



**WORKING PAPER**

**DANGEROUS GOODS PANEL (DGP)  
WORKING GROUP MEETING (DGP-WG/16)**

**Montreal, 17 to 21 October 2016**

**Agenda Item 5: Specific work items identified by the Air Navigation Commission:**

**5.2: Dangerous goods accident and incident reporting system (ANC job card  
DGP.002.01)**

**REPORT OF THE WORKING GROUP ON REPORTING**

(Presented by the Chairman of the Working Group on Reporting)

**SUMMARY**

This working paper presents the report of the Dangerous Goods Panel Working Group on Reporting which was met from 1 to 5 May 2016 in Abu Dhabi, United Arab Emirates.

Action by the DGP-WG is in paragraph 5.

**1. INTRODUCTION**

1.1 The Dangerous Goods Panel Working Group on Reporting met from 1 to 5 May 2016 in Abu Dhabi, United Arab Emirates and continued discussions through conference calls and correspondence following that meeting. The group progressed work initiated at the previous working group meeting in Rio de Janeiro, Brazil (10 to 18 August 2015) on proposed amendments to Annex 18 — *The Safe Transport of Dangerous Goods by Air* (see Agenda Item 6.1 to the Report of the Twenty-Fifth Meeting of the Dangerous Goods Panel (DGP/25)). The group also developed consequential amendments to the Technical Instructions and began discussions on what material should be developed as guidance material for inclusion in the Supplement to the Technical Instructions.

1.2 The meeting was chaired by Mr. Ahmed Wagih and was attended by the following participants:

B. Carrara L. Cascardo	Brazil
M. Boehm	Austria
H. Brockhaus	Germany
T. Muller	Netherlands
H. Al Muhairi. K. Al Balooshi H. Jamil P. King A. Wagih	United Arab Emirates
R. McLachlan	United Kingdom
M. Givens S. Kelley J. McLaughlin	United States
D. Brennan	International Air Transport Association (IATA)
A. Du Bédard	International Federation of Air Line Pilots' Associations (IFALPA)
L. McGuigan	International Civil Aviation Organization (ICAO)

## 2. BACKGROUND

2.1 Work on the development of a dangerous goods incident reporting system began following the Twenty-Third Meeting of the DGP at the request of the Air Navigation Commission (ANC) during its review of the report of the First Dangerous Goods Panel (DGP) Working Group of the Whole on Lithium Batteries Meeting (Montréal, 6 to 10 February 2012) (DGP-WG/LB/1). The working group had initially recommended that incidents involving lithium batteries be reported to ICAO for publishing on a publicly-accessible website. It was recognized that such information could be used as a tool for identifying causal factors and potential gaps in regulations. The ANC subsequently asked the Secretariat to consider developing a dangerous goods incident reporting system to extend beyond lithium batteries to all dangerous goods incidents.

### 3. DISCUSSION

#### 3.1 Scope of the reporting system

3.1.1 The working group, at its meeting in Rio de Janeiro, placed much importance on clearly determining the objective of the system. Keeping the ANC's initial directive to develop a system which could be used as a tool to identify causal factors and potential gaps in regulations in mind, the group was not clear on what resulting actions would be expected from this. As a result, the Secretariat was requested to seek further guidance from the Air Navigation Commission (ANC) during its review of the DGP/25 Report. Accordingly, the Secretariat reported that the ANC specified during its review of the DGP/25 Report that the system should be a management-oriented tool to identify gaps and not for oversight. The working group was reminded that the ANC had repeatedly stressed the need for global data to support DGP recommendations, noting the on-going concerns raised by panel members with levels of non-compliant lithium battery consignments which had influenced decisions of the panel. A global system could provide such support.

3.1.2 The working group recognized the massive amount of data that could potentially be collected from such a global system, the need for extensive analysis to generate useful information to identify potential dangerous goods-related safety issues, and the substantial resources that would be needed to do so and questioned whether development of an effective global system was feasible. After some discussion the group concluded that the best approach would be to focus on developing provisions and supporting guidance material that would enable development of effective systems within each State and adding a requirement for States to report to ICAO whenever States identify through their data analysis systems dangerous goods-related safety issues which may have an impact on global safety. The group proceeded with developing amendments to Annex 18 which aligned with Annex 19 — *Safety Management* and with Annex 13 — *Aircraft Accident and Incident Investigation*.

#### 3.2 Amendments to Annex 18

##### *Definitions*

3.2.1 Work on developing definitions for dangerous goods occurrences which would allow for greater data granularity had begun at the Rio de Janeiro meeting and was continued at the Abu Dhabi meeting. The group recognized the need to balance the need for standardized reporting allowing for consistency in data with the need for a level of flexibility to allow for generation of useful and relevant information. The group also recognized the need to maintain a level of harmonization with definitions in other Annexes, notably Annexes 13 and 19. There was extensive discussion on whether or not there was a need to develop a definition for the term "occurrence". While the term was used throughout Annex 13 — *Aircraft Accident and Incident Investigation* and the *Safety Management Manual (SMM)* (Doc 9859), it had not been defined in either of those documents. Some cautioned against a new definition, recognizing the potential for it to contradict its intended meaning in those documents. It was suggested that the dictionary meaning of the word would be sufficient. It was agreed that dangerous goods accidents, dangerous goods incidents, and the discovery of undeclared dangerous goods could therefore be categorized as "occurrences".

3.2.2 After much discussion the working group concluded that the existing definitions provided an acceptable balance and that developing guidance on their scope for incorporation in the Supplement to the Technical Instructions should be the focus. Editorial amendments to the definition for dangerous goods incident which improved the readability were proposed, as well as the addition of a note under dangerous goods incident and dangerous goods accident referring to their relationship with Annex 13.

The note currently appears under the definition for dangerous goods incident in the Technical Instructions.

3.2.3 It was noted that while the definition for dangerous goods accident differed from the definition for accident in Annex 13, an accident as defined by Annex 13 involving dangerous goods would be reported and investigated under the provisions of Annex 13. However, a dangerous goods accident which was not associated with the operation of an aircraft would not be reported or investigated under the provisions of Annex 13. It was suggested that the definition for dangerous goods accident could be deleted from Annex 18, as there were no unique requirements associated with a dangerous goods accident in either Annex 18 or the Technical Instructions and maintaining two separate and differing definitions in separate Annexes could cause confusion. Most did not support deleting the definition, noting that their national legislation did treat a dangerous goods accident versus a dangerous goods incident differently. The group did agree to an amendment to the definition clarifying that a dangerous goods accident was not restricted to an accident associated with the operation of an aircraft. It was noted that such an accident could indicate a safety deficiency that may have resulted in an aircraft accident if the dangerous goods had been loaded on the aircraft.

### ***Reporting and compliance requirements***

3.2.4 Continuing the work from the Rio de Janeiro meeting, the working group finalized proposed amendments to the compliance and reporting provisions, currently contained in Chapters 11 and 12 of Annex 18, with the aim of aligning the provisions with Annexes 13 and 19 (with Amendment 1 incorporated) and removing, whenever practicable, redundancies. It was noted that the development of Annex 19 was based on this philosophy, in that material regarding State safety programmes (SSPs), safety management systems (SMSs) and related elements was moved from existing Annexes to Annex 19. Removing redundancies and consolidating all provisions in one Annex facilitated the maintenance of safety management provisions and focused States' attention on the importance of integrating safety management activities. There was some concern that not repeating relevant Annex 19 provisions in Annex 18 could cause problems, as there was a risk that some entities were not aware that Annex 19 provisions applied to dangerous goods. It was noted that when the amendment to Annex 18 specifying that dangerous goods were included in the operator's SMS was proposed, a similar provision was proposed for Annex 19. However, the amendment to Annex 19 was not adopted as the Safety Management Panel (SMP) considered that the applicability of Annex 19 already covered dangerous goods. As a matter of principle, the SMP did not support referring to each and every entity as it would be impossible to create a comprehensive/all-inclusive list. Attempting to be all inclusive introduced the risk of a perception that if an entity were not listed, there would be no need for SMS. However, it was reported that in some States the absence of a specific reference to dangerous goods in Annex 19 had led to the conclusion, particularly with operators not authorized to transport dangerous goods, that there was no need for SMS for dangerous goods. The group agreed that a stronger connection between Annex 19 and Annex 18 was necessary, with a suggestion that this could be addressed through new Chapter 14 in Annex 6 — *Operation of Aircraft* on dangerous goods. In keeping with the SMP's philosophy, the group continued to align the terminology for reporting and compliance provisions with existing provisions in Annex 19, Chapter 5 by adding references to Annex 19 instead of repeating provisions already required by that Annex. Annex 19 provisions were repeated in cases where further clarity was needed or where entities other than operators needed to be addressed. The need to ensure that nothing was overlooked by not repeating provisions was recognized, and the group agreed that this would need to be emphasized to the DGP.

3.2.5 Reporting provisions for such entities other than operators had been added to the 2013-2014 Edition of the Technical Instructions in the form of a recommendation. When the amendment was introduced, the DGP had agreed to consider mandating the provision once it reached a level of maturity.

Accordingly, the working group recommended upgrading the recommendation to a mandatory requirement.

3.2.6 Amendments to differentiate between mandatory and voluntary reporting systems as required by Annex 19 were also made. The working group questioned the practicality and feasibility of mandating voluntary systems for entities other than operators performing dangerous goods functions and therefore made the provision for these entities a recommendation. Whether or not the current requirements for operators to report when dangerous goods are discovered to have been carried when not loaded, segregated, separated or secured in accordance with the Technical Instructions or when discovered to have been carried without information having been provided to the pilot-in-command would be subject to the voluntary reporting system was briefly discussed. The working group agreed that further discussions on this subject and the issue of voluntary dangerous goods reporting systems in general was needed.

3.2.7 In response to the ANC request to the DGP to establish a standardized criteria for collecting dangerous goods incident data which could be shared globally, amendments were made to address the working group's decision to add a requirement for States to report to ICAO whenever they identified safety issues related to the transport of dangerous goods which could potentially impact global air safety. The group also discussed whether an additional Standard requiring States to provide information to ICAO upon request was necessary. On the one hand, such a requirement made the necessity of providing information to ICAO that could help identify safety deficiencies very clear. It was suggested that such a Standard might improve response rates from States, knowing that historically, the levels of responses to State letters was not optimal. On the other hand, the need to respond to requests for information was not unique to Annex 18, and some felt it was inappropriate to attempt to force a response through that Annex. The Secretariat was asked to seek further guidance from other subject matter experts at ICAO.

3.2.8 The working group meeting in Rio de Janeiro had proposed reversing the order of the chapters on compliance (Chapter 11) and reporting (Chapter 12) in order to better reflect actual order of events. The Abu Dhabi meeting further determined that the titles of the chapters should be revised to more appropriately reflect their content. Accordingly, revised titles were proposed.

### ***Dangerous goods in the mail***

3.2.9 During discussions it was noted that the current provisions for compliance (Chapter 11) included provisions for dangerous goods in mail. It was suggested that these provisions were not directly related to compliance and that it would be more appropriate to consolidate all provisions for dangerous goods in the mail in one chapter. Accordingly, the group proposed moving provisions for training programmes for designated postal operators and approval of them which were currently contained in Chapter 10 and procedures for controlling the introduction of dangerous goods in mail into air transport which were currently contained in Chapter 11 to a new Chapter 14. These changes were considered editorial in nature. Amendments to the existing dangerous goods in the mail provisions were not considered by the group.

### ***Amendments to Annex 18 proposed by the working group***

3.2.10 The amendments proposed to Annex 18 are contained in Appendix A to this working paper.

### ***Amendments to the Technical Instructions***

3.2.11 Amendments to definitions in Part 1;3 and the reporting provisions in Parts 1;7 and 7;4 were made to align with the proposed amendments to Annex 18. The recommendation for entities other than operators to report dangerous goods occurrences contained in Part 1;7 was upgraded to a requirement. The group determined it would be appropriate to consolidate reporting requirements for all entities in one place. Accordingly, the working group proposed moving the operator reporting requirements currently provided in Part 7;4 of the Instructions to Part 1;7.

3.2.12 The group also concluded that future work is necessary to ensure that all references to reporting provisions throughout the Technical Instructions are aligned to the proposed text of Part 1;7.

### **3.3 Development of guidance material**

3.3.1 The working group initiated discussions on the development of guidance material. Draft material had been developed prior to the working group meeting in Rio, but would have to be revised to align with the revised Annex 18 provisions. The working group discussed the types of guidance that would need to be developed. This included guidance on:

- a) distinguishing between occurrences/hazards/deficiencies/incidents/serious incidents;
- b) determining what constitutes misdeclared and undeclared dangerous goods;
- c) templates for dangerous goods occurrence reporting highlighting the minimum reporting requirements;
- d) analysing dangerous goods information obtained through occurrence reporting; and
- e) mandatory versus voluntary dangerous goods reporting systems.

3.3.2 During discussions, it was suggested that Annex 18 needed to be restructured in order to more clearly outline States' responsibilities with respect to the safe transport of dangerous goods by air. While references to the more detailed requirements in the Technical Instructions was necessary, there were some cases where more detailed requirements needed to be included in the Annex, particularly with respect to the establishment of training programmes. It was also noted that while other Annexes included guidance material in appendices, Annex 18 did not. The approach taken by the DGP had always been to include guidance material in the Supplement to the Technical Instructions. The group considered whether some high-level guidance material would be more effective in the Annex, including guidance on setting up a dangerous goods oversight system and interaction between Annex 18 and other Annexes. Several pros and cons of such an approach were identified including:

- a) While material in the Supplement may be more effective for States with strong dangerous goods programmes, material in Annex 18 would be more visible for those that did not have strong dangerous goods programmes.
- b) Material in Annex 18 would be less visible to operators than material in the Supplement is, since although operators did use the Technical Instructions and its Supplement, they did not typically look at Annex 18.

3.3.3 The group concluded that more extensive discussions on the subject should continue as future work of the panel and suggested a dedicated working group be established for this purpose.

#### 4. **FUTURE WORK**

4.1 The working group agreed to continue work on fine-tuning the proposed amendments to Annex 18 and the Technical Instructions and the development of guidance material through correspondence and periodic conference calls. The reporting group anticipated that there would be time to meet face-to-face during DGP-WG16.

#### 5. **ACTION BY THE DGP-WG**

5.1 The DGP-WG is invited to:

- a) review the amendments proposed to Annex 18 contained in Appendix A to this working paper and agree to the approach taken with the understanding that the amendments will be further reviewed to ensure the removal of redundancies does not inadvertently result in the omission of provisions;
- b) discuss whether there is a need to strengthen the relationship between Annex 18 and Annex 19;
- c) agree to the amendments to the Technical Instructions contained in Appendix B to this working paper; and
- d) agree to the establishment of a working group tasked with reviewing the structure of Annex 18 (see DGP-WG/16-WP/35).

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## APPENDIX A

### PROPOSED AMENDMENTS TO ANNEX 18

#### CHAPTER 1. DEFINITIONS

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The following amendment is proposed for the sake of alignment with dangerous goods incident and to differentiate from the definition of an aircraft incident in Annex 13.

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***Dangerous goods accident.*** An occurrence associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, which results in fatal or serious injury to a person or major property or environmental damage.

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The following added for the sake of clarity. The note is currently included under the definition for dangerous goods incident in the Technical Instructions.

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*Note.— A dangerous goods accident may also constitute an aircraft accident as defined in Annex 13— Aircraft Accident and Incident Investigation.*

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The following amendments are largely structural to improve readability. In addition, “fluid” is replaced with “contents” so as to address solids.

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***Dangerous goods incident.*** An occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, ~~which results in~~ where:

- a) ~~injury to a person,~~ a person is injured;
- b) ~~there is~~ property or environmental damage, ~~;~~
- c) ~~there is~~ fire, breakage, spillage, leakage of ~~fluid~~ contents or radiation or ~~there is~~ other evidence that the integrity of the packaging has not been maintained, ~~;~~ or
- d) ~~A~~ any occurrence relating to the transport of dangerous goods which seriously jeopardizes the aircraft or its occupants ~~is also deemed to constitute a dangerous goods incident.~~

*Note.— A dangerous goods incident may also constitute an aircraft incident as defined in Annex 13 — Aircraft Accident and Incident Investigation.*

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**CHAPTER 12 11. DANGEROUS GOODS ACCIDENT  
AND INCIDENT REPORTING DANGEROUS GOODS OCCURRENCE  
REPORTING**

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Replace reporting provisions currently contained in Chapter 12 with the following new provisions. These revised provisions are based on Annex 19 with Amendment 1 incorporated. Reporting requirements already covered by Annex 19 are not repeated here. They are, however, expanded to include entities other than operators.

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The following note is copied from note under Chapter 8 of Annex 13.

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*Note.— In addition to the provisions of this chapter, other provisions relative to the promotion of dangerous goods accident and incident prevention by collection and analysis of safety data and by a prompt exchange of safety information, as part of the State safety programme (SSP), are included in Annex 19 — Safety Management and, to this effect, are applicable to this Annex. Further guidance is contained in the Safety Management Manual (SMM) (Doc 9859).*

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The following aligns with paragraph 5.1.2 of Annex 19.

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### 11.1 Mandatory safety reporting system

11.1.1 States shall include reporting of dangerous goods accidents, dangerous goods incidents and occasions when undeclared or misdeclared dangerous goods are discovered in cargo or mail as part of their mandatory safety reporting systems in accordance with the provisions of Annex 19.

11.1.2 States' mandatory reporting systems shall include a requirement for the operator to report dangerous goods accidents and dangerous goods incidents to the appropriate authority of the State in which they occurred and to the State of the Operator.

11.1.3 States' mandatory reporting systems shall include a requirement for the operator to report occasions when undeclared or misdeclared dangerous goods are discovered [~~in cargo or mail~~] to the appropriate authority of the State in which they were discovered and to the State of the Operator.

11.1.4 States' mandatory reporting systems shall include a requirement for entities other than operators to report dangerous goods accidents and dangerous goods incidents to the appropriate authority of the State in which they occurred.

11.1.5 States' mandatory reporting systems shall include a requirement for entities other than operators to report occasions when undeclared or misdeclared dangerous goods are discovered [~~in cargo or mail~~] to the appropriate authority of the State in which they were discovered.

### 11.2 Voluntary safety reporting system

**Recommendation.**— States should establish a voluntary safety reporting system to collect safety data and safety information not captured by mandatory reporting systems for entities other than operators.

*Note.— States are required to establish voluntary safety reporting systems for air operators in accordance with the provisions of Annex 19. Further guidance is included in the Safety Management Manual (SMM) (Doc 9859).*

### 11.3 Safety information exchange

11.3.1 If a State, in the analysis of the dangerous goods information contained in its safety data collection and processing system (SDCPS) identifies safety issues which may have an impact on global safety, that State shall forward such safety information to ICAO with a minimum of delay.

*Note 1.— Provisions for a SDCPS and safety information sharing and exchange between States are included in Annex 19. Further guidance is contained in the Safety Management Manual (SMM) (Doc 9859).*

*Note 2.— Whenever practicable, the safety information sent to ICAO is to be prepared in one of the working languages of the Organization.*

[ 11.3.2 States shall provide ICAO with dangerous goods information from their SDCPS upon request to address global safety issues related to the transport of dangerous goods.]

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## ~~CHAPTER 11~~**12. COMPLIANCE DANGEROUS GOODS OVERSIGHT AND COOPERATION**

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Replace compliance provisions currently contained in Chapter 11 with the following new provisions. These revised provisions are based on Annex 19 with Amendment 1 incorporated. Oversight requirements already covered by Annex 19 are not repeated here. They are, however, expanded to include entities other than operators.

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The following note is copied from note under Chapter 8 of Annex 13 (same as note added to reporting chapter, above (Chapter 11)).

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*Note.— In addition to the provisions of this chapter, other provisions relative to the promotion of dangerous goods accident and incident prevention by collection and analysis of safety data and by a prompt exchange of safety information, as part of the State safety programme (SSP), are included in Annex 19 — Safety Management and, to this effect, are applicable to this Annex. Further guidance is contained in the Safety Management Manual (SMM) (Doc 9859).*

### **12.1 Surveillance obligations**

12.1.1 States shall ensure that the surveillance obligations required by Annex 19 apply to all entities performing any function prescribed in the Technical Instructions.

12.1.2 States shall establish procedures for investigating reports of dangerous goods accidents and dangerous goods incidents and identified safety issues related to the transport of dangerous goods.

12.1.3 States shall establish procedures for investigating ~~occasions when~~ reports of undeclared or misdeclared dangerous goods are discovered ~~[in cargo or mail]~~ and identified safety issues related to the transport of dangerous goods.

12.1.4 States shall ensure that operators establish procedures for investigating safety issues related to the transport of dangerous goods through the application of their safety management system.

### **12.2 Resolution of safety issues related to the safe transport of dangerous goods**

12.2.1 States shall ensure that the resolution of safety issues required by Annex 19 related to the transport of dangerous goods applies to all entities performing any function prescribed in the Technical Instructions.

### **12.3 Cooperation between States**

12.3.1 States shall participate in cooperative efforts with other States with the aim of eliminating unsafe practices and non-compliance with the Technical Instructions.

12.3.2 States' cooperative efforts shall include coordination of investigations of dangerous goods accidents and dangerous goods incidents, identified safety issues related to the transport of dangerous goods, non-compliance with the Technical Instructions and enforcement actions.

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Provisions for dangerous good by mail currently included in Chapter 11 (11.4) are moved to new Chapter 14 (see below). Training programme requirements for designated postal operators are also moved to new Chapter 14 (proposed amendments to Chapter 10 are shown after proposed new Chapter 14 below)

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## **CHAPTER 14. DANGEROUS GOODS BY MAIL**

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Moved from Chapter 10:

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### **10.114.1 Establishment of training programmes**

Initial and recurrent dangerous goods training programmes shall be established and maintained in accordance with the Technical Instructions.

### **10.214.2 Approval of training programmes**

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Moved from Chapter 10:

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~~10.2.2~~—Dangerous goods training programmes for designated postal operators shall be approved by the civil aviation authority of the State where the mail is accepted by the designated postal operator.

~~Note 1.~~— *See 11.4 for dangerous goods by mail.*

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Moved from Chapter 11:

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### **11.414.2 ~~Dangerous goods by mail~~ Procedures for controlling the introduction of dangerous goods in mail into air transport**

~~11.4~~—The procedures of designated postal operators for controlling the introduction of dangerous goods in mail into air transport shall be approved by the civil aviation authority of the State where the mail is accepted.

*Note 1.— In accordance with the Universal Postal Union (UPU) Convention, dangerous goods are not permitted in mail, except as provided for in the Technical Instructions.*

*Note 2.— The Universal Postal Union has established procedures to control the introduction of dangerous goods into air transport through the postal services (see the UPU Parcel Post Regulations and Letter Post Regulations).*

*Note 3.— Guidance for approving the procedures established by designated postal operators to control the introduction of dangerous goods into air transport may be found in the Supplement to the Technical Instructions (Part S-1, Chapter 3).*

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## CHAPTER 10. TRAINING PROGRAMMES

### 10.1 Establishment of training programmes

Initial and recurrent dangerous goods training programmes shall be established and maintained in accordance with the Technical Instructions.

### 10.2 Approval of training programmes

10.2.1 Dangerous goods training programmes for operators shall be approved by the appropriate authority of the State of the Operator.

*Note.— Dangerous goods training programmes are required for all operators regardless of whether or not they are approved to transport dangerous goods.*

~~10.2.2 Dangerous goods training programmes for designated postal operators shall be approved by the civil aviation authority of the State where the mail is accepted by the designated postal operator.~~

10.2.3 **Recommendation.**— *Dangerous goods training programmes required for entities other than operators and designated postal operators should be approved as determined by the appropriate national authority.*

*Note 1.— Dangerous goods training programme requirements for designated postal operators are included in See 11.4 Chapter 14 for dangerous goods by mail.*

*Note 2.— See 4.2.2 of Annex 6 — Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes for surveillance of operations by a foreign operator.*

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## APPENDIX B

### PROPOSED AMENDMENTS TO THE TECHNICAL INSTRUCTIONS

#### Part 1

#### GENERAL

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#### Chapter 3

#### GENERAL INFORMATION

*Parts of this Chapter are affected by State Variation BE 1; see Table A-1*

##### 3.1 DEFINITIONS

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***Dangerous goods accident.*** An occurrence associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, which results in fatal or serious injury to a person or major property or environmental damage.

*Note.— A dangerous goods accident may also constitute an aircraft accident as defined in Annex 13 — Aircraft Accident and Incident Investigation.*

***Dangerous goods incident.*** An occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, ~~which~~ where:

a) ~~results in injury to a person~~ is injured;

b) ~~there is~~ property or environmental damage;

c) ~~there is~~ fire, breakage, spillage, leakage of ~~fluid~~ contents or radiation or other evidence that the integrity of the packaging has not been maintained; or

d) ~~Any occurrence relating to the transport of dangerous goods which seriously jeopardizes the aircraft or its occupants is also deemed to be a dangerous goods incident.~~

*Note.— A dangerous goods accident or incident may also constitute an aircraft accident or incident as specified defined in Annex 13 — Aircraft Accident and Incident Investigation.*

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## Chapter 7

### ~~INCIDENT AND ACCIDENT~~ **DANGEROUS GOODS OCCURRENCE** REPORTING

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Moved from Part 7;4:

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#### **4.47.1 REPORTING OF DANGEROUS GOODS ACCIDENTS AND INCIDENTS**

7.1.1 An operator must report dangerous goods accidents and dangerous goods incidents to the appropriate authorities of the State of the Operator and the State in which ~~the accident or incident~~ they occurred in accordance with the reporting requirements of those appropriate authorities.

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Based on current Part 1;7 (Struck out text is moved to new 1;7.2.2):

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7.1.2 Entities other than operators who are in possession of dangerous goods at the time a dangerous goods accident or dangerous goods incident occurs or at the time a dangerous goods incident is discovered to have occurred ~~should follow the reporting requirements of Part 7;4.4. Entities other than operators who discover undeclared or misdeclared dangerous goods should follow the reporting requirements of Part 7;4.5. These entities may include, but are not limited to, freight forwarders, customs authorities and security screening providers.~~ must report to the appropriate authority of the State in which the accident or incident occurred.

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Moved from Part 7;4:

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*Note 1.— ~~This~~ The provisions in 7.1.1 and 7.1.2 includes incidents occurrences involving dangerous goods that are not subject to all or part of these Instructions through the application of an exception or of a special provision (e.g. an incident involving the short circuiting of a dry cell battery that is required to meet short-circuit prevention conditions in a special provision of 3;3).*

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Based on end of current Part 1;7:

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*Note 2.— The entities referred to in 7.1.2 may include, but are not limited to, freight forwarders, customs authorities and security screening providers.*

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Moved from Part 7;4:

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#### **4.57.2 REPORTING OF UNDECLARED OR MISDECLARED DANGEROUS GOODS**

7.2.1 An operator must report any occasion when undeclared or misdeclared dangerous goods are discovered in cargo or mail. Such a report must be made to the appropriate authorities of the State of the Operator and the State ~~in which this occurred~~ in which they were discovered. An operator must also report any occasion when dangerous goods not permitted under 8;1.1.1 are discovered, either in the baggage of passengers or crew members or on ~~the their~~ their person, ~~of passengers or crew members~~. Such a report must be made to the appropriate authority of the State ~~in which this occurred~~ in which they were discovered.

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Based on second part of current Part 1;7:

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7.2.2 Entities other than operators who discover undeclared or misdeclared dangerous goods in cargo or mail must report to the appropriate authority of the State in which they were discovered. These entities must also report any occasion when dangerous goods not permitted under 8;1.1.1 are discovered, either in the baggage of passengers or crew members or on their person.

*Note.— These entities referred in 7.2.42 may include, but are not limited to, freight forwarders, customs authorities and security screening providers.*

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Discussions on the following provisions to be continued, including relationship to voluntary reporting system:

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**4.67.3 REPORTING OF DANGEROUS GOODS OCCURRENCES**

An operator must report to the State of the Operator and the State of Origin any occasion when:

- a) dangerous goods are discovered to have been carried when not loaded, segregated, separated or secured in accordance with Part 7;2; or
- b) dangerous goods are discovered to have been carried without information having been provided to the pilot-in-command in accordance with Part 7;4.1.

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To be done: consequential amendments to references to reporting provisions throughout Technical Instructions to be

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— END —