



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

Auckland, 4 to 8 May 2009

Agenda Item 1: Development of proposals, if necessary, for amendments to Annex 18 — *The Safe Transport of Dangerous Goods by Air*

REMOVAL OF STATE OF OVERFLIGHT FROM EXEMPTION PROCESS

(Presented by D. Brennan)

REVISED

SUMMARY

This paper proposes that the State of Overflight be removed from the exemption requirements.

Action by the DGP-WG is in paragraph 2.

1. INTRODUCTION

1.1 Amendment 6 to Annex 18, and the subsequent revision to Part 1;1.1.2 of the Technical Instructions, revised the consideration for the State of overflight with respect to the issue of an exemption, to recognize that in the absence of any defining criteria, the State of overflight may issue an exemption on the basis that an equivalent level of safety is being achieved.

1.2 For a shipper or an operator, actually being able to conclusively identify the State of overflight can be quite difficult. This difficulty is being compounded with the increasing use of autonomous aircraft navigation, which means that the aircraft track for a given flight is determined by the most favourable routing to achieve minimum fuel burn. This coordinated approach between air traffic management (ATM) authorities and operators to minimize track length and fuel burn deviates significantly from the previous ATM approach where very clearly defined tracks with fixed waypoints were used to route aircraft from origin to destination.

1.3 The use of flexible aircraft routings means that an aircraft travelling between origin and destination may overfly a State on a particular day, but not on another. The flexible routing may even mean that flights between two points within a single day may be different. On this basis any exemption received from one particular State of overflight may be unnecessary, but instead a State may be overflown where no exemption has been requested and therefore technically there is a breach of the provisions of Part 1;1.1.2 on the part of the shipper and/or operator.

1.4 On this basis it is believed that requiring that the State of overflight be a party to issue any exemption is not feasible and in practice adds nothing to the safety of the consignment being exempted. Therefore, for exemptions the only States that have a real interest are those where the consignment departs, arrives, is in transit and of course the State of the Operator if not previously addressed.

2. ACTION BY THE DGP-WG

2.1 The DGP-WG is invited to modify the provisions of Annex 18, Chapter 2 as follows:

2.1 General applicability

The Standards and Recommended Practices of this Annex shall be applicable to all international operations of civil aircraft. In cases of extreme urgency or when other forms of transport are inappropriate or full compliance with the prescribed requirements is contrary to the public interest, the States concerned may grant exemptions from these provisions provided that in such cases every effort shall be made to achieve an overall level of safety in transport which is equivalent to the level of safety provided by these provisions. ~~For the State of Overflight, if none of the criteria for granting an exemption are relevant, an exemption may be granted based solely on whether it is believed that an equivalent level of safety in air transport has been achieved.~~

Note 1.— The States concerned are the States of Origin, transit, ~~overflight~~ and destination of the consignment and the State of the Operator.

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