



**WORKING PAPER**

**DANGEROUS GOODS PANEL (DGP)**

**TWENTY-THIRD MEETING**

**Montréal, 11 to 21 October 2011**

**Agenda Item 1: Development of proposals, if necessary, for amendments to Annex 18 — *The Safe Transport of Dangerous Goods by Air***

**DANGEROUS GOODS REQUIREMENTS FOR ANNEX 6 BASED ON ANNEX 18**

(Presented by OPSP Secretary)

**SUMMARY**

This paper presents information with regard to coordination among the Operations Panel (OPSP), the Dangerous Goods Panel (DGP), and the ICAO Secretariat in developing provisions for Annex 6 — *Operation of Aircraft* to be based on Annex 18 — *The Safe Transport of Dangerous Goods by Air* and the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284) regarding operational requirements for the carriage of dangerous goods by air.

**Action by the DGP:** The DGP is requested to:

- a) Review the information in this Working Paper;
- b) Determine the best means of participating with the Operations Panel in developing operational provisions for Annex 6; and
- c) Agree to begin work on this task in conjunction with the Operations Panel and the Secretariat at the earliest opportunity.

**1. INTRODUCTION**

1.1 The thirteenth meeting of the Operations Panel Working Group of the Whole (OPSP/WG/WHL/13), held in Montreal from 3-7 October 2011, identified several areas where the Dangerous Goods provisions of Annex 18 and the Technical Instructions could be strengthened for States of the Operator and operators through the addition of operational requirements in Annex 6. In order to progress these ideas, both OPSP and DGP would first need to agree on a method of working together to determine the scope of the task and identify its elements.

## 2. BACKGROUND

2.1 In 2009, the Secretariat first raised the issue of the need for operational requirements in Annex 6 to augment the provisions of Annex 18 and the Technical Instructions. As a result of many Universal Safety Oversight Audit Programme (USOAP) audits, it had become apparent that operational responsibilities for oversight at all levels are not well understood by some regulators. While the requirements of Annex 18 and the Technical Instructions are clear, there is some confusion in the interpretation by some civil aviation regulatory authorities of their responsibilities for oversight of the various aspects of transporting dangerous goods by air, particularly with regard to packers, shippers and handlers.

2.2 Consideration of this issue by the Operations Panel, during its tenth meeting as a Working Group of the Whole in May 2009, led to agreement that there was potential value in introducing requirements for operators and States of the Operator in Annex 6. Subsequent discussions with the Secretary and members of the Dangerous Goods Panel revealed that there are several aspects of the effort to ensure the safety of the carriage of dangerous goods by air that could be well-served by introducing a wider range of relevant operational requirements in Annex 6. Consequently, the twelfth meeting of the Operations Panel Working Group of the Whole in November 2010 reviewed a group of potentially new provisions for Annex 6 that would provide a direct operational link to the information already contained in Annex 18 and the Technical Instructions.

2.3 As a result of this review, OPSP proposed to the Air Navigation Commission that a new task be added to its work programme, entitled “Dangerous Goods Requirements for Annex 6”. In the proposal, OPSP recommended that the task be expanded to include other elements regarding the carriage of dangerous goods that are considered to be of operational significance, such as the involvement of flight dispatchers in the processing of emergency information. In the Spring of 2011, the Commission acknowledged the importance of this task and agreed to add it in its expanded form to the Panel’s work programme.

## 3. DISCUSSION

3.1 In its initial response to the tasking, OPSP/WG/WHL/13 considered a proposal to add a new chapter to Annex 6 Part I based on Annex 18 and the Technical Instructions. This new chapter would provide a central location in Annex 6 for the dangerous goods requirements relevant both to the State of the Operator and to the operator. OPSP noted that this could be a significant undertaking, and that a cooperative effort among the OPSP, the DGP and the Secretariat would be required to ensure success. As the first step in the process, the meeting agreed to form a Dangerous Goods Sub-Group (DGSG) to begin work on the proposal.

3.2 OPSP also agreed that the Dangerous Goods Panel’s participation in this effort would be welcome, either by formation of its own working group to work in parallel with the OPSP’s DGSG or by participating directly in this sub-group.

3.3 In order to frame the task for consideration by the DGP, OPSP/WG/WHL/13 agreed that, in conjunction with the DGP and Secretariat, it would be important to determine:

- 1) The definition and scope of the task;
- 2) The Terms of Reference and Work Programme;
- 3) The means of progressing the task; and

- 4) A list of potential task elements, to include but not necessarily limited to:
  - a) Creation of a new Chapter in Annex 6 (Chapter 14) to address operational requirements for dangerous goods;
  - b) Oversight by the appropriate authority of all aspects of the transport of dangerous goods by air, to specifically include packers, shippers and handlers, especially when the State does not approve any of its air operators to carry dangerous goods;
  - c) Identification of dangerous goods requirements for operators not approved to carry dangerous goods;
  - d) Approval of dangerous goods training programs for operators, including those not authorized to carry dangerous goods;
  - e) Approval of dangerous goods manuals or dangerous goods section of the air operator's operations manual;
  - f) Carriage of dangerous goods as Company Material (COMAT);
  - g) Exemptions and approvals in the operations specifications to carry dangerous goods;
  - h) Requirements for the Air Operator Certificate (AOC);
  - i) Duties of flight dispatchers with respect to emergency response; and
  - j) The feasibility of including these requirements in Annex 6 — *Operation of Aircraft, Part II — International General Aviation — Aeroplanes* and Annex 6 — *Operation of Aircraft, Part III — International Operations — Helicopters, Section III*.

**Note:** OPSP expressed the view that, under item i) above, duties with respect to emergency response may be performed not only by flight dispatchers but also by others in the operational chain of command, especially in situations where flight dispatchers are not used by an operator. OPSP suggests that this element be re-titled to “personnel with responsibility for operational control” or similar wording to reflect the fact that not all operators use the services of flight dispatchers.

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