



**WORKING PAPER**

**DANGEROUS GOODS PANEL (DGP)**

**TWENTY-SEVENTH MEETING**

**Montréal, 16 to 20 September 2019**

**Agenda Item 2: Managing air-specific safety risks and identifying anomalies**

**2.1: Develop proposals, if necessary, for amendments to Annex 18 — *The Safe Transport of Dangerous Goods by Air***

**2.2: Develop proposals, if necessary, for amendments to the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284) for incorporation in the 2021-2022 Edition**

**Agenda Item 8: Coordination with other panels**

**8.1: Flight Operations Panels (FLTOSP)**

**REVISION TO THE DEFINITION OF “PASSENGER AIRCRAFT”**

(Presented by D. Brennan)

**SUMMARY**

This working paper proposes revision to the definition of “passenger aircraft” in Annex 18 and the Technical Instructions. The working paper also proposes text for the consideration of the Flight Operations Panel (FLTOSP) for inclusion into the *Procedures for Air Navigation Services, Volume III — Aircraft Operating Procedures*. (Doc 8168, PANS-OPS).

**Action by the DGP:** The DGP is invited to consider the changes proposed to the definition of passenger aircraft in Annex 18 and the Technical Instructions as shown in the appendix to this working paper.

**1. INTRODUCTION**

1.1 A working paper was presented to the nineteenth working group meeting of the Dangerous Goods Panel (DGP-WG/19, Montréal, 1 to 5 April 2019) seeking discussion on the carriage of persons on an aircraft carrying cargo aircraft only dangerous goods without the aircraft being considered as a “passenger aircraft” (see paragraph 3.8.1.1 of the DGP-WG/19 report).

1.2 The working paper identified that there is an inconsistency between the provisions in the Technical Instructions and those set out in the United States Federal Aviation Regulations, Title 14,

Part 121, specifically §121.583, “Carriage of persons without complying with the passenger-carrying provisions of this part”.

1.3 The working paper also identified that FAR §121.583 went further than just identifying the persons that could be carried on an aircraft carrying cargo aircraft only dangerous goods, the FAR text also set out very clear operational conditions that the operator was obliged to implement. It was believed that this text could be of use if adopted into the relevant ICAO publication.

1.4 At DGP-WG/19 there was support for further discussion, including with the secretary of the Flight Operations Panel (FLTOPSP). Following DGP-WG/19 the author discussed the potential of including the operational conditions into an appropriate location into an ICAO publication with the Secretary of the FLTOPSP, with the secretary suggesting that guidance could be proposed for inclusion into an appropriate location in the *Procedures for Air Navigation Services, Volume III —Aircraft Operating Procedures*. (Doc 8168, PANS-OPS).

1.5 This working paper proposes a revision to the definition of “passenger aircraft” as shown in Annex 18 and the Technical Instructions to bring in the flexibility of carrying persons accompanying a consignment or other cargo, including when travelling to or from accompanying a consignment or other cargo.

1.6 It is also proposed to add in allowance for other persons to be carried, subject to approval of the operator under conditions determined by the appropriate national authority. This has been included to permit the carriage of persons such as auditors that are not employed by the operator. This text is in square brackets for the panel to consider.

1.7 This working paper also includes draft text to be proposed to the FLTOPSP for their consideration for inclusion into PANS-OPS, Volume III that brings in the operational requirements and controls when an operator permits such persons to be carried on a cargo aircraft.

## 2. ACTION BY THE DGP

2.1 The DGP is invited to consider the proposals set out in the appendices to this working paper.

2.2 For the draft text for PANS-OPS, Volume III, the panel is invited to review the text and to propose any revisions to the draft text to be submitted to the FLTOPSP.

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APPENDIX A

PROPOSED AMENDMENT TO ANNEX 18

INTERNATIONAL STANDARDS  
AND RECOMMENDED PRACTICES

CHAPTER 1. DEFINITIONS

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*Passenger aircraft.* An aircraft that carries any person other than:

- a) a crew member;
- b) an operator's employee ~~in an official capacity;~~
- c) an authorized representative of an appropriate national authority ~~or;~~
- d) a person accompanying a consignment or other cargo, including when travelling before or after accompanying a consignment or other cargo; [or
- e) a person approved by the operator in accordance with conditions approved by the appropriate national authority.]

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## APPENDIX B

### PROPOSED AMENDMENTS TO THE TECHNICAL INSTRUCTIONS

#### Part 1

#### GENERAL

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#### Chapter 3

#### GENERAL INFORMATION

*Parts of this Chapter are affected by State Variation BE 1; see Table A-1*

#### 3.1 DEFINITIONS

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***Passenger aircraft.*** An aircraft that carries any person other than:

- a) a crew member;
- b) an operator's employee ~~in an official capacity;~~
- c) an authorized representative of an appropriate national authority ~~or;~~
- d) a person accompanying a consignment or other cargo, including when travelling before or after accompanying a consignment or other cargo; [or
- e) a person approved by the operator in accordance with conditions approved by the appropriate national authority.]

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## Part 7

# OPERATOR'S RESPONSIBILITIES

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## Chapter 1

### ACCEPTANCE PROCEDURES

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#### 1.7 CONDUCTING SAFETY RISK ASSESSMENTS

1.7.1 Operators engaged in commercial air transport operations should include a safety risk assessment process for the transport of dangerous goods as part of their approved safety management system to comply with Annexes 6 — *Operation of Aircraft* and 19. This safety risk assessment should include appropriate information to result in implementation of safety measures that ensure the safe transport of dangerous goods including lithium batteries and cells as cargo.

1.7.2 Operators that intend to carry persons permitted on a cargo aircraft in addition to the operating crew must conduct a safety risk assessment on the carriage of such persons. This includes the development and implementation of policies and procedures for the carriage of these persons as provided for in the *Procedures for Air Navigation Services, Volume III — Aircraft Operating Procedures*. (Doc 8168, PANS-OPS).

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## APPENDIX C

### DRAFT TEXT FOR CONSIDERATION BY THE FLTOPSP FOR PANS-OPS, VOL III

#### Carriage of Persons on an Aircraft Carrying “Cargo Aircraft Only” Dangerous Goods

##### Background

1. The *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284) (Technical Instructions) set out the provisions by which substances and articles classified as dangerous goods can be carried as cargo on aircraft. The Technical Instructions differentiate between certain dangerous goods that are permitted as cargo on a “passenger aircraft” and those that due to the larger net quantity per package, or the inherent hazard are restricted to carriage on a “cargo aircraft”.

2. The Technical Instructions then includes definitions of “cargo aircraft” and “passenger aircraft” to identify on which aircraft the applicable dangerous goods can be carried. The definitions in the Technical Instructions are as follows:

**Cargo aircraft.** Any aircraft, other than a passenger aircraft, which is carrying goods or property.

**Passenger aircraft.** An aircraft that carries any person other than:

- a) a crew member;
- b) an operator’s employee;
- c) an authorized representative of an appropriate national authority;
- d) a person accompanying a consignment or other cargo, including when travelling before or after accompanying a consignment or other cargo; or
- e) a person approved by the operator in accordance with conditions approved by the appropriate national authority.

3. This means that “cargo aircraft only” dangerous goods can only be carried on an aircraft where the only persons [other than the operating crew] are those shown in the definition of a passenger aircraft.

4. The purpose of this guidance is to set out recommendations to operators that operate aircraft used only for the carriage of cargo, i.e. freighters, on what they should evaluate as part of their safety risk assessment to permit the carriage of persons that can be on a “cargo aircraft”.

##### Conditions Under Which Persons [Other Than Operating Flight Crew] May be Carried on a Cargo Aircraft

1. When considering the carriage of persons [additional to the operating crew] on an aircraft carrying “cargo aircraft only” (CAO) dangerous goods the operator [should] [must]:

- a) through the conduct of a safety risk assessment determine the potential for additional risk to be introduced into the operation due to carriage of persons other than operating crew.
- b) the safety risk assessment must consider the potential for negative effect of the presence of such personnel on the available measures in place for addressing the risks from such dangerous goods, such as fire protection and suppression systems and operational procedures that affect the occupants of the aircraft such as de-pressurization.
- c) the safety risk assessment must also consider potential risk to such personnel that may be different from the risk to the flight due to difference in training, emergency equipment, protective breathing or emergency evacuation capabilities.
- d) if the occupants of the cargo aircraft have access to the cargo hold containing dangerous goods, the risk assessment must also consider potential risk caused by such personnel.

2. Where the operator has determined that additional persons may be carried on an aircraft carrying CAO dangerous goods the operator [should] [must] ensure effective risk mitigation, to include at least the following:

- a) each person has unobstructed access from his seat to the flight deck or to a regular or emergency exit;
  - b) the pilot-in-command has a means of notifying each person when smoking is prohibited and when safety belts must be fastened; and
  - c) the aircraft has an approved seat with an approved safety belt for each person. The seat must be located so that the occupant is not in any position to interfere with the flight crewmembers performing their duties.
  - d) before each take-off, the operator shall ensure that all such persons have been orally briefed by the appropriate crewmember on:
    - (i) smoking;
    - (ii) the use of seat belts;
    - (iii) the location and operation of emergency exits;
    - (iv) the use of oxygen and emergency oxygen equipment; and
    - (v) for extended overwater operations, the location of life rafts, and the location and operation of life preservers including a demonstration of the method of donning and inflating a life preserver.
3. Each operator operating an aircraft carrying these persons must describe the procedures for the safe carriage of such persons into their operations manual and/or other appropriate manuals.

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