



DANGEROUS GOODS PANEL (DGP) WORKING GROUP MEETING (DGP-WG/25)

Delhi, India, 21 to 25 April 2025

Agenda Item 3: Facilitating safe transport of dangerous goods by air (Ref: REC-A-DGS-2027)

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

(Presented by D. Schlichting)

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 adding wording to allow an operator to permit persons onboard in accordance with requirements specified by the of the State of the Operator. The DGP is invited to consider the proposed changes to the Technical Instructions as indicated in the appendix.

1. BACKGROUND

1.1 This proposal is based on input from discussions during 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) as well as input from those who could not support the proposal from DGP-WG/24. 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 opposed determining who could be on board an aircraft through a definition in Annex 18 because this was an operational issue under Annex 6. Various amendments were developed at DGP/29 taking this 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 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 TECHNICAL INSTRUCTIONS

2.1 This 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” DG 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 The changes from the DGP-WG/24 proposal are to clarify the purpose of allowing additional persons onboard aircraft with CAO freight is to facilitate the transport of additional persons on freighter aircraft, not to allow CAO freight on passenger aircraft. That is the intent of the phrase “; the persons listed below may be carried on an aircraft dedicated to cargo operations” in f) 2.4.1.3 of the proposal.

2.3 In the revised text, the text in 2.4.1.3 a), b), c), e) and f) are copied from the definition of a passenger aircraft that was approved by the Panel at DGP/27 (see paragraphs 8.1.1 and 8.1.2 of DGP/27 report).

2.4 In the revised text, the text in 2.4.1.3 d), is proposed with consideration of the United States Code of Federal Regulations, Title 14, Part 121, specifically both §121.583 and §121.547 which allow for personnel that enhance the safety of flight to be allowed on the aircraft and in the cockpit. Certificated airmen, whether employees of the Operator conducting the flight or of another Operator, can provide valuable assistance to the operating flight crew. Such personnel should be permitted to be carried on a cargo flight without additional State permission as they enhance the overall safety of the flight.

2.5 Amendments to Annex 18 are not needed, as the definitions have already been removed from the Annex rewrite 18 draft language.

2.6 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 is to allow the State of the Operator to determine who can be on cargo aircraft with “Cargo Aircraft Only” DG on board if the applicable requirements of Annex 6 are met.

2.7 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. **DISCUSSION BY THE DGP-WG**

3.1 The DGP is invited to discuss the following amendments to the TI's as shown in appendix 1 that would accomplish the following:

- a) deletion of the definitions for passenger aircraft and cargo aircraft in the Technical Instructions; and
- b) add wording in a new subparagraph 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

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 or other cargo.~~

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Part 7

OPERATOR'S RESPONSIBILITIES

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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 Dangerous goods which are required to bear the "Cargo aircraft only" label must not be carried on an aircraft carrying passengers. However, the persons listed below may be carried on an aircraft dedicated to cargo operations:

a) a crew member;

b) an operator's employee;

c) an authorized representative of an appropriate national authority;

d) a licensed crewmember employed by another operator;

e) a person accompanying a consignment or other cargo, including when traveling to or from accompanying a consignment or other cargo; or

f) a person authorized by the operator and in accordance with the requirements specified by the State of the Operator.

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