DANGEROUS GOODS PANEL

Dubai, 31 March to 4 April 2003

SECURITY

(Presented by G. Leach)

1. BACKGROUND

1.1 DGP-WG/03-WP/39 details the text developed by the UN for inclusion in the Model Regulations (1.4) in respect of security provisions for dangerous goods. Given the unstable world in which we live, recognising the potential dangers of particular dangerous goods falling into the wrong hands must be welcomed.

1.2 The text of 1.4 is intended to be applied by all modes of transport but this does not mean the text has to be adopted in the Technical Instructions, only that it is adopted by the air mode by some means and this paper suggests that the most appropriate location for the bulk of the UN text is Annex 17 and the associated "Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference".

1.3 It must be recognized that the Technical Instructions and the Security Manual have been produced for different reasons; the Technical Instructions detail the provisions for the safe transport of dangerous goods by air in normal, lawful, circumstances, whilst the Security Manual, by it's very name, addresses acts of "unlawful interference" which is exactly the intent of the UN text. It will also be noted in Note 2 of the UN text that "theft" is mentioned, which suggests even more that the Technical Instructions would be an inappropriate location for these requirements.

1.4 3.1.3 of Annex 17 states "Each Contracting State shall designate an appropriate authority within it's administration to be responsible for the development, implementation and maintenance of the national civil aviation programme". In many (if not most) states, the agency responsible for air safety i.e. a Civil Aviation Authority is different to that responsible for security. Air safety and security are also likely to be subject to different legislation and to include security provisions in the Technical Instructions has the potential to cause confusion. It would also, with the greatest respect to Panel members, face the Dangerous Goods Panel with matters outside their sphere of expertise, a particularly unnecessary burden considering ICAO has a dedicated Panel of experts and comprehensive regulatory material dealing with nothing but the subject of security.

1.5 Furthermore, the proposed UN text is, generally, less restrictive than the existing text in the Security Manual. Consequently, a shipper, agent or operator may be mis-led into believing that by complying with this text they would be in compliance with the international requirements, but this would not be so, the requirements of the Security Manual would still have to be complied with.

1.6 The Security Manual already has provisions for cargo security (Part 4.6 and appendix 25),which according to the definition of "cargo" ("any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage") would include dangerous goods and it is suggested an expansion of these provisions would satisfy the needs of the UN. Appended to this paper is a cross check of the new UN material against what already exists in the Security Manual.

1.7 Notwithstanding the above, it is understood that the ANC require all ICAO Annex's to include some reference to security. Consequently, it is suggested that it would be appropriate to add a cross reference to Annex 17 and the Security Manual in both Annex 18 and the Technical Instructions.

2. PROPOSAL

2.1 The following are proposals which, if adopted, would ensure that the UN security provisions for dangerous goods in air transport were adopted into the air mode in the most appropriate location. However, before any can be decided upon, it is suggested that a working group consisting of members of the AVSEC Panel and interested members of the DGP is held in advance of the DGP meeting in 2003.

2.1.1 Proposal 1

Add a new note 5 to Chapter 2.1 in Annex 18:

Note 5.- The detailed provisions for the security of cargo, including dangerous goods, are contained in Annex 17 and the associated Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference.

2.1.2 Proposal 2

Add a new Part 1; 1.6 to the Technical Instructions:

"1.6 Security

The detailed provisions for the security of cargo, including dangerous goods, are contained in Annex 17 and the associated Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference.

2.1.3 Proposal 3

In association with AVSEC, review/ expand the material in the Security Manual in line with the table appended to this paper.

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