



**WORKING PAPER**

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

**Montréal, 21 to 25 November 2022**

- Agenda Item 2: Managing air-specific safety risks and identifying anomalies (REC-A-DGS-2025)**  
**2.1: Develop proposals, if necessary, for amendments to Annex 18 — *The Safe Transport of Dangerous Goods by Air***

**REVISION TO THE DEFINITION OF “PASSENGER AIRCRAFT”**

(Presented by D. Brennan)

**SUMMARY**

This working paper proposes revision to the definition of “passenger aircraft” in Annex 18, and if adopted, in the Technical Instructions once the revision to Annex 18 is adopted.

Action by the DGP-WG is in paragraph 2.

**1. INTRODUCTION**

1.1 At DGP-WG/19 and again at DGP/27 there was discussion on the carriage of persons on an aircraft carrying Cargo Aircraft Only dangerous goods without the aircraft being considered a “passenger aircraft” (see paragraph 3.8.1.1 of the DGP-WG/19 Report and paragraph 8.1.1 of the DGP/27 Report).

1.2 The basis of the discussion was the difference that exists between the definition in Annex 18 and the Technical Instructions and that in United States Code of Federal Regulations, Title 14, Part 121, specifically §121.583, Carriage of persons without complying with the passenger-carrying provisions of this part” and the additional flexibility that FAR §121.583 provides to operators of cargo aircraft that operate under those provisions compared to those required to follow the definition in Annex 18 and the Technical Instructions.

1.3 At DGP/27 the Panel supported the proposals set out in working paper DGP/27-WP/33, see DGP/27 report paragraph 8.1.1, although there was support for a less prescriptive approach and instead to consider the development of a more holistic, performance-based solution to the carriage of

persons on an aircraft carrying Cargo Aircraft Only dangerous goods that would take into account the capabilities of the aircraft and of the operator.

1.4 The Panel in supporting the proposals in DGP/27-WP/33 accepted the need to for an interim solution that could be implemented through the adoption of the change to the definition of “passenger aircraft” and that any performance-based solution would take more time through the work of the Flight Operations Panel (FLTOSP) in conjunction with the DGP.

1.5 However, despite the Secretariat of the FLTOSP being present for the discussions at bot DGP-WG/19 and DGP/27 on the proposal to revise the definition of passenger aircraft, when the report of DGP/27 was presented to the ANC there was an objection by the FLTOSP that having definitions for “cargo aircraft” and “passenger aircraft” in Annex 18 and the Technical Instructions could potentially have implications for Annex 6 — *Operation of Aircraft* and would need to be reviewed to determine their suitability. This is despite Annex 18 and the Technical Instructions having these definitions since their inception in 1984.

1.6 Based on the intervention by the FLTOSP, the ANC did not then recommend to Council that the revised definition for “passenger aircraft” be adopted. The outcome of the ANC discussions was:

- a) guidance would be developed by the FLTOSP Secretariat on the application of the definition of “passenger aircraft” to address the flexibility that is provided by the provisions of FAR §121.583; and
- b) the Secretariat would task the FLTOSP Safe Carriage of Goods-Specific Working Group (SCG-SWG) for review and advice.

1.7 However, after almost three years, there has been no progress on either 1.6.1 or 1.6.2. For the development of guidance, it is questioned just how guidance could be developed that would allow an operator to carry persons on a cargo aircraft where that deviates from that permitted by the definition in Annex 18 and the Technical Instructions.

1.8 With respect to the SCG-SWG, there is nothing in their work plan now, or forecast that would address the carriage of persons on an aircraft carrying CAO dangerous goods. Based on the job cards that the SCG-SWG has been tasked with, it is unlikely that the SCG-SWG could even consider this issue in the next two years.

1.9 Given that it is now three years since the DGP supported the change to the definition of “passenger aircraft” and the operational limitations and lack of flexibility are still affecting non-US operators, or operators in States where the provisions of FAR §121.583 are not available, the DGP-WG is invited to again support the proposed change to the definition.

## 2. ACTION BY THE DGP-WG

2.1 The DGP-WG is invited to support the change to the definition of “passenger aircraft” as shown in the appendix to this working paper.

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APPENDIX

AMENDMENT TO THE DEFINITION FOR PASSENGER AIRCRAFT IN ANNEX 18

INTERNATIONAL STANDARDS  
AND RECOMMENDED PRACTICES

CHAPTER 1. DEFINITIONS

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

- a) a crew member;
- b) an operator's employee in an official capacity;
- 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.

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— END —