



**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 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 2013/2014 Edition**

**DANGEROUS GOODS NOT SUBJECT TO THESE/OTHER ADDITIONAL REQUIREMENTS  
OF THESE INSTRUCTIONS**

(Presented by G. A. Leach)

**SUMMARY**

The DGP-WG is invited to consider the extent to which the use of the phrase “not subject to (other additional requirements of) these instructions” applies.

Action by the DGP-WG is in paragraph 2.

**1. INTRODUCTION**

1.1 A recent request for advice relating to lithium batteries in the United Kingdom has highlighted once again a need for clarification in the Technical Instructions in respect of when certain items are not subject to all of the requirements of the Technical Instructions if certain requirements are met.

1.2 The request was concerning a passenger who wished to carry a number of lithium battery powered devices for commercial purposes in his baggage. Part 8; 1.1.2 s) only provides for such devices to be carried when they are for “personal use” and whilst there is no definition in the Technical Instructions as to what this term means, in the United Kingdom it is believed the intent of the term is to limit items to those which are to be used by the person carrying them. On that basis carriage of the items under the passenger and crew provisions is not provided for in Part 8 of the Technical Instructions.

1.3 However, if the items were to comply with the Section II requirements of the Packing Instruction 967, they “are not subject to other additional requirements of these Instructions”. These “other additional requirements” would, in a legal interpretation in the United Kingdom, include the provisions of Part 8. Consequently, batteries and equipment meeting the Section II requirements of an applicable lithium battery packing instruction may be carried by passengers, not because the passenger/crew

provisions provide for them but because compliance with Part II means the passenger/crew provisions do not apply.

1.4 From a safety perspective the above issue may not be significant; the batteries and/or equipment will be subject to packing requirements which would not apply if the Part 8 provisions are applied. In the instance in question carriage was to be in carry on baggage which also followed the Part 8 philosophy regarding spare batteries.

1.5 A similar issue exists with regard to some special provisions. For example, non-spillable batteries “are not subject to these Instructions” if they meet Special Provision A67. An extension of the interpretation above would mean that a passenger could carry any number of such batteries in their baggage and if that is the case it is queried how additional requirements can be placed on “non-dangerous goods” in Part 8; 1.1.2 e) (i.e. operator approval and secure attachment to a mobility aid.)

## 2. ACTION BY THE DGP-WG

2.1 No formal proposal is made at this time, but the DGP-WG is invited to consider whether the special provisions, packing instructions etc. which effectively disapply the full requirements of the Technical Instructions if certain requirements are met should be reviewed and qualified where thought appropriate to limit such alleviations to when the dangerous goods in question are carried as cargo.

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