



**NOTA DE ESTUDIO**

**GRUPO DE EXPERTOS SOBRE MERCANCÍAS PELIGROSAS (DGP)**

**VIGESIMOSÉPTIMA REUNIÓN**

**Montreal, 16 - 20 de septiembre de 2019**

- Cuestión 2 del orden del día:** **Gestión de los riesgos de seguridad operacional específicos del transporte por vía aérea e identificación de anomalías**
- 2.1:** **Formular propuestas de enmienda del Anexo 18 — Transporte sin riesgos de mercancías peligrosas por vía aérea, si se considera necesario**
  - 2.2:** **Formular propuestas de enmienda de las Instrucciones Técnicas para el transporte sin riesgos de mercancías peligrosas por vía aérea (Doc 9284), si se considera necesario, para su incorporación en la edición de 2021-2022**

**ELIMINACIÓN DE LAS DEFINICIONES DE AERONAVE DE CARGA Y AERONAVE DE PASAJEROS EN EL ANEXO 18 Y LAS INSTRUCCIONES TÉCNICAS**

(Nota presentada por Schwartz Scott)

**RESUMEN**

Las definiciones de aeronave de pasajeros y de aeronave exclusivamente de carga (aquí simplemente denominada aeronave de carga) del Anexo 18 y las Instrucciones Técnicas han generado incongruencias con respecto a qué personas se permite en las aeronaves de carga cuando se transportan a bordo mercancías peligrosas cuyo transporte debe realizarse en aeronaves exclusivamente de carga (CAO). Además, las definiciones tampoco concuerdan con las que se aceptan en otras áreas consideradas en el Convenio sobre Aviación Civil Internacional. Las definiciones de mercancías peligrosas pueden utilizarse tanto para denegar acceso a miembros del personal cuyo aporte en cuanto a seguridad operacional es importante en el curso de las operaciones normales y de emergencia, como para permitir el acceso a bordo de personas que pueden crear distracciones o trabajo extra para la tripulación de vuelo en caso de emergencia.

**Medidas recomendadas al DGP:** Se invita al DGP a considerar la propuesta de eliminar las definiciones de aeronave de pasajeros y de aeronave de carga en el Anexo 18 y las Instrucciones Técnicas, según figura en los apéndices de esta nota, y a trabajar con otros grupos de expertos para garantizar que toda persona a bordo de una aeronave comercial cuente con la cualificación y la instrucción adecuadas.

\* Sólo se han traducido el resumen y los apéndices.

## 1. INTRODUCTION

1.1 As stated in the general principles of the Technical Instructions, the role of the dangerous goods regulatory structure is to “ensure that should an incident occur it cannot lead to an accident.” It should not be to determine who is permitted to be aboard commercial flights, unless it is directly related to the safe handling and carriage of dangerous goods (for example, a courier traveling with cargo with special handling requirements). Who can be aboard and what non-dangerous goods related training is required falls under airworthiness, operations, and aviation security regulations.

1.2 The definitions of cargo and passenger aircraft in Annex 18 and the Technical Instructions are based on aircraft types and operating procedures that were developed decades ago when the type and amount of dangerous goods transported and the aircraft in use were very different than today. Both the risk profile and risk mitigation possibilities have changed since the 1960’s, but the definitions and the underlying safety assumptions have not.

1.3 Other Annexes rarely distinguish between cargo and passenger operations and have no formal definitions for them. When there are distinctions between passenger and cargo operations, they are risk based, and have more to do with underlying safety differences rather than providing for different levels of safety. And when there is a distinction, it is assumed that passenger flights are those with fare paying passengers on board. As shown below, the definitions in Annex 18 and the Technical Instructions include several types of personnel that are not fare-paying passengers.

1.4 Annex 18, Chapter 1 Definitions and the Technical Instructions Part 1;1.3.1 Definitions both state:

“**Cargo aircraft.** Any aircraft, other than a passenger aircraft, which is carrying goods or property.

...

**Passenger aircraft.** An aircraft that carries any person other than a crew member, an operator’s employee in an official capacity, an authorized representative of an appropriate national authority or a person accompanying a consignment or other cargo.”

1.5 The current definitions in Annex 18 and the Technical Instructions can be interpreted by some to exclude off-duty pilots from traveling on cargo aircraft with CAO freight on board. The Air Line Pilots Association, International has maintained a database of over 1000 instances where an extra pilot on the flight deck has been beneficial to flight safety. This extra safety margin is provided by pilots from other airlines as well as those of the operator. Local pilot knowledge often enhances flight safety on routine flights and has resulted in saved lives in emergency situations. United 232 in 1989 and a Lion Air flight the day before the JT610 accident are only two examples. Therefore, in the interest of flight safety, the DGP should not restrict certificated pilots, whether they are from the operating carrier or another airline from any cargo aircraft..

1.6 Some have proposed to allow all airline employees, couriers travelling to or from assignments, and other persons on these flights. During normal operations and during emergencies, these passengers can be distractions for the flight crew, and would rarely be of assistance. It would be ironic that because of language in Annex 18 and related documents, they could be allowed on certain flights while fully qualified flight crews that have been demonstrated to save lives and prevent incidents could be prohibited.

1.7 In any case, these decisions have little to do with the safe transport of dangerous goods and should be regulated by other bodies.

1.8 It is proposed here to harmonize dangerous goods text with other Annexes and remove the arbitrary definitions for cargo and passenger aircraft and rely on the same meaning of the terms used in other areas of regulation

## 2. ACTION BY THE DGP

2.1 The DGP is invited to consider whether the definitions for passenger and cargo aircraft should be made by other ICAO panels and be deleted from the dangerous goods documents as shown in the appendices to this working paper and to work with other panels to ensure that those allowed on board cargo aircraft are properly qualified and trained.

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## APÉNDICE A

### PROPUESTA DE ENMIENDA DEL ANEXO 18

## NORMAS Y MÉTODOS RECOMENDADOS INTERNACIONALES

### CAPÍTULO 1. DEFINICIONES

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~~**Aeronave de carga.** Toda aeronave, distinta de la de pasajeros, que transporta mercancías o bienes tangibles.~~

~~**Aeronave de pasajeros.** Toda aeronave que transporte personas que no sean miembros de la tripulación, empleados del explotador que vuelen por razones de trabajo, representantes autorizados de las autoridades nacionales competentes o acompañantes de algún envío u otra carga.~~

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## APÉNDICE B

### PROPUESTA DE ENMIENDA DE LAS INSTRUCCIONES TÉCNICAS

#### Parte 1

### GENERALIDADES

#### 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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~~**Aeronave de pasajeros.** Toda aeronave que transporte personas que no sean miembros de la tripulación, empleados del explotador que vuelen por razones de trabajo, representantes autorizados de las autoridades nacionales competentes o acompañantes de algún envío u otra carga.~~

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— FIN —