



**WORKING PAPER**

**DANGEROUS GOODS PANEL (DGP)  
WORKING GROUP MEETING (DGP-WG/15)**

Montreal, 27 April to 1 May 2015

**Agenda Item 2: Development of recommendations for amendments to the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284) for incorporation in the 2017-2018 Edition**

**2.4: Part 4 — Packing Instructions**

**2.5: Part 5 — Shipper's Responsibilities**

**PACKING INSTRUCTION 101  
AUTHORIZED VERSUS APPROVED**

(Presented by B Firkins)

**SUMMARY**

Packing Instruction 101 includes certain text that is required to appear on the dangerous goods transport document.

This is inconsistent with the wording of Part 5;4.1.5.8.2, where one slightly different word is required to appear on the dangerous goods transport document.

**Action by the DGP-WG:** The DGP is invited to consider the options for making an amendment, including the suggested changes to Packing Instruction 101 and Part 5;4.1.5.8.2 of the Technical Instructions as indicated in the appendices to this working paper.

**1. INTRODUCTION**

1.1 Part 4;3.3.1.12 of the Technical Instructions, the general packing provisions for Class 1, states:

"3.3.1.12 Packing Instruction 101 may be used for any explosive provided the package has been **approved** by an appropriate national authority regardless of whether the packaging complies with the packing instruction assignment in the Dangerous Goods List."

1.2 Packing Instruction 101 states:

“The State’s distinguishing sign for motor vehicles in international traffic of the country for which the authority acts must be marked on the dangerous goods transport document as follows: “Packaging **approved** by the competent authority of ...”

1.3 The rationale for compelling a matter of “documentation”, within a “packing instruction”, ought to be examined. There are some occasions where a packing instruction is comparatively self-contained and is the means by which all documentary requirements are captured; such as Packing Instructions 650 and 954.

1.4 This is inconsistent with the wording in Part 5; 4.1.5.8.2 of the Technical Instructions which states:

“4.1.5.8.2 For explosive substances, where Packing Instruction 101 has been adopted by an appropriate national authority, the State’s distinguishing sign for motor vehicles in international traffic of the country for which the authority acts must be marked on the dangerous goods transport document as follows:

Packaging **authorized** by the competent authority of ...”

1.5 It is unfortunate that the inconsistency has only come to light through the rejection of a consignment because the term “approved” was on the dangerous goods transport document; and not the term “authorized”, as it appears in Part 5;4.1.5.8.2.

1.6 Various “English as a first language” States, and their native legislation, may have slightly differing nuances between an approval and an authorization, or even the other spelling of “authorisation”; and examples can be found in the variations notified by States, contained in Attachment 3, Chapter 1 of the Technical Instructions. Indeed, some States use both terms.

1.7 It might have been expected that the plain language interpretations and synonyms “Approved” and “Authorized” would not be the cause of a rejection. It is certainly hoped that the other ICAO language versions of the Technical Instructions are not facing this specific issue.

1.8 Furthermore, it is regrettable that the common-sense approach, sought in Note 1 under Part 7;1.3.1 (recited below), did not prevail:

*“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.”*

1.9 The challenge when re-lodging the consignment for carriage was in then meeting compliance with both pieces of text. This was achieved through providing the other term in the special handling information section.

1.10 There appears to be five options. These are:

- 1) change nothing;
- 2) amend Packing Instruction 101 and the corresponding text at Part 4;3.3.1.12 by replacing “approved” with “authorized”;
- 3) amend Part 5; 4.1.5.8.3 by replacing “authorized” with “approved”;

- 4) remove the prescriptive text requirements from Options 2 and 3; or
- 5) amend Note 1 under Part 7;1.3.1.

1.11 For Option 1), one rejection, in itself, is not a significant issue. In the interests of consistency, it would be better to effect a simple amendment as part of the normal amendment cycle of the Technical Instructions.

1.12 With Options 2 and 3, the terms “approved” and “authorized” appear in many places throughout the Technical Instructions. Whilst “authorized” is the more prevalent term; “approved” also makes frequent appearances. The UN Model Regulations also appears to have a significant degree of using both terms. In this particular situation, if the panel is to change one term (either “approved” or “authorized”) in order to develop some consistency, then Option 3 is preferred as it would be only one change in the document and not two.

1.13 From the objective of aviation safety, it has to be questioned as to the merits in being so prescriptive in the words to be included in the dangerous goods transport document. The rational outcome which is being sought by the existing text, is “which State (and which competent authority) approved the packaging”. Option 4 is the outcome-based option.

1.14 If Option 4 were to be followed, Packing Instruction 101 would be amended to remove the specific text; whilst paragraph Part 5;4.1.5.8.2 would contain a more generalized example as presented in Appendix B.

1.15 Option 5, amending the note, is not a preferred option. Rather, it is felt that there should be a wider and more constructive debate around the acceptance check being an assessment of the suitability of the package, to be accepted into the aviation cargo transportation system, to withstand the rigours that might be encountered in the normal course of that transport, and to arrive safely at destination; rather than being a means to identify any possible basis on which to reject a consignment.

## **2. ACTION BY THE DGP-WG**

2.1 The DGP-WG is invited to discuss the issues raised within this paper and to express views on amending Packing Instruction 101 and Part 5; Chapter 4, paragraph 4.1.5.8.2 in the appendices to this working paper.

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APPENDIX A

PROPOSED AMENDMENT TO PART 4 OF THE TECHNICAL INSTRUCTIONS

Part 4

PACKING INSTRUCTIONS

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Chapter 3

CLASS 1 — EXPLOSIVES

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3.4 PACKING INSTRUCTIONS

Packing Instruction 101

*Inner packagings*

*Intermediate packagings*

*Outer packagings*

As specified by the appropriate national authority.

The State's distinguishing sign for motor vehicles in international traffic of the country for which the authority acts must be marked on the dangerous goods transport document as follows: "~~Packaging approved by the competent authority of ...~~".

~~— Note. — In this instance the term "competent authority" is used for intermodal compatibility; it refers to the appropriate national authority.~~

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APPENDIX B

PROPOSED AMENDMENT TO PART 5 OF THE TECHNICAL INSTRUCTIONS

Part 5

SHIPPER'S RESPONSIBILITIES

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Chapter 4

DOCUMENTATION

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4.1.5 Information required in addition to the dangerous goods description

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4.1.5.8.2 For explosive substances, where Packing Instruction 101 has been adopted by an appropriate national authority, the State's distinguishing sign for motor vehicles in international traffic of the country for which the authority acts must be marked on the dangerous goods transport document ~~as follows:~~

~~— Packaging authorized by the competent authority of —~~

*Note 1. —: Some examples of this marking are:*

*"Packaging approved by Dept of Minerals and Energy, Western Australia, a competent authority of AUS."*

*"Packaging authorized by the competent authority of the USA"*

*"Packaging approval GB/2323/2015"*

*Note 2.— In this instance, the term "competent authority" is used for intermodal compatibility; it refers to the appropriate national authority.*

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