



WORKING PAPER

**DANGEROUS GOODS PANEL (DGP)
WORKING GROUP MEETING (DGP-WG/24)**

Montreal, 21 to 25 October 2024

Agenda Item 8: Coordination with other Air Navigation Commission panels

**PROPOSED AMENDMENT TO DELETE THE DEFINITIONS OF PASSENGER AIRCRAFT
AND CARGO AIRCRAFT**

(Presented by S. Schwartz)

SUMMARY

This paper proposes to change who may be allowed on a cargo aircraft that has “Cargo Aircraft Only” freight on board. The proposal would amend the Technical Instructions by deleting the definitions of passenger aircraft and cargo aircraft and add wording to allow an operator to permit persons onboard in accordance with requirements specified by the State of the Operator. The DGP is invited to consider the proposed changes to the Technical Instructions as indicated in the appendix.

Action by the DGP-WG is in paragraph 33.

1. INTRODUCTION

1.1 This proposal is based on discussions at the twenty-ninth meeting of the Dangerous Goods Panel (DGP/29, 13 to 17 November 2023) that were held in follow-up to amendments proposed to the definition for passenger aircraft at prior DGP meetings (see paragraph 9.3 of the DGP/29 Report). The amendments at prior meetings were proposed to address inconsistencies with how the definition was applied internationally when determining who could be on board a cargo aircraft carrying “cargo aircraft only” dangerous goods. However, flight operations experts and the Air Navigation Commission (ANC) opposed determining who could be on board an aircraft through a definition in Annex 18, because this was an operational issue under Annex 6 — *Operation of Aircraft*. They also emphasized that definitions were included in Annexes to assist in the interpretation of terms used but were not in themselves regulatory text. Changing requirements through a definition was therefore inappropriate.

1.2 Various amendments were developed at DGP/29 taking the views of flight operations experts and the ANC into account, cumulating in one that deleted definitions for both cargo aircraft and passenger aircraft and added a provision to the loading of cargo aircraft provisions in Part 7;2.4.1 of the Technical Instructions. The proposed amendment was submitted too late for the panel to give it thorough consideration, but panel members did support the approach taken, albeit not the precise wording.

2. PROPOSED CHANGES TO THE TECHNICAL INSTRUCTIONS

2.1 This working paper proposes deleting the definitions of passenger aircraft and cargo aircraft in the Technical Instructions and adding text to 7;2.4.1 that would allow an operator to carry persons on cargo aircraft with “Cargo Aircraft Only” (CAO) dangerous goods on board as authorized by the State of the Operator, subject to additional requirements contained in Annex 6. Note that this proposal only seeks to change who may be allowed on a particular flight with CAO on board (or in other words, whether CAO cargo can be loaded with authorized persons on board) and does not seek to make any other changes to the regulations.

2.2 Amendments to Annex 18 are not needed, as the definitions have already been proposed for deletion as part of the amendments developed to clarify States’ responsibilities developed under Agenda Item 5 of DGP-WG/24.

2.3 The State of the Operator is responsible for developing various requirements for passenger flights, such as the minimum number of flight attendants and their training standards, various aspects of required emergency equipment, and operational limitations, such as when portable electronic devices may be used. Some of these requirements are normally not applicable to cargo flights (such as provisions relating to flight attendants), but alternative means of ensuring adequate levels of safety for non-flight crew on board freighters can be established in accordance with existing provisions in Annex 6. The purpose of the proposed wording in the appendix to this working paper is to allow the State of the Operator to determine who can be on cargo aircraft with “Cargo Aircraft Only” dangerous goods on board if the applicable requirements of Annex 6 are met.

2.4 It is noted that the expressions “passenger aircraft” and “cargo aircraft” do not appear in Annex 6 or any other ICAO Annex for that matter, but there are many provisions that apply to passenger flights in other Annexes. The means of compliance might be different for passenger and cargo aircraft, but complying with provisions in Annex 6 can achieve the same level of safety for persons on board both passenger and cargo aircraft. For example, on passenger aircraft, flight attendants perform certain safety functions, such as assisting in emergency evacuations. Persons allowed on cargo aircraft can be required to pass a test to ensure that they can perform these safety functions, such as emergency evacuations, without the assistance of flight attendants.

3. ACTION BY THE DGP-WG

3.1 The DGP-WG is invited to agree to the amendments to the Technical Instructions shown in the appendix to this working paper, which:

- a) delete the definitions for passenger aircraft and cargo aircraft; and
- b) add wording in a new paragraph 7;2.4.1.3 to allow "Cargo Aircraft Only" dangerous goods to be carried on a cargo aircraft with persons other than required crewmembers when authorized by the operator and in accordance with requirements specified by the State of the Operator.

APPENDIX

PROPOSED AMENDMENTS TO THE TECHNICAL INSTRUCTIONS TO ADDRESS ISSUES RELATED TO WHO CAN BE ON A CARGO AIRCRAFT CARRYING DANGEROUS GOODS NOT PERMITTED ON A PASSENGER AIRCRAFT

Part 1

GENERAL

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Chapter 3

GENERAL INFORMATION

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3.1 DEFINITIONS

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~~Cargo aircraft. Any aircraft, other than a passenger aircraft, which is carrying goods or property.~~

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~~Passenger aircraft. An aircraft that carries any person other than a crew member, an operator's employee in an official capacity, an authorized representative of an appropriate national authority or a person accompanying a consignment of other cargo.~~

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Part 7

OPERATOR'S RESPONSIBILITIES

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Chapter 2

STORAGE AND LOADING

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2.4 LOADING AND SECURING OF DANGEROUS GOODS

2.4.1 Loading of cargo aircraft

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2.4.1.3 "Cargo Aircraft Only" dangerous goods may be carried on a cargo aircraft with persons other than required crewmembers when authorized by the operator and in accordance with requirements specified by the State of the Operator. All persons being carried on a cargo aircraft must be carried in accordance with the relevant provisions of Annex 6.