



## **FACILITATION PANEL (FALP)**

### **FIFTH MEETING**

**Montréal, 31 March to 4 April 2008**

#### **Agenda Item 3: Other amendments to Annex 9**

### **THE TRANSPORT OF RADIOACTIVE MATERIAL AND OTHER HIGH CONSEQUENCE DANGEROUS GOODS BY AIR**

(Presented by V.I. Korovkin, Russian Federation )

#### **SUMMARY**

International transport of goods transported as cargo on civil aircraft, includes a physical transfer of radioactive materials from exporting State to a recipient in an importing State, and is regulated through IAEA Code of Conduct on the Safety and Security of Radioactive Sources and import/export guidance, document INFCIR/663. The international transport of dangerous goods (such as radioactive material) by air is strictly regulated and controlled through ICAO's Annex 18 and Doc 9284, and through provisions of dangerous goods security plans, of ICAO's Annex 17 and Doc 8973 (Restricted). Increasing border controls as consequence of dangerous goods security plans at the airports, negatively affect transport of radioactive materials. This paper makes proposes, to seek international uniformity and facilitation of entry/exit of radioactive material and other high consequence dangerous goods by air.

#### **Action by the FAL Panel:**

The Panel is invited to consider and agree to the proposed amendments to Annex 9 as indicated in paragraph 3.1.

## **INTRODUCTION**

1.1 Code of Conduct on the Safety and Security of Radioactive Sources and import/export guidance, document IAEA INFCIR/663, regulates requirements to physical transfer of certain types of radioactive materials from an exporting State to a recipient in an importing State, including by means of international transportation by air. The Code's restrictions do not regulate radioactive material used for

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<sup>1</sup> English, and Russian versions provided by ICAO's Russian Delegation.

medical applications (they are exempted). Information about the Code of Conduct is located on the IAEA web site at: [www-ns.iaea.org/tech-areas/radiation-safety/code-of-conduct.htm](http://www-ns.iaea.org/tech-areas/radiation-safety/code-of-conduct.htm).

1.2 Annex 18 and Doc 9284 (Technical Instructions for the Safe Transport of Dangerous Goods by Air) govern flight safety issues for operators, if dangerous goods are on board, and do not regulate an orderly physical transfer of high consequence dangerous goods (including radioactive materials) from an exporting State to a recipient in an importing State at the state border.

1.3 Annex 18 and Doc 8973 Restricted (Security Manual for Safeguarding Civil Aviation against Acts of Unlawful Interference), first of all, provide requirements for safeguarding aircraft against acts of unlawful interference and requirements to participants of transportation of high consequence dangerous goods, which have the potential to be misused in a terrorist incident and which may, as a result, produce serious consequences such as mass casualties or mass destruction. Such damages and losses caused by an authorized shipper due to his lack of management of dangerous goods, to address special security requirements directly to shippers, it located in Doc 9284, but not in Doc 8973 Restricted.

## 2. DISCUSSION

2.1 Annex 9, Chapter 4, Standard 4.13 requires Contracting States not to hold an aircraft operator responsible to ensure that documentary requirements for import licenses and the like, are met. Standard 4.12 states that the declarant is responsible for documents required for customs procedures.

2.2 A Declarant from the State of export does not have an opportunity to receive the sanction to release of a cargo in the State of destination, because of lack of appropriate accreditation in customs office of that State. A Declarant from the State of destination has no information on an actual place and time of crossing border by a dangerous goods, and it is difficult for him to provide documentation at the border, due to a lack of procedures for such action.

2.3 The absence of the possibility for the air operator or exporter to receive from the customs office of the State of destination confirmation stating that all necessary documents for import are available, results in a situation when dangerous goods are delivered to the airport of State of destination without full confidence such that such documents are available. In case the recipient (importer) does not have documents in place, the dangerous goods have to be stored for 2-3 months (time for which an importer sets up his import documents) at the premises of airport, for which it is not designed. In radical cases this leads to a ban on the removal of dangerous cargo, from an aircraft after a landing, with a view of protection of the airport against orphan radioactive sources.

2.4 Annex 9, Chapter 4, Recommended Practice 4.18 states, that Contracting States should, to the greatest extent possible, remove any requirement to manually produce supporting documents and should establish procedures whereby they can be produced by electronic means.

2.5 Therefore, in order to facilitate unloading of high consequence dangerous goods, radioactive material, including material used in medical applications, it is proposed that a new sub-section be added to Chapter 4 of Annex 9 containing two new SARPs.

## 3. ACTION BY THE FAL PANEL

3.1 The FAL Panel is invited to consider and to agree to the following amendment to Chapter 4 (Entry and departure of cargo and other articles) of Annex 9:

## **H. Radioactive material and other high consequence dangerous goods.**

4.54. Contracting State shall promptly release radioactive material, used in medical applications, being provided that the goods are transported in accordance with the relevant provisions of Annex 18, *The Safe Transport of Dangerous Goods by Air* and Doc 9284, *Technical Instructions for the Safe Transport of Dangerous Goods by Air*.

4.55. **Recommended Practice.** — *A Contracting State should apply a procedure for providing fast and smooth transport of radioactive material and other high consequence dangerous goods, on the ground of notifications received from interested entities, providing to the greatest possible extent, removal of any requirements about representing of originals of additional documents, establishing procedures according to which documents may be delivered on a paperless basis with the help of electronic means.*

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