



WORKING PAPER

**DANGEROUS GOODS PANEL (DGP)
MEETING OF THE WORKING GROUP OF THE WHOLE**

Auckland, New Zealand, 4 to 8 May 2009

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 2011/2012 Edition

Agenda Item 2.1: Part 1 — General

DEFINITION OF “STATE OF ORIGIN”

(Presented by G. A. Leach)

SUMMARY

This paper discusses the definition of “State of Origin” and presents a proposal to amend the Note under the definition of “Approval” in Part 1;3.1 of the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284).

Action by the DGP-WG is in paragraph 2.

1. INTRODUCTION

1.1 Part 1;3.1 of the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc. 9284) contains the following definition for “State of Origin”:

“The State in the territory of which the cargo was first loaded on an aircraft”.

There is also a “note” under “Approval” indicating that unless otherwise indicated, approvals are only required from the State of Origin. The definition of “State of Origin” appears not to have changed since the first edition of the Technical Instructions but a recent difference in interpretation by two States suggests this wording should be clarified.

1.2 The difference in interpretation is related to what is actually meant by “first loaded on an aircraft”. This wording is intended to clarify that for a flight (or series of flights) from a State, approval is only needed from the State the aircraft departs from and is not required at transit stops. It then ceases to be valid when the goods arrive at their destination, although there would be nothing to stop a subsequent State from recognizing it. However, the counter interpretation was that a State of Origin approval remains

valid for any subsequent carriage of the dangerous goods in question from all countries anywhere in the world and with any operator, because the original approval for those goods was granted by the State in which the goods were first loaded on an aircraft.

1.3 It is suggested a State of Origin approval can only apply to flights departing from the State granting the approval until arrival at final destination. Otherwise, there could be the situation where, for example, an A2 approval is granted by State A for the transport of dangerous goods on a passenger aircraft (when they would normally be forbidden on both passenger and cargo aircraft) to State B, but then the approval is used for the same type of goods on a flight sometime hence from State C to State D, on a passenger aircraft, without either State C or the operator (which may be registered anywhere) having any involvement.

2. ACTION BY THE DGP-WG

2.1 The DGP-WG is invited to amend the note under the definition of “Approval” in Part 1;3.1 of the Technical Instructions:

Note.— Unless otherwise indicated, approval is only required from the State of Origin. Such an approval applies to a flight or series of flights departing from that State but is not required from any State which is transited en route to final destination.

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