



WORKING PAPER

DANGEROUS GOODS PANEL (DGP)

TWENTY-FIFTH MEETING

Montréal, 19 to 30 October 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

SPECIAL PROVISION A62 — STATE OF ORIGIN

(Presented by T. Muller)

SUMMARY

This working paper seeks the opinion of the Dangerous Goods Panel on the interpretation of “State of Origin” in relation to Special Provision A62.

Action by the DGP: The DGP is invited to consider:

- a) whether the change of the definition of State or Origin means an approval from each State is required for the carriage by air of every single shipment of explosives to which Special Provision A62 applies; and
- b) whether a consequential change to Special Provision A62 has been overlooked and a change in either the definition of the State of Origin or/and an amendment of Special Provision A62 is necessary.

1. INTRODUCTION

1.1 Special Provision A62 is assigned to all entries in Table 3-1 to which Packing Instruction 101 is assigned. The entries concerned which are allowed to be transported by air are:

- a) UN 0349 Articles explosive, n.o.s., Division 1.4S
- b) UN 0351 Articles, explosive, n.o.s., Division 1.4C
- c) UN 0352 Articles, explosive, n.o.s., Division 1.4D
- d) UN 0353 Articles, explosive, n.o.s., Division 1.4G

- e) UN 0471 Articles, explosive, n.o.s., Division 1.4E
- f) UN 0383 Components, explosive train, n.o.s., Division 1.4B
- g) UN 0384 Components, explosive train, n.o.s., Division 1.4S
- h) UN 0479 Substances, explosive, n.o.s., Division 1.4C
- i) UN 0480 Substances, explosive, n.o.s., Division 1.4D
- j) UN 0481 Substances, explosive, n.o.s., Division 1.4S
- k) UN 0485 Substances, explosive, n.o.s., Division 1.4G

1.2 Special Provision A62 states that:

“This designation may only be used when no other appropriate designation exists in the list and then only with the approval of the appropriate authority of the State of Origin.”

1.2.1 Special Provision A62 relates to the classification of explosive substances and articles which are not listed in Table 3-1. The equivalent special provision in the UN Model Regulations (SP178) is identical except that the UN refers to “Country” instead of “State”.

1.2.2 According to Part 3;1.1.2, a “not otherwise specified” entry may be used to permit the transport of substances or articles which do not appear specifically by name in the dangerous goods list. Such a substance or article may be transported only after its dangerous properties have been determined.

1.2.3 However, in addition, Special Provision A62 requires that the use of “n.o.s. entries” for Class 1 explosives must be approved by the appropriate authority of the State of Origin.

1.3 The definition for State of Origin was changed in the 2013-2014 Edition of the Technical Instructions (see the appendix to the working paper for an extract of the report of DGP/22). The current definition for State of Origin in Part 1;3 of the Technical Instructions reads as follows:

“**State of Origin.** The State in the territory of which the consignment is first to be loaded on an aircraft.”

1.3.1 The definition in the 2011-2012 Edition was:

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

1.3.2 According to the “old” definition, an approval in accordance with Special Provision A62 only had to be granted by the State in the territory of which the cargo was first loaded on an aircraft. This has always been interpreted as a one-time approval for the classification of explosives to which Special Provision A62 applies.

1.3.3 It must be noted that the UN Model Regulations, the IMDG code and ADR do not have a definition for State of Origin or Country or Origin, so the issue expressed in this working paper is not multimodal.

1.4 With the change of the definition for State of Origin, it could be interpreted by the appropriate authority of a Member State that an approval is required for every single shipment from each State for explosives to which Special Provision A62 applies when transported by air. The justification for

this interpretation is that the definition for the State of Origin in the current edition of the Technical Instruction's states "The State in the territory of which the consignment is first to be loaded on an aircraft". The definition of consignment in Part 1, Chapter 3 is:

"Consignment. One or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address."

1.4.1 Since a Special Provision A62 approval relates to classification approved by the competent authority, based on the provisions in the *UN Model Regulations Manual of Tests and Criteria*, (often issued only after thorough consideration and very expensive classification tests), a one-time approval should be appropriate.

2. ACTION BY THE DGP

2.1 The DGP is invited to consider:

- a) whether the change of the definition of State or Origin means an approval from each State is required for the carriage by air of every single shipment of explosives to which Special Provision A62 applies; and
- b) whether a consequential change to Special Provision A62 has been overlooked and a change in either the definition of the State of Origin or/and an amendment of Special Provision A62 is necessary.

APPENDIX

THE WORKING PAPER FOR AN EXTRACT OF THE REPORT OF DGP 22.

DGP/22-WP/100

Report on Agenda Item 1

1-1

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

1.1 DEFINITION OF “STATE OF ORIGIN” (DGP/22-WP/18)

1.1.1 A proposal to revise the definition of “State of Origin” was made. The basis for the proposed revision related to the word “cargo” as it appears in the definition and whether or not the use of this was appropriate since the definition of cargo excludes stores. It was also noted that approvals are for the transport of dangerous goods, but cargo includes both dangerous and non-dangerous goods. It was suggested that “consignment” would be a more appropriate term as it would only apply to dangerous goods and is specific on the timing or duration of the shipment. It was agreed “consignment” clarified the definition.

1.1.2 The meeting agreed to the proposed amendment without further change. The amendment is shown in the appendix to the report on this agenda item.

DGP/22-WP/100

Appendix to the Report on Agenda Item 1

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APPENDIX

PROPOSED AMENDMENTS TO ANNEX 18

ANNEX 18

THE SAFE TRANSPORT OF DANGEROUS GOODS BY AIR

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CHAPTER 1. DEFINITIONS

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Dangerous goods accident. An occurrence associated with and related to the transport of dangerous goods by air which results in fatal or serious injury to a person or major property or environmental damage.

Dangerous goods incident. An occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property or environmental damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained. Any occurrence relating to the transport of dangerous goods which seriously jeopardizes the aircraft or its occupants is also deemed to constitute a dangerous goods incident.

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State of Origin. The State in the territory of which the ~~—~~ consignment was first loaded on an aircraft.