



WORKING PAPER

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

Auckland, New Zealand, 4 to 8 May 2009

Agenda Item 6: Other business

DENIALS AND DELAYS OF SHIPMENT

(Presented by the Secretary)

SUMMARY

In March 2009, the ICAO Council adopted new Standards and Recommended Practices (SARPs) aimed at mitigating entry/exit delays and denials in the shipment of radioactive material by air, for inclusion in Annex 9 — *Facilitation*. These SARPs are meant to complement the work that the International Atomic Energy Agency (IAEA) is doing to lessen the impact of proliferating rules and regulations that inhibit the transport of radioactive material. The International Maritime Organization (IMO), on its part, has setup an inter-modal database that would record instances of delays and denials of shipments of radioactive material. This paper requests the working group to consider how best ICAO could contribute to this effort of the IMO.

Action by the DGP-WG is in paragraph 3.

1. INTRODUCTION

1.1 The international transport of dangerous goods is well-regulated by various international instruments and regulations. These include Annex 18 — *The Safe Transport of Dangerous Goods by Air* and *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284). However, in spite of the industry complying with these regulatory provisions, an increasing number of instances of denials and/or delays of shipment (by sea, air and land) of radioactive material, in particular, are being reported. These denials/delays occur at all stages of the transport of the material, including international border controls such as customs. Also, non-uniform restrictions additional to the internationally agreed Technical Instructions' specifications are also being imposed by some States on the transport and entry and/or exit of radioactive material by air.

1.2 These delays/denials create bottlenecks that block shipments and cause problems for end-users. Delays and denials of shipments of radioactive material, in particular material used for medical applications, result in hardships to patients undergoing diagnosis and treatment and to others, who rely on

products sterilized by radiation. In cases involving isotopes with short half lives — such as iodine used to treat and detect thyroid tumors — delays render the isotopes much less effective and, if the delay is long enough, useless.

1.3 As a result, the International Atomic Energy Agency (IAEA) has set up an *International Steering Committee on the Denial of Shipments of Radioactive Material* (ISC) to develop and coordinate a comprehensive international action plan of activities related to delays and denials of shipments of radioactive material at both national and international levels.

2. ICAO'S CONTRIBUTION TO THE ISC'S ACTION PLAN

2.1 Annex 9 — Facilitation

2.1.1 The ISC has acknowledged that delays/denials of the shipment of radioactive material is primarily a facilitation matter. Therefore, a part of ICAO's contribution to the ISC's action plan was to develop Standards and Recommended Practices (SARPs) for Annex 9 — *Facilitation*, to promote uniformity of customs' or other entry or exit regulations on the movement of radioactive material, particularly material used in medical applications. The Secretariat presented a working paper on this matter to the fifth meeting of the Facilitation Panel (FALP/5-WP/7), in March 2008. The panel agreed to recommend the addition, in Annex 9, of new SARPs that would facilitate the transport of radioactive material by air.

2.1.2 Subsequently, in March 2009, the Council adopted the following provisions for inclusion in Chapter 4 of Annex 9 — *Facilitation* that are due to become applicable in November 2009:

4.54 A Contracting State shall facilitate the prompt release of radioactive material being imported by air, particularly material used in medical applications, provided that applicable laws and regulations governing the importation of such material are complied with.

Note.— The advance notification, either in paper form or electronically, of the transport of radioactive materials would likely facilitate the entry of such material at the State of destination.

4.55 **Recommended Practice.** —*A Contracting State should avoid imposing customs' or other entry/exit regulations or restrictions supplementary to the provisions of Doc 9284, Technical Instructions for the Safe Transport of Dangerous Goods by Air.*

4.56 Where a Contracting State adopts customs' or other entry/exit regulations or restrictions that differ from those specified in Doc 9284, *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, it shall notify ICAO promptly of such State variations for publication in the Technical Instructions, in accordance with Chapter 2, 2.5 of Annex 18 — *The Safe Transport of Dangerous Goods by Air*.

2.2 Database on denials/delay

2.2.1 The other major modal intergovernmental organization that participates in the ISC's work is the International Maritime Organization (IMO).

2.2.2 The IMO has designed a database that would record instances of delays/denials and other difficulties associated with the carriage of radioactive material and reasons for delays/denials. This “evidence” of delays/denials would be collected to enable proper analysis and suggest possible future remedial action(s).

2.2.3 The intention is that the database would be “administered” jointly by IMO, the IAEA and ICAO. The three Secretariats have full access rights in order to enter information into the database. It would, however, “reside” at IMO, who will maintain it.

2.2.4 One of the key factors that would aid the work of the ISC is that delays/denials need to be reported. If this is not done, progress cannot be achieved. Therefore, a “reporting form” has been developed. This form is attached, for information, in Appendix A to this working paper.

2.3 ISC’s regional focal points

2.3.1 The ISC has established “focal points” in the various regions of the world to address the issue of delays/denials of radioactive shipments. One of the main tasks of these focal points is to monitor the issue, develop and maintain contacts within governments in the regions and submit reports of alleged delays/denials to entry into the database.

2.3.2 ICAO’s contribution to this initiative is much more clear. The Secretariat has agreed that ICAO’s regional offices should be contacted with the request that they liaise, as appropriate, with the ISC focal points in order to provide information and/or assistance on the delays/denials matter (Refer to Appendix B to this working paper).

3. ACTION BY THE DGP-WG

3.1 The DGP-WG is invited to consider how best ICAO could further contribute to the work of the ISC, and to comment on the attached delays/denials “Reporting Form.”

APPENDIX A

**REPORTING FORM
REPORT ON DIFFICULTIES ENCOUNTERED IN RELATION TO THE CARRIAGE OF
CLASS 7 DANGEROUS GOODS– RADIOACTIVE MATERIAL**

Report submitted by: ¹	Date of Report (DD/MM/YYYY):
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Details of Product Shipped	
Product name:	
UN number:	
Proper shipping name:	
Dangerous Goods Class or Division:	
Shipment reference number (consignor ID):	

The carriage of the above consignment was:	delayed <input type="checkbox"/>	denied <input type="checkbox"/>
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Details of Consignment					
Consignor:					
Consignee:					
Carrier:					
Mode of transport:	Air: <input type="checkbox"/>	Sea: <input type="checkbox"/>	Rail: <input type="checkbox"/>	Road: <input type="checkbox"/>	Transit: <input type="checkbox"/>
Name of aircraft/ship/vehicle:					
Type of aircraft/ship/vehicle:					
Aircraft tail/IMO ship/vehicle identification number:					
Flight number/voyage reference/route reference:					
Location of loading: (Airport/Port/Pickup):	City/Town/State:				
	Country:				
	Date:				
Origin Airport/Port/City					
Arrival Airport/Port/City					

¹ Name of Member Government's Civil Aviation, Maritime Administration or other Government Organisation or Non-Governmental Organization with consultative status, Manufacturer/Producer/Shipper submitting the Report.

Details of Difficulty	
Date of difficulty:	
Name of entity with whom the alleged difficulty:	
Location(s) and date(s) of transit:	
Destination:	
Brief description of events:	
Reasons stated for difficulty of carriage:	
Actions taken to resolve the matter (if any):	
Consequences of the development(s):	
Other relevant information or comments:	
Suggestions (if any)	

Details of Contact	
Name:	
Title	
Address:	
City, State, Country, Postal Code:	
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