



WORKING PAPER

DANGEROUS GOODS PANEL (DGP)

TWENTY-FOURTH MEETING

Montréal, 28 October to 8 November 2013

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

STATE OF OVERFLIGHT IN THE EXEMPTION PROCESS — INFORMATION ON NATIONAL AUTHORITIES FOR DANGEROUS GOODS

(Presented by the Secretary)

SUMMARY

This working paper revisits the subject of difficulties encountered by shippers or operators when attempting to obtain an exemption from States of Oversight. Obtaining information on national authorities responsible for compliance with Annex 18 has been cited as a major hurdle in obtaining exemptions. The Secretariat has therefore made concerted efforts to obtain this information from all States resulting in the development of a public website containing State authority contact information (www.icao.int/safety/DangerousGoods/Pages/Dangerous-Goods-National-Authority.aspx).

Action by the DGP: The DGP is invited to review the dangerous goods national authority website and provide comments to the Secretary on its usefulness and the potential impact on facilitating the exemption process.

1. INTRODUCTION

1.1 The subject of difficulties encountered by shippers or operators when attempting to obtain an exemption from States of Overflight was discussed at length at DGP/23 (Montreal, 11 to 21 October 2011), at the Working Group of the Whole on Lithium Batteries Meeting (Montreal, 6 to 10 February 2012), at the 2012 Meeting of the Working Group of the Whole (Montreal, 15 to 19 October 2012) and through correspondence. Removing State of Overflight from the exemption process was seen by many to be the only solution to this problem, but most felt that this was not an option as it would infringe on a State's sovereign right over its airspace, a fundamental tenet of the Chicago Convention. An alternate proposal whereby an exemption would be deemed to be automatically granted by the State of Overflight based on a triggering event, such as the receipt of notification that exemptions had been granted by the State of Origin, Operator, Transit and Destination. The State would then be given a

predefined time period in which to rescind the exemption. The panel had difficulty determining what triggering event would be operationally feasible, since any event would require communication with national authorities responsible for compliance with Annex 18, and this information was not always available.

1.2 It is recognized that any possible solution to the State of Overflight problem would involve communication with national authorities responsible for compliance with Annex 18. The Secretariat, with the help of ICAO's regional offices, has made concerted efforts to obtain this information from all States. States were advised that national authority information will be made available on the ICAO dangerous goods website to be published before the start of the 38th Session of the ICAO Assembly (Montreal, 24 September to 4 October 2013). It is envisaged that this website will not only provide invaluable information but will also serve as an impetus to States which have not already notified ICAO of an appropriate authority to do so, as required by Annex 18, paragraph 2.7 and as detailed in Part S;1.1.1 of the Supplement to the Technical Instructions.

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