



WORKING PAPER

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

Abu Dhabi, United Arab Emirates, 7 to 11 November 2010

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

STATE OVERSIGHT RESPONSIBILITIES

(Presented by the Secretary)

SUMMARY

This working paper discusses responsibilities of States with regard to oversight of all involved in the transport and presents a proposal to clarify the scope of their responsibilities.

Action by the DGP-WG is in paragraph 2.

1. INTRODUCTION

1.1 The Standard contained in paragraph 11.1 of Annex 18 — *The Safe Transport of Dangerous Goods by Air* states that:

11.1 Inspection systems

Each Contracting State shall establish inspection, surveillance and enforcement procedures with a view to achieving compliance with its dangerous goods regulations.

Note.— It is envisaged that these procedures would include provisions for the inspection of both documents and cargo and operators' practices as well as providing a method for the investigation of alleged violations (see 11.3).

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1.2 Annex 18 and the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284) assign specific responsibilities to shippers. This would include Annex 18 Chapters 3, 5, 6 and 7. It would also include Parts 3, 4 and 5 of the Technical Instructions at a minimum. The principles in

the Technical Instructions are intended to facilitate transport while giving a level of safety such that dangerous goods can be carried without placing an aircraft or its occupants at risk, providing all requirements are fulfilled. These include the shippers' responsibilities.

1.3 The principles of an oversight system include legislation and regulations to delegate authority for inspections and enforcement. This authority to inspect and enforce the compliance with the Technical Instructions as it relates to shippers is not delegated to operators but to the authority responsible for aviation in a State. The operators are required to seek information if needed from shippers about items offered to them during their acceptance process. There is no authority for the operator to perform oversight inspections for compliance with the dangerous goods regulations and to take enforcement action where appropriate.

1.4 The responsibility for operators under the dangerous goods regulations is to perform acceptance procedures prior to transport. The responsibilities of the shipper such as classification, inner packaging quantities and methods applied and selection of proper shipping names are possibly one of the most critical safety components in the dangerous goods transport system. These are responsibilities for which operators could not be held responsible.

1.5 The oversight authority has the responsibility to inspect and enforce when appropriate the functions required by the dangerous goods regulations. Any regulated party, including handling agents performing functions on behalf of the shipper, should be inspected for compliance with the regulations. If an enforcement issue is being considered, it is possible the operator will hold a responsibility under the law. However, the inspection and enforcement authority is still assigned to the authority responsible for aviation oversight.

1.6 It has been noted during safety oversight audits that some States are unaware of their inspection, surveillance and enforcement responsibilities beyond that of oversight of operators. Therefore, it is suggested that clarification of these responsibilities should be provided in the Standard contained in paragraph 11.1 of Annex 18.

2. ACTION BY THE DGP-WG

2.1 The DGP-WG is invited to discuss the following amendment proposal to paragraph 11.1 of Annex 18 — The Safe Transport of Dangerous Goods by Air as follows:

11.1 Inspection systems

Each Contracting State shall establish inspection, surveillance and enforcement procedures for all entities performing a function prescribed in its dangerous goods regulations with a view to achieving compliance with ~~its dangerous goods~~ those regulations.

Note.— It is envisaged that these procedures would include provisions for the inspection of both documents and cargo and operators' practices as well as providing a method for the investigation of alleged violations (see 11.3).

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