



DGP-WG/22-IP/12
25/11/22

DANGEROUS GOODS PANEL (DGP) WORKING GROUP MEETING (DGP-WG/22)

Montréal, 21 to 25 November 2022

Agenda Item 5: Clarifying State oversight responsibilities in Annex 18 (Ref: Job Card DGP.005.04)

PROGRESS ON CLARIFYING STATE RESPONSIBILITIES IN ANNEX 18

(Presented by the Secretary)

SUMMARY

Attached is the presentation delivered to DGP-WG/22 on progress on clarifying State responsibilities in Annex 18.



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Progress on Clarifying State Responsibilities in Annex 18

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DGP-WG/ANNEX 18

Problem Statement

Annex 18 does not clearly outline States' responsibilities with respect to the safe transport of dangerous goods by air or its relationship with other Annexes.

ANC job card DGP.005.04: Clarifying State oversight responsibilities in Annex 18 tasks the panel with addressing this problem

Expected outcome: A framework allowing for effective assessment of a State's capability to manage the safe transport of dangerous goods by air.



Our Objective:

- Understand and clarify State's dangerous goods responsibilities as part of the operational (Annex 6) and safety management (Annex 19) framework
- Clarify the current Annex 18 responsibilities of States
- Develop SARPs that extend from Annex 19 specific to the safe transport of dangerous goods

Taking into account:

Eight critical elements that form foundation of SSP

SSP components

Safety of the supply chain

Reporting SARPs developed by DGP-WG/Reporting

Alignment with upcoming amendments to Annex 19

Alignment with other Annexes when necessary

Guidance material: Attachment to Annex 18, Supplement, another document?



Actions Taken

1. Familiarization with Annex 19
2. Examining relationships between Annex 6 and Annex 18
3. Development of draft Annex 18
4. Development of draft guidance
5. Reviewing current provisions of Annex 18
6. Updating DGP on progress
7. Reviewing outstanding issues and modifying structure of Annex 18
8. Request to DGP-WG/22 for interim feedback



Standards and Recommended Practices (SARPs)

- SARPs are high level “what is required”
- Details considered for an Appendix or an Attachment

Appendices

- Material grouped separately for convenience but forming part of the SARPs adopted by Council

Attachments

- Material supplementary to the SARPs, or included as a guide to their application



1. Familiarization with Annex 19

- Considered the Critical Elements (CEs) and the State safety management provisions
- Considered how they relate to safe transport of dangerous goods by air
- Added specific safety management SARPs for dangerous goods when necessary
- Consulted with experts



2. Examining relationships between Annex 6 and Annex 18

- Identified the interrelationships and ensured alignment with Annex 18
- Identified areas that impacted Annex 18
- Described the interrelationships in guidance and identified the inconsistencies



3. Developed Draft Annex 18

- Developed 'new' draft Annex 18 framework
- Resulted in modified structure and content including the addition of a new chapter on the safety of the supply chain



4. Developed draft guidance

- Clarifying the interrelationships between Annex 18 and other Annexes (6, 8 and 19)
- Interrelationship between safety risk management processes of the SSP and SMS
- Establishing a national authority for dangerous goods
- State Variations
- International vs. Domestic operations
- Multi-modal harmonization



5. Reviewed current provisions of Annex 18

- Continuous consultation with experts
- Transposition of relevant standards from current Annex 18 to new draft Annex 18
- Standards to be more objective driven (i.e the “what” not the “how”)



6. DGP Updates

- ICAO DGP informed regularly on the updates and progress of the working group
- Input sought from DGP



7. Reviewed outstanding issues and modified structure of Annex 18

- Basic structure amended
- Revised and documented outstanding issues
- Developed more comprehensive SARPs
- Developed guidance material
- Sought input from other disciplines
- Incorporated and expanded upon Annex 19 principles



8. Request to DGP-WG/22

- Review, comment and provide feedback on structure and draft content of Annex 18
- Address questions posed to DGP in DGP-WG/22-IP/7
- Feedback no later than 17 February 2023



Next Steps / Timeline

Review &
consider
feedback

WG/Annex 18
virtual meetings

Proposed
WG/Annex 18
meeting May
2023

Updated draft
to DGP-WG/23
May 2023

DGP to review &
provide
feedback

Proposed
WG/Annex 18
July 2023

Coordination –
Operations &
Safety
Management

WG/Annex 18
Virtual meetings

ICAO DGP/29
Oct 2023



Annex 18 Structure

Current

vs.

Draft

Chapter 1. Definitions
Chapter 2. Applicability
Chapter 3. Classification
Chapter 4. Limitation on the transport of dangerous goods by air
Chapter 5. Packing
Chapter 6. Labelling and marking
Chapter 7. Shipper's Responsibilities
Chapter 8. Operator's Responsibilities
Chapter 9. Provision of Information
Chapter 10. Training Programmes
Chapter 11. Compliance
Chapter 12. Dangerous Goods Accident and Incident Reporting
Chapter 13. Dangerous Goods Security Provision

Chapter 1. Definitions
Chapter 2. General principles
Chapter 3. Provision of information to ICAO
Chapter 4. Safety of the supply chain
Chapter 5. Operator's responsibilities
Chapter 6. Passenger Provisions
Chapter 7. Transport of dangerous goods by post
Chapter 8. Training programmes
Chapter 9. Dangerous goods safety intelligence
Chapter 10. Dangerous goods security provisions
Attachments



Annex 18: Foreword and Definitions

Foreword

- Historical background
- Reference to guidance contained in the Supplement
- Description of the Annex as being high level with details in the Technical Instructions relationship with the UN Model Regulations and how amendments originate
- Relationship with Technical Instructions and other Annexes and reference to guidance material

Chapter 1: Definitions

- New definitions for safety of the supply chain and Extraterritorial office of exchange (ETOE)
- New definitions in square brackets (freight forwarder, ground handling service provider, misdeclared dangerous goods)



Annex 18: Chapter 2

Chapter 2: General principles

- Objectives
- Applicability
- Binding nature of the Technical Instructions
- Recommendation to accept for surface transport to and from aerodrome
- Limitations on the transport of dangerous goods by air (dangerous goods permitted, forbidden under any circumstance, forbidden unless exempted or approved)
 - Exemptions
 - Approvals
- International cooperation
- General exceptions
- State safety management responsibilities specific to the transport of dangerous goods by air



Annex 18: Chapter 3

Chapter 3: Provision of information to ICAO

- National authority
- Notification of variations from the Technical Instructions
- Difficulties encountered in the application of the Technical Instructions



Annex 18: Chapter 4

Chapter 4: Safety of the supply chain

- Specific operating regulations
- State safety risk management
- Management of safety risks
- State safety promotion

Replaces current chapters
Chapter 3. Classification
Chapter 4. Limitation on the transport of dangerous goods by air
Chapter 5. Packing
Chapter 6. Labelling and marking
Chapter 7. Shipper's Responsibilities



Annex 18: Chapter 5

Chapter 5: Operator's responsibilities

- General (link to Annex 6)
- Provision of Information
- Acceptance for transport
- Inspection for damage or leakage
- Loading and stowage
- Information to pilot-in-command
- Emergency Procedures
- Reporting

- More detailed than current Annex 18



Annex 18: Chapter 6

Chapter 6:
Dangerous goods
carried by
passengers and crew

- To be developed



Annex 18: Chapter 7

Chapter 7: Transport of dangerous goods by post

- Specific operating regulations
- Approval of training programme
- Approval of procedures for controlling the introduction of dangerous goods in mail into air transport
- References to extraterritorial office of exchange (ETOE)



Annex 18: Chapter 8

Chapter 8: Training programmes

- Establishment of training programmes
- Approval of training programmes



Annex 18: Chapter 9

Chapter 9: Dangerous goods safety intelligence

- Safety data collection and processing systems
- Mandatory safety reporting systems
- Voluntary safety reporting system
- Safety investigations
- Safety data and safety information analysis
- Safety data and safety information protection
- Safety information sharing and exchange



Annex 18: Chapter 10

Chapter 10: Dangerous goods security provisions



Annex 18: Attachments

Guidance

- Interrelationships between Annex 18 and other Annexes
- Clarifying the interrelationships between Annex 18 and other Annexes (6, 8 and 19)
- Interrelationship between safety risk management processes of the SSP and SMS
- Establishing a national authority for dangerous goods
- State Variations
- International vs. Domestic operations
- Multi-modal harmonization

- Placeholder
- Not reviewed yet
- Final destination to be determined



Feedback please!

Please provide feedback at a minimum by responding to questions in Appendix C to DGP-WG/22-IP/7 (reproduced on following slides)



Questions for DGP

(contained in Appendix C to DGP-WG/22-IP/7)

General questions

- Do you agree that the Annex 18 structure proposed by DGP-WG/Annex 18 is logical? If not, provide suggestions for improvement.
- Are there SARPs that would be difficult to implement in your State, region or globally? If yes, which ones and why?

Chapter 1 — Definitions

- Is the draft new definition for supply chain valuable? If yes, how? If no, why not?

Chapter 2 — General principles

- Are the new provisions outlining the objectives of Annex 18 in paragraph 2.1 valuable? If yes, how? If no, why not?
- Is the sequence in paragraph 2.4 logical and/or appropriate in starting with permitted, followed by, approved, followed by exempted or should it be in reverse order?
- Should paragraph 2.4.2 be split out into two paragraphs – one for approvals and one for exemptions?

Chapter 3 — Provision of information to ICAO

- Based on the recommendation in paragraph 3.2.2, is there value in including operator variations in the Technical Instructions?



Questions for DGP (cont'd)

(contained in Appendix C to DGP-WG/22-IP/7)

Chapter 4 — Safety of the supply chain

- Does paragraph 4.1.2. list all of the requirements sufficient to address the entities in the supply chain that may have a role in the safe transport of dangerous goods?
- Is there sufficient specificity to ensure that all entities who have a responsibility are captured?
- Does the panel see added value for this group to explore the merit of development of the concept of the “safe supply chain” such as formal approval or shippers and/or freight forwarders? If yes, what additional recommendations should be considered? If no, what would be an alternative way to manage/reduce those risks?

Chapter 5 — Operator’s responsibilities

- Is their value in moving certain operator provisions from the Technical Instructions to Annex 18 to allow greater visibility to the State and ensure amendments are subject to the State consultation process? Are there other parts of the Technical Instructions that should be moved to the Annex?

Chapter 7 — Transport of dangerous goods by post

- Should the proposed provisions for Chapter 7, Dangerous goods transport by post, include requirements for Extraterritorial office of exchange (ETOE) in addition to those for Designated postal operators?



Feedback please!

Please respond by 17 February 2023
by e-mail to the secretary
(lmcguigan@icao.int) for onward
submission to DGP-WG/Annex 18



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Thank You!