



NOTA DE ESTUDIO

GRUPO DE EXPERTOS SOBRE MERCANCÍAS PELIGROSAS (DGP)

VIGESIMOSÉPTIMA REUNIÓN

Montreal, 16 - 20 de septiembre de 2019

Cuestión 2 del orden del día: **Gestión de los riesgos de seguridad operacional específicos del transporte por vía aérea e identificación de anomalías**

2.1: **Formular propuestas de enmienda del Anexo 18 — Transporte sin riesgos de mercancías peligrosas por vía aérea, si se considera necesario**

2.2: **Formular propuestas de enmienda de las Instrucciones Técnicas para el transporte sin riesgos de mercancías peligrosas por vía aérea (Doc 9284), si se considera necesario, para su incorporación en la edición de 2021-2022**

Cuestión 8 del orden del día:

Coordinación con otros grupos de expertos

8.1: **Grupo de expertos sobre operaciones de vuelo (FLTOPSP)**

REVISIÓN DE LA DEFINICIÓN DE “AERONAVE DE PASAJEROS”

(Nota presentada por D.Brennan)

RESUMEN

En esta nota de estudio se propone revisar la definición de “aeronave de pasajeros” del Anexo 18 y las Instrucciones Técnicas. En la nota se propone también texto para someterlo a la consideración del Grupo de expertos sobre operaciones de vuelo (FLTOPSP) e incluirlo en los *Procedimientos para los servicios de navegación aérea, Volumen III — Procedimientos operacionales de aeronaves* (Doc 8168, PANS-OPS).

Medidas recomendadas al DGP: Se invita al DGP a considerar las modificaciones propuestas de la definición de aeronave de pasajeros contenida en el Anexo 18 y las Instrucciones Técnicas, según figura en el apéndice de esta nota de estudio.

1. INTRODUCTION

1.1 A working paper was presented to the nineteenth working group meeting of the Dangerous Goods Panel (DGP-WG/19, Montréal, 1 to 5 April 2019) seeking discussion on the carriage of persons on an aircraft carrying cargo aircraft only dangerous goods without the aircraft being considered as a “passenger aircraft” (see paragraph 3.8.1.1 of the DGP-WG/19 report).

* Sólo se han traducido el resumen y los apéndices.

1.2 The working paper identified that there is an inconsistency between the provisions in the Technical Instructions and those set out in the United States Federal Aviation Regulations, Title 14, Part 121, specifically §121.583, “Carriage of persons without complying with the passenger-carrying provisions of this part”.

1.3 The working paper also identified that FAR §121.583 went further than just identifying the persons that could be carried on an aircraft carrying cargo aircraft only dangerous goods, the FAR text also set out very clear operational conditions that the operator was obliged to implement. It was believed that this text could be of use if adopted into the relevant ICAO publication.

1.4 At DGP-WG/19 there was support for further discussion, including with the secretary of the Flight Operations Panel (FLTOPSP). Following DGP-WG/19 the author discussed the potential of including the operational conditions into an appropriate location into an ICAO publication with the Secretary of the FLTOPSP, with the secretary suggesting that guidance could be proposed for inclusion into an appropriate location in the *Procedures for Air Navigation Services, Volume III —Aircraft Operating Procedures*. (Doc 8168, PANS-OPS).

1.5 This working paper proposes a revision to the definition of “passenger aircraft” as shown in Annex 18 and the Technical Instructions to bring in the flexibility of carrying persons accompanying a consignment or other cargo, including when travelling to or from accompanying a consignment or other cargo.

1.6 It is also proposed to add in allowance for other persons to be carried, subject to approval of the operator under conditions determined by the appropriate national authority. This has been included to permit the carriage of persons such as auditors that are not employed by the operator. This text is in square brackets for the panel to consider.

1.7 This working paper also includes draft text to be proposed to the FLTOPSP for their consideration for inclusion into PANS-OPS, Volume III that brings in the operational requirements and controls when an operator permits such persons to be carried on a cargo aircraft.

2. ACTION BY THE DGP

2.1 The DGP is invited to consider the proposals set out in the appendices to this working paper.

2.2 For the draft text for PANS-OPS, Volume III, the panel is invited to review the text and to propose any revisions to the draft text to be submitted to the FLTOPSP.

APÉNDICE A

PROPUESTA DE ENMIENDA DEL ANEXO 18

NORMAS Y MÉTODOS RECOMENDADOS INTERNACIONALES

CAPÍTULO 1. DEFINICIONES

Aeronave de pasajeros. Toda aeronave que transporte personas que no sean:

- a) miembros de la tripulación; ;
 - b) empleados del explotador ~~que vuelen por razones de trabajo;~~ ;
 - c) representantes autorizados de las autoridades nacionales ~~competentes~~ que corresponda e;
 - d) acompañantes de algún envío u otra carga, incluyendo el viaje antes o después de acompañar el envío u otra carga; [o
 - e) personas aprobadas por el explotador de conformidad con las condiciones aprobadas por las autoridades nacionales que corresponda.
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APÉNDICE B

PROPUESTA DE ENMIENDA DE LAS INSTRUCCIONES TÉCNICAS

Parte 1

GENERALIDADES

Capítulo 3

INFORMACIÓN GENERAL

*Partes de este capítulo resultan afectadas por la discrepancia estatal BE 1;
véase la Tabla A-1*

3.1 DEFINICIONES

Aeronave de pasajeros. Toda aeronave que transporte personas que no sean:

- a) miembros de la tripulación;
- b) empleados del explotador ~~que vuelen por razones de trabajo;~~
- c) representantes autorizados de las autoridades nacionales ~~competentes~~ que corresponda;
- d) acompañantes de algún envío u otra carga, incluyendo el viaje antes o después de acompañar el envío u otra carga; ~~o~~
- e) personas aprobadas por el explotador de conformidad con las condiciones aprobadas por las autoridades nacionales que corresponda.

Parte 7

OBLIGACIONES DEL EXPLOTADOR

Capítulo 1

PROCEDIMIENTOS DE ACEPTACIÓN

1.7 EVALUACIONES DE RIESGOS DE SEGURIDAD OPERACIONAL

1.7.1 Los explotadores que realizan operaciones de transporte aéreo comercial deberían incluir un proceso de evaluación de riesgos de seguridad operacional para el transporte de mercancías peligrosas como parte de su sistema de gestión de la seguridad operacional con el fin de cumplir con el Anexo 6 — *Operación de aeronaves* y el Anexo 19. La evaluación de riesgos de seguridad operacional debería incluir información apropiada para permitir la aplicación de medidas de seguridad que garanticen el transporte seguro de mercancías peligrosas, incluyendo el transporte de baterías y pilas de litio como carga.

1.7.2 Los explotadores que prevean transportar personas permitidas a bordo de aeronaves de carga, además de los miembros de la tripulación, deben llevar a cabo una evaluación de los riesgos de seguridad operacional relacionados con el transporte de dichas personas. Esto incluye la elaboración e implementación de políticas y procedimientos para el transporte de estas personas, según lo prescrito en los *Procedimientos para los servicios de navegación aérea*, Volumen III — *Procedimientos operacionales de aeronaves* (Doc 8168, PANS-OPS).

APPENDIX C

DRAFT TEXT FOR CONSIDERATION BY THE FLTOPSP FOR PANS-OPS, VOL III

Carriage of Persons on an Aircraft Carrying “Cargo Aircraft Only” Dangerous Goods

Background

1. The *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284) (Technical Instructions) set out the provisions by which substances and articles classified as dangerous goods can be carried as cargo on aircraft. The Technical Instructions differentiate between certain dangerous goods that are permitted as cargo on a “passenger aircraft” and those that due to the larger net quantity per package, or the inherent hazard are restricted to carriage on a “cargo aircraft”.

2. The Technical Instructions then includes definitions of “cargo aircraft” and “passenger aircraft” to identify on which aircraft the applicable dangerous goods can be carried. The definitions in the Technical Instructions are as follows:

Cargo aircraft. Any aircraft, other than a passenger aircraft, which is carrying goods or property.

Passenger aircraft. An aircraft that carries any person other than:

- a) a crew member;
- b) an operator’s employee;
- c) an authorized representative of an appropriate national authority;
- d) a person accompanying a consignment or other cargo, including when travelling before or after accompanying a consignment or other cargo; or
- e) a person approved by the operator in accordance with conditions approved by the appropriate national authority.

3. This means that “cargo aircraft only” dangerous goods can only be carried on an aircraft where the only persons [other than the operating crew] are those shown in the definition of a passenger aircraft.

4. The purpose of this guidance is to set out recommendations to operators that operate aircraft used only for the carriage of cargo, i.e. freighters, on what they should evaluate as part of their safety risk assessment to permit the carriage of persons that can be on a “cargo aircraft”.

Conditions Under Which Persons [Other Than Operating Flight Crew] May be Carried on a Cargo Aircraft

1. When considering the carriage of persons [additional to the operating crew] on an aircraft carrying “cargo aircraft only” (CAO) dangerous goods the operator [should] [must]:

- a) through the conduct of a safety risk assessment determine the potential for additional risk to be introduced into the operation due to carriage of persons other than operating crew.
- b) the safety risk assessment must consider the potential for negative effect of the presence of such personnel on the available measures in place for addressing the risks from such dangerous goods, such as fire protection and suppression systems and operational procedures that affect the occupants of the aircraft such as de-pressurization.
- c) the safety risk assessment must also consider potential risk to such personnel that may be different from the risk to the flight due to difference in training, emergency equipment, protective breathing or emergency evacuation capabilities.
- d) if the occupants of the cargo aircraft have access to the cargo hold containing dangerous goods, the risk assessment must also consider potential risk caused by such personnel.

2. Where the operator has determined that additional persons may be carried on an aircraft carrying CAO dangerous goods the operator [should] [must] ensure effective risk mitigation, to include at least the following:

- a) each person has unobstructed access from his seat to the flight deck or to a regular or emergency exit;
 - b) the pilot-in-command has a means of notifying each person when smoking is prohibited and when safety belts must be fastened; and
 - c) the aircraft has an approved seat with an approved safety belt for each person. The seat must be located so that the occupant is not in any position to interfere with the flight crewmembers performing their duties.
 - d) before each take-off, the operator shall ensure that all such persons have been orally briefed by the appropriate crewmember on:
 - (i) smoking;
 - (ii) the use of seat belts;
 - (iii) the location and operation of emergency exits;
 - (iv) the use of oxygen and emergency oxygen equipment; and
 - (v) for extended overwater operations, the location of life rafts, and the location and operation of life preservers including a demonstration of the method of donning and inflating a life preserver.
3. Each operator operating an aircraft carrying these persons must describe the procedures for the safe carriage of such persons into their operations manual and/or other appropriate manuals.