



WORKING PAPER

**DANGEROUS GOODS PANEL (DGP)
WORKING GROUP MEETING (DGP-WG/23)**

Rio de Janeiro, Brazil, 15 to 19 May 2023

Agenda Item 11: Other business

**COMMUNICATION TO MEMBER STATES OF PROPOSALS AND CHANGES AGREED TO
EACH EDITION OF THE TECHNICAL INSTRUCTIONS**

(Presented by D. Brennan)

SUMMARY

This working paper seeks discussion on ways to inform member States of proposed and agreed changes to the Technical Instructions through the course of each biennium, and to provide a means by which States can provide comments on the proposed or agreed changes to the Technical Instructions.

Action by the DGP-WG is in paragraph 2.

1. INTRODUCTION

1.1 The Dangerous Goods Panel (DGP) is tasked with, over each biennium, maintaining the detailed provisions of the Technical Instructions.

1.2 The panel does this by considering proposals submitted by States and interested international organizations, to consider any changed recommendations of the UN Subcommittee of Experts on the Transport of Dangerous Goods and the International Atomic Energy Agency (IAEA) and to prepare revised editions of the Technical Instructions. Amendments recommended by the panel are reviewed by the Air Navigation Commission (ANC). The Council then considers, with a view to approval, the amended version of the Technical Instructions.

1.3 This process has been in place since the Technical Instructions first became effective in 1984. The mandatory nature of the requirements set out in the Technical Instructions does mean that that unlike changes to ICAO Annexes, where the changes proposed are provided through a State letter for States to comment and indicate support, or otherwise, for the Annex changes, there is no such ability for States to formally comment on the changes proposed to the Technical Instructions and to those recommended by the panel to the ANC for adoption.

1.4 So, while the Technical Instructions do not have the formal status of Annexes, Standards and Recommended Practices (SARPs), or Procedures for Air Navigation Services (PANS), the Technical Instructions do have a special status conferred on them by paragraph 2.2.1 of Annex 18 which states:

“2.2.1 Each Contracting State shall take the necessary measures to achieve compliance with the detailed provisions contained in the Technical Instructions. Each Contracting State shall also take the necessary measures to achieve compliance with any amendment to the Technical Instructions which may be published during the specified period of applicability of an edition of the Technical Instructions.”

1.5 As indicated in Annex 18, paragraph 2.2.1, the Council has established a special procedure for the amendment and periodic reissue of the Technical Instructions. It should be noted that the proposals for adoption of or amendment to the Technical Instructions are not circulated to States or International organizations for comments before the adoption by the Council.

1.6 Notwithstanding the above, recently questions have been raised by some members of the ANC at the lack of State consultation given the mandatory nature of the Technical Instructions. This has led to suggestions that some parts of the Technical Instructions that are not being revised as a direct result of harmonization with the UN Model Regulations, such as Part 7 — Operator’s Responsibility or Part 8 — Provisions Concerning Passengers and Crew, should only be revised following State consultation or even removed from the Technical Instructions and incorporated into other documents such as *Procedures for Air Navigation Services — Aircraft Operations* (Doc 8168).

1.7 The author is of the opinion that if some of the existing provisions of the Technical Instructions were removed and became part of other documents, they would become “invisible” to entities such as ground service providers, which could have a negative impact on safety. Requiring State consultation before certain changes to the Technical Instructions could be adopted is also problematic as this would delay their implementation by an additional two years, which again could negatively impact safety and interfere with multi-modal harmonization as the revisions to parts of the Technical Instructions would no longer be aligned to the revision cycle for the international modal regulations.

1.8 An option to formal State consultation on changes proposed for adoption to the Technical Instructions is to draw the attention of States to the working papers that will be considered by the DGP at the two working group meetings and the panel meeting over the course of the biennium.

1.9 States could be made aware, for example, through the issuance of a State letter in advance of the meetings, that the working papers containing proposals are posted on the DGP website. The State letter could advise States that if they had specific comments on the proposals that they could submit these to the Secretariat and the comments would be considered by the panel as part of their discussions on the merits of the proposals.

2. ACTION BY THE DGP-WG

2.1 The DGP-WG is invited to consider appropriate means to bring to the attention of States, the proposals on the agenda in advance of each of the meetings of the DGP in each biennium. The objective would be to provide member States with the ability to submit detailed comments through the Secretariat on the proposals in the working papers identifying whether they support or do not support the proposal.

2.2 The comments submitted by States could then be considered by the DGP when the proposal in the working paper is discussed in plenary. Following each DGP working group and panel

meeting responses would be provided back to States that commented that identified the outcome of the discussion, and if necessary, the reason that their objection was not supported by the DGP members.

2.3 One option could be to submit a request to the ANC that a State letter be sent out no later than 60 days prior to each meeting of the DGP working group and DGP advising States that the working papers for the meeting were available on the DGP website. The State letter could include a template for States to provide specific comments suggesting alternative wording to that proposed in the working paper.

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