



WORKING PAPER

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

The Hague, 3 to 7 November 2008

Agenda Item 2: Development of recommendations for amendments to the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284) for incorporation in the 2011/2012 Edition

Agenda Item 2.3: Part 3 — Dangerous Goods List, Special Provisions and Limited and Excepted Quantities

STATE OF ORIGIN APPROVAL

(Presented by G. A. Leach)

SUMMARY

This working paper invites the working group to discuss whether the Technical Instructions should continue to allow certain dangerous goods, which are forbidden for carriage in normal circumstances, to be carried with only the approval of the State of Origin.

Action by the DGP-WG is in paragraph 2.

1. INTRODUCTION

1.1 A number of dangerous goods which are normally forbidden for carriage in normal circumstances are permitted subject to the approval of the State of Origin. The majority are addressed by Special Provisions, i.e.:

A1 — dangerous goods normally forbidden on passenger aircraft but which can be carried on a passenger aircraft with the approval of the State of Origin;

A2 — dangerous goods normally forbidden on both passenger and cargo aircraft but which can be carried on either with the approval of the State of Origin;

A109 — dangerous goods normally forbidden on both passenger and cargo aircraft but which can be carried on a cargo aircraft with the approval of the State of Origin. This applies only to:

UN 0059, **Charges, shaped**, without detonator, 1.1D

UN 0065, **Cord, detonating**, flexible, 1.1D

UN 0099, **Fracturing devices, explosive**, without detonator for oil wells 1.1D

1.2 There are other instances, for example State of Origin approval is required for gas mixtures containing ethyl chloride to be contained in aluminium alloy cylinders.

1.3 The obvious implication of the above is that if approval of the State of Origin is obtained, an operator may accept normally forbidden dangerous goods for carriage, without any involvement of the State of the Operator. It is suggested that this is inappropriate for the following reasons:

- a) It appears to conflict with the intent of Annex 6 (Operation of Aircraft) which places the responsibility for oversight of an operator with the State in which that operator has its main place of business (and generally in which it is registered). It is suggested that proper oversight is not possible if the State of the Operator is not fully aware of what is being carried;
- b) As demonstrated by the ICAO Audit Programme, many Contracting States have little, if any, resources assigned to dangerous goods. These States may well be the State of Origin and upon their say so normally forbidden dangerous goods may be carried on an aircraft registered in another State; in the case of an A2 approval, dangerous goods ordinarily forbidden on a cargo aircraft may be carried on passenger aircraft.
- c) It is noted that some States have filed state variations requiring their notification if an operator registered in their State has been granted an A1, A2 or A109 approval by another State. However, State Variations serve only to notify a legislative requirement in a State. Furthermore, in Europe, States have limited ability to individually impose requirements additional to those of their European counterparts.

1.4 It is also noted that carriage of such dangerous goods is subject to “approval” not “exemption”. Annex 18 — *The Safe Transport of Dangerous Goods by Air* makes very clear the circumstances under which an exemption should be granted by a State (in cases of extreme urgency, when forms of transport other than air are inappropriate or when full compliance with the Technical Instructions is contrary to the public interest) but there is no similar guidance, in either Annex 18 or the Supplement to the Technical Instructions to States of Origin for the granting of the approvals described in this working Paper.

2. ACTION BY THE DGP-WG

2.1 The DGP-WG is invited to discuss whether the Technical Instructions should continue to allow certain dangerous goods, which are forbidden for carriage in normal circumstances, to be carried with only the approval of the State of Origin being required. If the Working Group believes the current provisions are inadequate a further paper will be prepared for WG/09.

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