



WORKING PAPER

**DANGEROUS GOODS PANEL (DGP)
WORKING GROUP MEETING (DGP-WG/17)**

Montreal, 24 to 28 April 2017

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 2019-2020 Edition

2.1: Part 1 — General

DANGEROUS GOODS TRANSPORTED AS REPLACEMENT BY THE OPERATOR

(Presented by B. Carrara)

SUMMARY

This working paper invites the DGP-WG to analyse the current provisions for exceptions for dangerous goods transported as replacements by the operator with respect to the statement specifying “unless otherwise authorized by the State of the Operator” that could lead to a lack of international harmonization and the introduction of risks.

Action by the DGP-WG: The DGP is invited to revise Part 1;2.2 of the Technical Instructions as presented in the appendix to this working paper.

1. INTRODUCTION

1.1 Part 1;2.2 provides exceptions to operators to fully comply with the Technical Instructions. Paragraphs 2.2.1 a) to d) list dangerous goods to which the Technical Instructions do not apply, i.e.:

- a) Part 1;2.2.1 a) provides general information that includes any article or substance which is required to be on board the aircraft according to airworthiness requirements, operating regulations or that are authorized by the State of the Operator to meet special requirements;
- b) Part 1;2.2.1 b) and c) list specific dangerous goods such as aerosols, perfumes, dry ice and electronic devices; and

- c) Part 1;2.2.1 d) also provides general information by showing examples of electronic devices containing lithium batteries.

1.2 Part 1;2.2.2 to 2.2.4 requires articles, substances, devices and their spare batteries intended as replacements for those described in Part 1;2.2.1 a) to d) to be transported in accordance with the provisions of the Technical Instructions, **unless otherwise authorized by the State of the Operator**.

1.3 The term “unless otherwise authorized by the State of the Operator” implicitly transforms compliance with the Technical Instructions optional for dangerous goods referred to in 1;2.2.1 intended as replacements, because each State of the Operator can authorize differently. In this case, there is no need for any approval or exemption process involving other States which may be concerned (destination, overflight, transit and origin).

1.4 This term provides too much flexibility to States and could lead to a lack of international harmonization and the introduction of risks should a State decide to allow exceptions when the dangerous goods are being transported as replacements.

1.5 Easy examples to understand the complexity and dangerousness are the transport of oxygen generators or even lithium batteries, which are prohibited on passenger aircrafts but according to 1;2.2.2 to 2.2.4 can be excepted from that prohibition when intended as replacements.

1.6 The situation presented in this paper was primarily discussed at at the sixteenth working group meeting of the Dangerous Goods Panel (DGP-WG/16, Montreal, 17 to 21 October 2016) and received some support from specialists who agreed that the State of the Operator did not have the authority to not comply with the Technical Instructions in this case (see paragraph 3.2.1.4.3 of the DGP-WG/16 Report)

1.7 This paper suggests deleting the term “unless otherwise authorized by the State of the Operator” with the purpose to guarantee that items intended as replacements are transported in full compliance with the Technical Instructions.

2. ACTION BY THE DGP-WG

2.1 The DGP-WG is invited to consider the suggested amendment presented in the appendix to this working paper.

APPENDIX

PROPOSED AMENDMENT TO PART 1 OF THE TECHNICAL INSTRUCTIONS

Part 1

GENERAL

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Chapter 2

LIMITATION OF DANGEROUS GOODS ON AIRCRAFT

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2.2 EXCEPTIONS FOR DANGEROUS GOODS OF THE OPERATOR

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2.2.2 ~~Unless otherwise authorized by the State of the Operator, a~~Articles and substances intended as replacements for those referred to in 2.2.1 a), or articles and substances referred to in 2.2.1 a) which have been removed for replacement, must be transported in accordance with the provisions of these Instructions, except that when consigned by operators, they may be carried in containers specially designed for their transport, provided such containers are capable of meeting at least the requirements for the packagings specified in these Instructions for the items packed in the containers.

2.2.3 ~~Unless otherwise authorized by the State of the Operator, a~~Articles and substances intended as replacements for those referred to in 2.2.1 b) and c) must be transported in accordance with the provisions of these Instructions.

2.2.4 ~~Unless otherwise authorized by the State of the Operator, b~~Battery-powered devices with installed batteries and spare batteries intended as replacements for those referred to in 2.2.1 d) must be transported in accordance with the provisions of these Instructions.

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