



DANGEROUS GOODS PANEL (DGP)

TWENTY-FIFTH MEETING

Montréal, 19 to 30 October 2015

Agenda Item 7: Other business

APPLICATION OF ANNEX 6 — STATES DEMANDING APPROVAL OF OPERATORS FOR CARRIAGE OF DANGEROUS GOODS AND DANGEROUS GOODS TRAINING

(Presented by D. Brennan)

SUMMARY

This working paper raises the ongoing issue of States imposing requirements with respect to dangerous goods on operators other than those to which they issue an Air Operator's Certificate.

Action by the DGP: The DGP is invited to consider coordination with the Flight Operations Panel (FLTOPSP) to ensure that the provisions of Annex 6, Chapter 14 are correctly implemented and that States not impose additional requirements related to dangerous goods on operators other than those registered in their State.

1. INTRODUCTION

1.1 During the period 2011 to 2013 work was carried out by the DGP and the Flight Operations Panel (FLTOPSP) separately and jointly that resulted in revisions to Annex 6 — *Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes* to incorporate a new Chapter 14 — Dangerous Goods.

1.2 The provisions of Chapter 14 clearly identify the responsibilities of the authority of the State of the Operator with respect to the approval of the operator's dangerous goods training programme and also the approval of the operator to carry dangerous goods as cargo. The details of the operator's approval to carry dangerous goods are then identified in the operations specifications that form an attachment to the operator's air operator certificate.

1.3 The changes to Annex 6 were issued in State letter AN 11/1.3.27-14/9 on 7 April 2014 and the changes became applicable as of 13 November 2014.

1.4 The provisions set out in Chapter 14 of Annex 6 now clearly identify that it is the responsibility of the State of the Operator to approve an operator's dangerous goods training programme. Chapter 14 also places responsibility for the approval of the operator to carry dangerous goods as cargo.

1.5 Despite the changes to Annex 6 there are still a number of States that impose a requirement through State variations to the Technical Instructions that operators flying to and from their State must be approved to carry dangerous goods. Generally issue of this approval is also contingent on a separate review and approval of the operator's dangerous goods training programme.

1.6 There are also States that have failed to advise ICAO by way of a State variation that they expect operator's to submit their dangerous goods training programme as part of a requirement for the operator to be approved to carry dangerous goods to and from that State. An example of these "hidden" State variations has recently been brought to the attention of the author with Honduras issuing a letter that requires all operators, and ground handling agent to hold an approval from the Aeronautic Honduran Civil Agency (see the appendix to this working paper).

1.7 The question here is, what can a State other than the State of the Operator require with respect to the operator's dangerous goods training programme, or for that matter the approval to carry dangerous goods that is issued by their State? The operator's dangerous goods programme is approved by their authority. The operator cannot change the programme without the approval of their authority regardless of the opinion of the authority of another State.

2. ACTION BY THE DGP

2.1 The DGP is invited to request that the Secretary raise this issue with the Air Navigation Commission. One possible approach would be to request that the requirements of Annex 6 with respect to Chapter 14 be reinforced to all member States through the issuance of a State Letter.

APPENDIX

LETTER FROM NATIONAL CIVIL AVIATION AUTHORITY OF HONDURAS TO AIR OPERATORS

Government of the Republic of Honduras

Aeronautic Honduran Civil Agency

Communication AHAC — No- 172-2015

To all airline operators domestic and internationals, airlines ground service suppliers who handle cargo be informed that based on the RAC 1.1220 the IACO document 9284, part 7, chapter 4 and the RACs 18.

Must submit to the Aeronautic Honduran Civil Agency (AHAC — Spanish) no later than September 21st of the current year the following information:

1. If you are authorized by the AHAC to transport Dangerous Goods submit:
 - a. The Dangerous Goods Acceptance Manual
 - b. Dangerous Goods Training Program
2. For all those companies that are not authorized by the AHAC to transport Dangerous Goods submit:
 - a. The Dangerous Goods Training Program
3. For those companies that handle Dangerous Goods in the International Airports of the Honduran State submit:
 - a. Dangerous Goods Training Program

Tegucigalpa MDC, September 2,2015

Colonel of Aviation
Jose Rafael Navarro Carrasco
General Director

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