



NOTA DE ESTUDIO

GRUPO DE EXPERTOS SOBRE MERCANCÍAS PELIGROSAS (DGP)

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Montreal, 28 de octubre – 8 de noviembre de 2013

Cuestión 2 del orden del día: **Formulación de recomendaciones sobre las enmiendas de las *Instrucciones Técnicas para el transporte sin riesgos de mercancías peligrosas por vía aérea* (Doc 9284) que haya que incorporar en la edición de 2015-2016**

**DEFINICIÓN DE SUCESO Y DE DISCREPANCIA
EN RELACIÓN CON MERCANCÍAS PELIGROSAS**

(Nota presentada por B. Carrara)

Por falta de recursos, sólo se han traducido el resumen y el apéndice

RESUMEN

En esta nota se propone incluir en la Parte 1;3.1.1 de las Instrucciones Técnicas las definiciones de suceso relacionado con mercancías peligrosas y de discrepancia relacionada con mercancías peligrosas.

Medidas recomendadas al DGP: Se invita al DGP a considerar la adición de las nuevas definiciones según figura en el apéndice de esta nota de estudio.

1. INTRODUCTION

1.1 Part 1;3.1.1 of the Technical Instructions provides definitions for dangerous goods accident and dangerous goods incident.

1.2 Considering that dangerous goods accidents and incidents belong to a major group of dangerous goods not in compliance with the regulations it is noticed that there is a gap of non-compliance occurrences in the Technical Instructions.

1.3 This proposal was originally presented at the 2012 Meeting of the Dangerous Goods Panel Working Group of the Whole (DGP-WG/12, Montreal, 15 to 19 October 2012) in DGP-WG/12-WP/19. At that time there was support for the intent of the amendments proposed, but many members felt uncomfortable with some changes, especially about reporting requirements for dangerous goods discrepancies.

1.4 Figure 1 presents a schema for dangerous goods occurrences and the current scenario for reporting of those occurrences in accordance within the Technical Instructions.

1.5 The horizontal rectangle on the top of Figure 1 represents dangerous goods accidents, the horizontal rectangle in the middle represents dangerous goods incidents, and the one on the bottom represents other minor discrepancies that did not actually cause an incident or accident.

1.6 The two vertical rectangles represent types of occurrences that must be reported by the operator to any State, regardless of which class of occurrence they belong.

1.7 In the first one are undeclared and misdeclared dangerous goods, including the discovery of forbidden dangerous goods in passenger or crew baggage or in the mail. These occurrences must be reported to the State of the Operator and to the State in which it occurred under the provisions of 7;4.5 of the Technical Instructions as reproduced below.

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, either in the baggage or on the person, of passengers or crew members. Such a report must be made to the appropriate authority of the State in which this occurred.

1.8 The second rectangle represents dangerous goods occurrences that must be reported under 7;4.6 to the State of the Operator and to the State of Origin, including dangerous goods not loaded, segregated, separated or secured correctly and dangerous goods carried without information to the pilot-in-command.

4.6 REPORTING OF DANGEROUS GOODS OCCURRENCES

An operator must report to the State of the Operator and the State of Origin any occasion when:

- a) dangerous goods are discovered to have been carried when not loaded, segregated, separated or secured in accordance with Part 7;2; or
- b) dangerous goods are discovered to have been carried without information having been provided to the pilot-in-command in accordance with Part 7;4.1.

1.9 The two vertical rectangles are not part of the classification criteria presented in 1.5 above since occurrences represented by them might be accidents, incidents or discrepancies.

1.10 Having presented that, it is concluded that in accordance with the Technical Instructions, those occurrences which must be reported by the operator are those belonging to the coloured areas. Consequently, those discrepancies that are not covered by the 7;4.5 and 7;4.6 provisions, represented by the grid area, do not need to be reported to any State by the provisions of the Technical Instructions.

1.11 Figure 1 shows that the occurrences in the blue area must be reported by the operator to the State of the Operator and to the State in which this occurred, whilst the yellow area represents occurrences that must be reported to the State of the Operator and to the State of Origin. The combination of those two areas results in the green area for which an occurrence must be reported to the State of the Operator, to the State in which this occurred and also to the State of Origin.

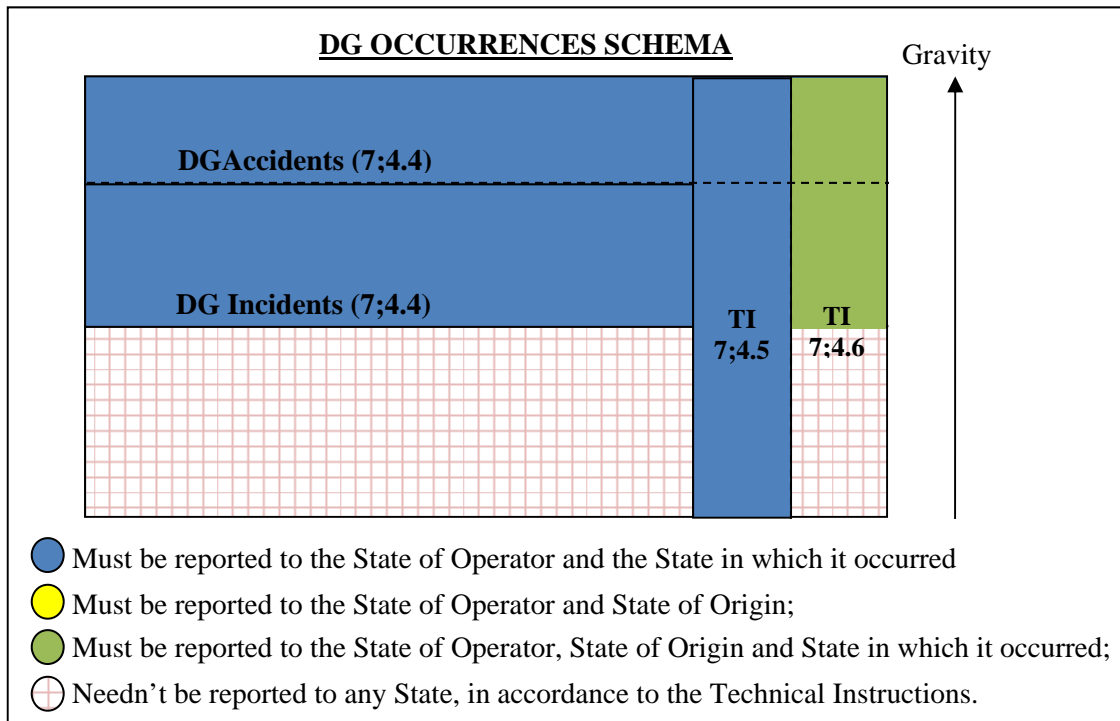


Figure 1 – Dangerous goods occurrences schema

1.12 It is worth noting, as shown below, that the word “occurrence” already appears in the definitions of dangerous goods accident and incident in Part 1;3.1.1 and also in the heading of Part 7;4.6; there is, however no definition for this word.

Dangerous goods accident. An occurrence associated with and related to the transport of dangerous goods by air which results in fatal or serious injury to a person or major property or environmental damage.

Dangerous goods incident. An occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property or environmental damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained. Any occurrence relating to the transport of dangerous goods which seriously jeopardizes the aircraft or its occupants is also deemed to be a dangerous goods incident.

“4.6 REPORTING OF DANGEROUS GOODS OCCURRENCES”

1.13 On the other hand, without sticking to the context of Note 1 in Part 7;1.3.1, this text uses the word “discrepancy” to describe a situation of non-compliance with the Technical Instructions.

“Note 1.— Minor discrepancies, such as the omission of dots and commas in the proper shipping name appearing on the transport document or on package markings, or minor variations in hazard labels which do not affect the obvious meaning of the label, are not considered as errors if they do not compromise safety and should not be considered as reason for rejecting a consignment.”

1.14 Considering the explanation and the schema presented in this paper, the DGP is invited to adopt definitions for *dangerous goods occurrences* and for *dangerous goods discrepancies* realizing that it could assist the task to be undertaken with respect to the dangerous goods reporting system.

APÉNDICE

ENMIENDAS PROPUESTAS DE LA PARTE 1 DE LAS INSTRUCCIONES TÉCNICAS

Parte 1

GENERALIDADES

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Capítulo 3

INFORMACIÓN GENERAL

Partes de este capítulo resultan afectadas por la discrepancia estatal BE 1; véase la Tabla A-1

3.1 DEFINICIONES

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Discrepancia relacionada con mercancías peligrosas. Todo suceso de no cumplimiento de las Instrucciones Técnicas que no sea un accidente o incidente y que esté asociado y relacionado con el transporte de mercancías peligrosas por vía aérea.

Suceso relacionado con mercancías peligrosas Todo incidente relacionado con mercancías peligrosas, accidente relacionado con mercancías peligrosas o discrepancia relacionada con mercancías peligrosas, incluyendo mercancías peligrosas no declaradas o mal declaradas.

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