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11/11/23

DANGEROUS GOODS PANEL (DGP)

TWENTY-NINTH MEETING

Montréal, 13 to 17 November 2023

Agenda Item 7: Review of Annex 6 provisions having an impact on dangerous goods (REC-A-DGS-2025)

PROPOSED AMENDMENT TO DELETE THE DEFINITIONS OF PASSENGER AIRCRAFT AND CARGO AIRCRAFT

(Presented by Scott Schwartz)

REVISION NO. 1

SUMMARY

This information paper proposes to discuss a method to change who may be allowed on a cargo aircraft with cargo aircraft only freight on board. It would include deleting the definitions of passenger aircraft and cargo aircraft from Annex 18 and the Technical Instructions and adding text above Table 3-1 in the Technical Instructions to clarify which column in Table 3-1 is to be used to determine types and quantities of dangerous goods allowed on a particular flight.

The DGP is invited to discuss the proposed approaches to amend Annex 18 and the Technical Instructions as indicated in the appendix.

1. BACKGROUND

1.1 There have been several proposals presented to the DGP to amend the definitions of passenger and cargo aircraft in Annex 18 — *The Safe Transport of Dangerous Goods by Air* and the Technical Instructions to expand the list of people allowed to be on a cargo aircraft with cargo aircraft only dangerous goods on board. The DGP has agreed with the intent of the proposals, but the Secretariat has indicated that the Flight Operations Panel (FLTOSP) and the Air Navigation Commission (ANC) do not support “regulation by definition”. Their suggestion is to not change definitions, but to remove them entirely and add text to determine which column in Table 3-1 applies a particular package. DGP/29-IP/5 has a more detailed description of the history of this subject and I will not repeat that information here.

2. PROPOSED WAY FORWARD

2.1 This information paper invites the panel to consider deleting the definitions of passenger aircraft and cargo aircraft in both Annex 18 and the Technical Instructions, and to add text above Table 3-1 consistent with the current requirements, except that the persons allowed on a cargo aircraft with cargo aircraft only cargo on board would be determined by the State of the Operator, subject to additional requirements referenced in previous proposals supported by the panel. Note that the proposal only seeks to change who may be allowed on a particular flight, not make any other changes to the regulations. For example, it maintains the current concept that if only required crew is on board, the cargo aircraft limits may be applied, regardless of the physical configuration of the aircraft.

2.2 There are no changes proposed to Table 3-1, only to the text above the table to indicate which columns apply to the limits of types and quantities of dangerous goods allowed in packages.

2.3 The State of the Operator is responsible for developing various requirements for passenger flights, such as the number of flight attendants required and their training standards, various aspects of the emergency equipment required on board the aircraft, operational restrictions such as portable electronic device usage, and many other provisions. Many of these requirements are normally not applicable to cargo flights, and alternative means of ensuring adequate levels of safety for non-flight crew on board freighters are established. The purpose of the proposed wording in the appendix is to allow the State of the Operator to determine who can be on cargo aircraft with cargo aircraft only freight on board.

2.4 It must be noted that the phrases “passenger aircraft” and “cargo aircraft” appear many times in the Technical Instructions, and the question of whether the addition of the proposed language before Table 3-1 shown in the appendix is sufficient to ensure the terms will be properly understood should be discussed.

3. DISCUSSION BY THE DGP-WG

3.1 The DGP is invited to discuss the following approaches:

- a) deletion the definitions for passenger aircraft and cargo aircraft from Annex 18 and the Technical Instructions; or
- b) add one of the three proposed texts to Part 3;2.1.1 as indicated appendix of this working paper.

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APPENDIX

POTENTIAL AMENDMENTS TO ANNEX 18 AND THE TECHNICAL INSTRUCTIONS TO ADDRESS ISSUES RELATED TO WHO CAN BE ON A CARGO AIRCRAFT CARRYING DANGEROUS GOODS NOT PERMITTED ON A PASSENGER AIRCRAFT

ANNEX 18, CHAPTER 1

CHAPTER 1. DEFINITIONS

~~*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 crew member, an operator's employee in an official capacity, an authorized representative of an appropriate national authority or a person accompanying a consignment or other cargo.~~

TECHNICAL INSTRUCTIONS, PART 1;3

3.1 DEFINITIONS

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~~*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 crew member, an operator's employee in an official capacity, an authorized representative of an appropriate national authority or a person accompanying a consignment or other cargo.~~

TECHNICAL INSTRUCTIONS, PART 3;2

OPTION 1

2.1.1 The Dangerous Goods List (Table 3-1) is divided into 13 columns as follows:

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~~— If an aircraft has only required crewmembers on board, either the "Passenger and cargo aircraft" columns (10 and 11) or the "Cargo aircraft only" columns (12 and 13) may be applied to determine applicable packing instructions and quantity limits in Table 3-1.~~

~~— If persons in addition to required crewmembers are on board, the passenger carrying provisions of Annex 6, Chapter 4 apply, and if the passenger carrying provisions of the State of the Operator are met, then only the "Passenger and cargo aircraft" columns (12 and 13) apply.~~

~~— If persons in addition to required crewmembers are on board, the passenger carrying provisions of Annex 6, Chapter 4 apply, and if the passenger carrying provisions of the State of the Operator are not met, then the "Passenger and cargo aircraft" columns (10 and 11) apply, unless the State of the Operator authorizes use of the "Cargo aircraft only" columns (12 and 13). Operations using the "Cargo aircraft only" columns (12 and 13) under State authorization are subject to additional requirements established by that State.~~

~~The limits in Table 3-1 should be considered in the context of the safety risk assessment required by Annex 6, Chapter 15. The results of the safety risk assessment may result in lower limits than those shown in Table 3-1.~~

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OPTION 2

2.1.1 The Dangerous Goods List (Table 3-1) is divided into 13 columns as follows:

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For the purposes of the Technical Instructions, a passenger aircraft is one operated in compliance with the passenger carrying provisions of the State of the Operator. A cargo aircraft is any aircraft that is not a passenger aircraft, and any persons on board must be authorized by the State of the Operator subject to additional requirements established by that State.

The limits in Table 3-1 should be considered in the context of the safety risk assessment required by Annex 6, Chapter 15. The results of the safety risk assessment may result in limits lower than those shown in Table 3-1.

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OPTION 3

2.1.1 The Dangerous Goods List (Table 3-1) is divided into 13 columns as follows:

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Column 12 “Cargo aircraft only — Packing instruction” — this column provides information similar to that in column 10, but for articles or substances which may be transported on a cargo aircraft only.

Dangerous goods packed in accordance with the packing instructions identified in column 12 can only be loaded on an aircraft with required crewmembers onboard unless other persons are authorized to be onboard by the State of the Operator, subject to additional requirements established by that State.

The limits in Table 3-1 should be considered in the context of the safety risk assessment required by Annex 6, Chapter 15. The results of the safety risk assessment may result in limits lower than those shown in Table 3-1.

Column 13 “Cargo aircraft only — Maximum net quantity per package” — this column provides information similar to that in column 11, but for articles or substances which may be transported on a cargo aircraft only. The maximum quantity per package may be further limited by the type of packaging used. The maximum net quantities indicated do not apply to transport in portable tanks, as permitted in the Supplement to these Instructions, Part S-4, Chapter 12, with the approval of the appropriate authority of the State of Origin and the State of the Operator. The maximum net quantities indicated may be exceeded only if specified in these Instructions or as permitted in the Supplement to these Instructions in S-3;2 with the approval of the appropriate national authority of the State of Origin and the State of the Operator.

Dangerous goods packed in accordance with the limitations identified in column 13 can only be loaded on an aircraft with required crewmembers onboard unless other persons are authorized to be onboard by the State of the Operator, subject to additional requirements established by that State.

The limits in Table 3-1 should be considered in the context of the safety risk assessment required by Annex 6, Chapter 15. The results of the safety risk assessment may result in limits lower than those shown in Table 3-1.

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— END —