



WORKING PAPER

DANGEROUS GOODS PANEL (DGP)

TWENTY-THIRD MEETING

Montréal, 11 to 21 October 2011

Agenda Item 2: Development of recommendations for amendments to the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284) for incorporation in the 2013-2014 Edition

**DEFINITIONS FOR THE TERMS
“UNDECLARED” AND “MISDECLARED” DANGEROUS GOODS**

(Presented by J. McLaughlin)

SUMMARY

This paper proposes definitions for “undeclared” and “misdeclared” dangerous goods.

Action by the DGP: The DGP is invited to consider defining undeclared and misdeclared items of dangerous goods as proposed in the appendix to this working paper. Alternatively, the DGP may wish to define neither term at this time or may wish to define only undeclared items of dangerous goods.

1. INTRODUCTION

1.1 At the DGP Working Group of the Whole Meeting in Atlantic City (DGP-WG/11, 4 to 11 April 2011), definitions for undeclared and misdeclared items of dangerous goods were proposed (DGP/23-WP/3, paragraph 3.2.6 refers). This proposal was tentatively accepted at DGP-WG/11. DGP/23-WP/24 discusses why these proposals conflict with the application of constructive knowledge principles in some States.

1.2 While the necessity for the Technical Instructions to define undeclared and misdeclared items of dangerous goods does not appear to be essential, there was some support for defining these terms in the Technical Instructions. The definitions proposed in the appendix to this working paper will not conflict with regulatory approaches in other States and will maintain the prerogatives of States to respond to various instances of non-compliance as they see fit.

1.3 This proposal is offered for the DGP’s consideration in conjunction with DGP/23-WP/33, proposing to amend incident reporting requirements in the Technical Instructions.

APPENDIX
AMENDMENTS TO THE TECHNICAL INSTRUCTIONS

Part 1

GENERAL

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Chapter 3

GENERAL INFORMATION

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3.1 DEFINITIONS

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Undeclared Dangerous Good. An item of dangerous goods that is subject to any hazard communication requirements including those pertaining to documentation, marking, labeling, placarding, and/or packaging, that is offered for transport without any visible indication to the person accepting the dangerous good for air transport that an item of dangerous good is present, on either an accompanying shipping document, or package, or ULD.

Misdeclared Dangerous Good. Any item of dangerous goods offered for transport in a manner not meeting the provisions of the Technical Instructions that is not considered to be an undeclared item of dangerous goods.

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