



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

“UNDECLARED” AND “MISDECLARED” DANGEROUS GOODS

(Presented by the Secretary)

SUMMARY

This paper discusses the potential consequences of incorporating definitions for “undeclared” and “misdeclared” dangerous goods in the Technical Instructions as had been agreed at DGP-WG/11.

Action by the DGP: The DGP is invited to delete from Part 1, Chapter 3 of the Technical Instructions the definitions proposed at DGP-WG/11 for “undeclared” and “misdeclared” dangerous goods. It is suggested that the note which had been agreed provisionally should then be transferred to Part 7;4.5.

1. INTRODUCTION

1.1 At the Working Group of the Whole meeting in Atlantic City (DGP-WG/11, 4 to 8 April 2011), a proposal to include definitions for “undeclared” and “misdeclared” was discussed (DGP/23-WP/3 paragraph 3.2.6 refers). Concern was expressed by some members that defining “undeclared” simply in terms of the absence of a dangerous goods transport document was not only insufficient but was perhaps contradictory, given that operators were required to seek confirmation from shippers that cargo did not contain dangerous goods. It was suggested that this raised questions as to when an operator would be held accountable when transporting packages of dangerous goods, appropriately marked and labelled, but without accompanying documentation. However, the proposals were agreed after it was noted that the intent behind the definitions was to provide guidance to operators on the reporting requirements in Part 7;4.5 of the Technical Instructions.

1.2 The Secretariat is of the view that including such definitions in Part 1 of the Technical Instructions would have the consequential effect of having contradictory requirements in the Instructions, particularly with regard to “undeclared” dangerous goods. On the one hand, operators are required under

Part 7;1 of the Technical Instructions to “seek confirmation from shippers about the contents of any item of cargo where there are suspicions that it may contain dangerous goods” whereas on the other, relief would be provided to the operator from this requirement through the use of this definition. Noting that the original intent of the proposal was to provide guidance to operators on the reporting requirements, it is suggested, that at most, these definitions could be included in the form of a note to Part7;4.5, but it would be preferable to delete them. It is suggested that the note which had been agreed provisionally at DGP-WG/11 should then be transferred to 7;4.5.

APPENDIX

PROPOSED AMENDMENTS TO THE TECHNICAL INSTRUCTIONS

DGP/23-WP/3, paragraph 3.2.6:

Part 1

GENERAL

...

Chapter 3

GENERAL INFORMATION

Parts of this Chapter are affected by State Variation BE 1; see Table A-1

3.1 DEFINITIONS

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~~**Undeclared dangerous goods.** Dangerous goods offered for transport by air without being accompanied by a dangerous goods transport document; information applicable to the consignment provided in electronic form; or where permitted, by alternative documentation.~~

~~**Misdeclared dangerous goods.** Dangerous goods offered for transport by air where:~~

~~— a) they are incorrectly described on the dangerous goods transport document, such that had they been correctly described, they would not be have been acceptable for carriage; or~~

~~— b) they are found, after the acceptance check required by 7.1.3, not to have complied with the Technical Instructions.~~

~~[Note — Non-compliances with the Technical Instructions found during an acceptance check are not required to be reported, although an operator may choose to do so if an issue of significance (e.g. incorrect use of packaging) is detected.]~~

Part 7

OPERATOR'S RESPONSIBILITIES

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4.5 REPORTING OF UNDECLARED OR MISDECLARED DANGEROUS GOODS

An operator must report any occasion when undeclared or misdeclared dangerous goods are discovered in cargo or mail. Such a report must be made to the appropriate authorities of the State of the Operator and the State in which this occurred. An operator must also report any occasion when dangerous goods not permitted under 8;1.1.1 are discovered in passengers' baggage. Such a report must be made to the appropriate authority of the State in which this occurred.

[Note.— Non-compliances with the Technical Instructions found during an acceptance check are not required to be reported, although an operator may choose to do so if an issue of significance (e.g. incorrect use of packaging) is detected.]

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