

BHUTAN AIR NAVIGATION REGULATIONS

SECTION 5 - Transport of Dangerous Goods by Air

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Chapter 1. Applicability

5.1.1 Regulations. The regulations in this section shall apply to the transport or the intended transport of dangerous goods in aircraft from, to, or through the territory under the jurisdiction of Bhutan or to their transport in aircraft operated by the holder of an Air Operator Certificate issued in Bhutan, wherever they may be.

5.1.2 JAR-OPS. The provisions of JAR-OPS 1 Subpart R (Aeroplanes) and JAR-OPS 3 Subpart R (Helicopters) - TRANSPORT OF DANGEROUS GOODS BY AIR - and Appendices shall apply as part of these Regulations.

5.1.3 Definitions. For the purpose of this section of the Regulations:

- a) the term “dangerous goods” shall mean any articles or substances which are capable of posing a significant risk to health, safety or property when transported by air and which are included in the classes of dangerous goods specified in the latest edition of the ICAO *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284), hereafter referred to in these Regulations as the Technical Instructions; and
- b) the term “aircraft” shall mean an aircraft, other than a State aircraft, which is registered in Bhutan or in another Contracting State.

5.1.4 Excluded Categories. These Regulations do not apply to an aircraft flying in order to drop dangerous goods for the purposes of agriculture, horticulture or forestry and where the written permission of the Director has been obtained.

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Chapter 2. General

5.2.1 Technical Instructions. An aircraft shall not carry dangerous goods unless the relevant instructions in the currently applicable edition of the Technical Instructions have been complied with.

5.2.2 Prohibited Goods. An aircraft shall not carry the following goods under any circumstances:

- a) any substances or articles specifically mentioned by name in the Technical Instructions as being forbidden for transport by aircraft under any circumstances;
- b) explosives which ignite or decompose when subjected to a temperature of 75 ° C for 48 hours;
- c) explosives containing both chlorates and ammonium salts;
- d) explosives containing mixtures of chlorates with phosphorus;
- e) solid explosives which are classified as extremely sensitive to mechanical shock;
- f) liquid explosives which are classified as moderately sensitive to mechanical shock;
- g) any substance, as presented for transport, which is liable to produce a dangerous evolution of heat or gas under the conditions normally encountered in air transport;
- h) radioactive liquids which are pyrophoric; and
- i) flammable solids and organic peroxides having, as tested, explosive properties and which are packed in such a way that the classification procedure would require the use of an explosives label as a subsidiary risk label.

5.2.3 Restricted Goods. Unless specifically authorised by the Director an aircraft shall not carry:

- a) articles and substances that are identified in the Dangerous Goods List in the Technical Instructions, including those that are described as “not otherwise specified,” as being forbidden;
- b) radioactive materials that are also explosive; and
- c) infected live animals;

5.2.4 Permitted Goods. Articles and substances which would otherwise be classed as dangerous goods may be transported other than in compliance with the provisions of these Regulations if:

- a) they are required to be aboard the aircraft for compliance with the applicable airworthiness requirements or operating regulations;
- b) they are replacements for the articles or substances described under a) and are transported in compliance with the applicable provisions of the Technical Instructions for such articles and substances; or
- c) they are intended for the personal use of passengers or crew members and the provisions of the Technical Instructions applicable to “Dangerous Goods Excepted” are complied with.

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Chapter 3. Responsibilities of a Shipper

5.3.1 Classification and Packaging. No person shall offer any package or overpack of dangerous goods for transport by air unless he has ensured that the dangerous goods are not forbidden for transport by air and are properly classified, packed, marked, labelled and accompanied by a properly executed dangerous goods transport document, as specified in ICAO Annex 18 and the latest edition of the ICAO Technical Instructions.

5.3.2 Transport Document. The person offering dangerous goods for transport by air shall complete and sign in duplicate a transport document which contains the information required by the latest edition of the ICAO Technical Instructions. Each copy of the transport document shall bear a declaration signed by a person who offers dangerous goods for transport indicating that the dangerous goods are fully and accurately described by their proper shipping names and that they are classified, packed, marked, labelled, and in proper condition for transport by air as required by the ICAO Technical Instructions.

5.3.3 Air Waybill. The air waybill shall show clearly that the consignment contains dangerous goods as described on the accompanying dangerous goods transport document and, when applicable, that the consignment shall be loaded on cargo aircraft only.

5.3.4 Required Training. A shipper offering dangerous goods for transport by air shall ensure that he and his employees or agents have been properly trained as specified in the Technical Instructions to handle such goods.

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Chapter 4. Responsibilities of an Operator

5.4.1 Regulations in this section shall be in accordance with JAR-OPS 1/3 Subparts R and Appendices.

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Chapter 5. Loading Restrictions

5.5.1 Carriage on the Flight Deck. A package containing dangerous goods, except as provided for in 5.2.4 and except for those radioactive materials classified as “excepted radioactive materials” under the provisions of the ICAO Technical Instructions, shall not be carried on the flight deck of an aircraft or in a passenger compartment.

5.5.2 Relative Stowage Positions. Packages containing dangerous goods which might react dangerously on contact with each other shall not be stowed in an aircraft next to each other or in such positions as will permit the substances to come into contact with each other in the event of a leakage.

5.5.3 Stowage in Proximity to Animals. Substances marked as or known to be poisons or infectious substances in Class 6 of the classification of dangerous goods in the ICAO Technical Instructions, shall not be carried in the same compartment of an aircraft with animals, substances marked as or known to be foodstuffs, feeds or other edible substances intended for consumption by humans or animals, unless the poisons or infectious substances and the foodstuffs or animals are loaded in separate unit load devices and are not adjacent to each other when stowed aboard the aircraft.

5.5.4 Radioactive Materials. Packages of radioactive materials shall not be carried on aircraft unless they are stowed on board the aircraft in accordance with the appropriate separation distances tabulated in the ICAO Technical Instructions so as to be separated from persons, live animals and undeveloped photographic film.

5.5.5 Prevention of Damage. An operator shall take such precautions as may be appropriate to protect dangerous goods from being damaged during loading and unloading, and during transport in an aircraft. An operator shall secure such goods in the aircraft in a manner which will prevent any movement during flight which would change the orientation of the packages and in the case of radioactive materials, shall secure them so that the appropriate separation distances tabulated in the ICAO Technical Instructions are maintained at all times.

5.5.6 Loading of Dangerous Goods. Packages containing dangerous goods and bearing the “Cargo aircraft only” label shall, unless otherwise provided by the ICAO Technical Instructions, be loaded in the aircraft in such a manner that a member of the crew or other authorised person can see, handle, and, where size and mass permit, separate such packages from other cargo in flight.

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Chapter 6. Provision of Information

5.6.1 Information for Personnel. Operators, shippers or other organisations involved in the transport of dangerous goods by air shall provide such information to their personnel as will enable them to carry out their responsibilities as detailed in the ICAO Technical Instructions and shall furnish instructions as to the action to be taken in the event of any emergency that might arise involving dangerous goods.

5.6.2 Information for Passengers. An operator shall inform intending passengers in his aircraft of the types of goods which are forbidden for transport aboard an aircraft, either in checked baggage or in carry-on baggage.

5.6.3 Information for the Pilot-in-Command. The pilot-in-command of an aircraft in which dangerous goods are to be carried shall be provided as early as practicable before departure with the written information specified in the ICAO Technical Instructions.

5.6.4 Information in the Event of an Accident. The operator of an aircraft which is involved in an aircraft accident while carrying dangerous goods shall, as soon as possible after the accident, inform the appropriate authority in the State in which the aircraft accident occurred of the dangerous goods carried, together with their proper shipping names, class, the subsidiary risks for which labels are required by the ICAO Technical Instructions, the compatibility group for items described in the ICAO Technical Instructions as Class 1 - Explosives, and shall state the quantity of dangerous goods together with their location on the aircraft.