the context of improving safety and prevention of pollution and, following an extensive discussion, concluded as follows:

- .1 agreed that this action would facilitate the application and the widest dissemination of the requirements of the IMDG Code and that this was particularly important when considering occasional users of the Code who may not buy it in view of its apparent high cost, small business users and countries where the Code may not be readily available;
- .2 noting the financial burden to the user of updating the Code every two years, agreed that this action would reduce the likelihood of outdated versions of the Code being used;
- .3 agreed that users and Administrations would be assisted in implementing the new mandatory training requirements; and
- .4 noted that this action would align the practice of IMO with that of some of the other modal regulators which, subsequent to the publication of their instruments, make their texts freely downloadable after the entry into force of those instruments.

3.28 However, some delegations were of the opinion that a long-term impact of this action could be to deplete the Printing Fund surplus which could have a consequential effect on the frequency of the DSC Sub-Committee's meeting schedule, and, as a consequence, on development of safety standards.

3.29 The Sub-Committee noted the view of some delegations that there was no glaring evidence that the non-availability of the IMDG Code's text on the Internet is directly contributing to non-compliance with the provisions of the Code or to accidents involving packaged dangerous goods.

3.30 The Sub-Committee also noted that all VOHMA members polled stated that they were in favour of placing the text freely downloadable on the Internet and would continue to purchase the published version of the IMDG Code. The aforementioned observation was supported by observers from DGAC and CEFIC.

3.31 The Sub-Committee further noted that some Administrations have a legal obligation to make freely available the text of national regulations and that the Code may be available in the language of country.

3.32 The Sub-Committee noted information provided by the Director, Maritime Safety Division, regarding the issue of copyright surrounding the IMDG Code, in particular that:

- .1 the texts of the amendments to the IMDG Code are adopted by the Maritime Safety Committee under the cover of an MSC resolution and are annexed to the respective reports of the MSC and also, as requested by the resolution, certified copies of the authentic texts of the Code are transmitted to all IMO Members and Contracting Governments to SOLAS by the IMO Legal and External Relations Division;
- .2 the texts of the amendments to the Code under the cover of the MSC resolutions and the authentic texts of the Code are freely available for use by Member Governments which should not be restricted in their publication of this information under their responsibility of promulgation of laws and regulations to give the requirement of the Code full and complete effect under the provisions of article I(b) of the SOLAS Convention; and
- .3 the published version of the IMDG Code is subject to copyright protecting the value of an IMO publication including form and layout of the Code.

3.33 The Sub-Committee, having recalled that the Organization had previously made instruments available on its website on a trial basis, noted that, in the context of enhancing safety and effect, on the publication revenue, of placing the Code on the Internet, an option to progress the matter would be to carry out the trial placing of the Code on the Internet over a two-year period, monitor the statistics for downloads and sales of the published Code and, on completion of the trial, decide accordingly.