



危险物品专家组 (DGP)

第二十三次会议

2011年10月11日至21日, 蒙特利尔

议程项目1: 拟定对附件18 — 《危险物品的安全航空运输》的修订提案 (如有必要)

取消飞越国的豁免程序

(由秘书提交)

概要

本份工作文件建议对附件 18 进行修订, 以简化与飞越国有关的豁免程序。

危险物品专家组的行动: 请危险物品专家组同意本份工作文件附录所载的拟议修订。

1. INTRODUCTION

1.1 Discussion on the difficulties encountered by shippers or operators when attempting to obtain an exemption from the State of Overflight was first raised at the eleventh meeting of the DGP in 1987 (DGP/11). It was most recently discussed at the Working Group of the Whole Meeting in Auckland (DGP-WG/09, 4 to 8 May 2009, paragraph 3.5.1.3 refers) when it was suggested that it is virtually impossible to predict which States a flight may overfly due to the increasing use of autonomous aircraft navigation with consequential discussions at DGP/22 (DGP/22-WP/100, paragraph 1.4 refers), the DGP Working Group of the Whole Meeting in Abu Dhabi (DGP-WG/10, 7 to 11 November 2010) (DGP/23-WP/3, paragraph 3.1.4 refers) and the DGP Working Group of the Whole Meeting in Atlantic City (DGP-WG/11, 4 to 8 April 2011) (DGP/23-WP/3, paragraph 3.1.1 refers).

1.2 During the various meetings, members have been reminded of the rights of States above their territory as contained in Article 35 b) of the Chicago Convention:

Article 35

Cargo restrictions

- a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State. Each State shall determine by regulations what constitutes munitions of war or implements of war for the purposes of this Article, giving due consideration, for the purposes of uniformity, to such recommendations as the International Civil Aviation Organization may from time to time make.
- b) Each contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph a): provided that no distinction is made in this respect between its national aircraft engaged in international navigation and the aircraft of the other States so engaged; and provided further that no restriction shall be imposed which may interfere with the carriage and use on aircraft of apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers.

1.3 Recognizing that the retention by a State of sovereignty over its airspace is a fundamental tenet of the Convention whilst at the same time knowing that the State of Overflight might have less interest in the granting of an exemption than the other States concerned, the Secretariat proposes that standard 2.1.4 be amended to allow a State of Overflight a specified time period to consider the request. To aid discussion, a thirty day time period is suggested. However, should the State not respond within this period, acceptance of the request would be deemed to have been granted. Of course, should the State respond, the standard procedure would follow. This would therefore permit any State of Overflight interested in a specific request for an exemption to review that request and thereby not relinquish any degree of sovereignty over its airspace whilst, at the same time, not delay exemption requests simply due to lack of involvement in the process.

附录

对国际标准和建议措施的第 10 次修订案文

危险物品的安全航空运输

国际民用航空公约

附件 18

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第 2 章 适用范围

2.1 总的适用范围

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2.1.4 对于飞越国，如果没有相应的予以豁免标准，可依据认为是否已达到同等的航空运输安全水平予以豁免。飞越国必须在三十天内对予以豁免的请求作出答复。如在该时间内没有作出答复，豁免请求必须视为已被接受。

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