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26/8/04

DANGEROUS GOODS PANEL (DGP)

MEETING OF THE WORKING GROUP OF THE WHOLE

Abu Dhabi, 4 to 8 October 2004

Agenda Item 5: Discussion of miscellaneous dangerous goods issues

STATE VARIATIONS

(Presented by G.A. Leach)

1. BACKGROUND

1.1 At a recent meeting within Europe, the status of State variations was the subject of some debate. One view expressed was that the State variations are themselves part of the Technical Instructions and are, as such, "requirements". However, a counter view suggested that the variations were not part of the Technical Instructions, but were in fact a notice board advising of different standards adopted by States. This view does seem to be supported by the statement on the front cover of the Technical Instructions i.e. the Technical Instructions are "Approved and published by decision of the Council of ICAO" - State variations are not so approved and published, they are added after the remainder of the TI has been approved by Council.

1.2 The confusion surrounding State variations is compounded by the wording in Annex 18 and the Technical Instructions. 2.5.1 of Annex 18 requires States to notify ICAO of variations "for publication in the Technical Instructions" giving the impression they are part of the Technical Instructions. However, in the Foreword to the Technical Instructions ("Variations from the Technical Instructions", page (iii)), States are required to notify ICAO of any provisions different to those "contained in these Instructions. The variations which have been notified by States are listed in Attachment 3……" suggesting they are not part of the Technical Instructions, but simply attached to them.

2. PROPOSAL

2.1 Clarification is sought from the Secretariat of the status of State variations and indeed anything which appears in an attachment to the Technical Instructions.

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