



PUBLICATIEBLAD

MINISTERIËLE REGELING MET ALGEMENE WERKING, van de 12^{de} september 2024 ter uitvoering van artikel 16, tweede lid, van de Luchtvaartlandsverordening (Regeling vervoer gevaarlijke stoffen door de lucht 2024)

De Minister van Verkeer, Vervoer en Ruimtelijke Planning,

Overwegende:

dat het wenselijk is vernieuwde regels vast te stellen ter uitvoering van artikel 16, tweede lid, van de Luchtvaartlandsverordening¹ met betrekking tot het vervoer van gevaarlijke stoffen door de lucht die in overeenstemming zijn met internationale standaarden;

Gelet op artikel 16, tweede lid, van de Luchtvaartlandsverordening;

Heeft besloten:

§ 1 ALGEMENE BEPALINGEN

Artikel 1

1. In deze regeling wordt verstaan onder:
 - a. afzender: degene die de gevaarlijke stoffen voor vervoer aanbiedt;
 - b. bijlage: de bij deze regeling behorende bijlage genaamd Curaçao Civil Aviation Regulation Part 18 – The Safe Transport of Dangerous Goods by Air;
 - c. gebruiker van een luchtvaartuig: een natuurlijk persoon of rechtspersoon die ofwel als eigenaar of houder van een luchtvaartuig dit te zijner beschikking heeft en dit onder zijn verantwoordelijkheid laat deelnemen aan het luchtverkeer;
 - d. luchtvrachtbrief: een document opgesteld door de luchtvrachtexpediteur dat geldt als vervoerscontract tussen de verzender, de ontvanger en de luchtvaartmaatschappij;
 - e. vrachtafhandelaar: een persoon of organisatie die diensten verleent voor het regelen van het vervoer van vracht door de lucht.
2. Onverminderd het eerste lid, zijn de begripsbepalingen, genoemd in hoofdstuk 18.1 van de bijlage, van toepassing.

¹ P.B. 2019, no. 4 (GT).

Artikel 2

1. Voor de toepassing van deze regeling gelden de bepalingen van de bijlage en de bepalingen opgenomen in de Technische Voorschriften van ICAO en IATA, alsmede eventuele wijzigingen daarop.
2. Deze regeling is van toepassing op:
 - a. gevaarlijke stoffen welke zich bevinden op een luchtvaartterrein, waaronder begrepen de aldaar aanwezige opstallen, of in een luchtvaartuig voor zover deze stoffen bestemd zijn om door de lucht te worden vervoerd, daadwerkelijk door de lucht worden vervoerd of door de lucht zijn vervoerd;
 - b. iedere natuurlijke persoon of rechtspersoon die gevaarlijke stoffen aanbiedt voor vervoer door de lucht;
 - c. iedere natuurlijke persoon of rechtspersoon die gevaarlijke stoffen door de lucht doet vervoeren of daadwerkelijk door de lucht vervoert;
 - d. iedere natuurlijke persoon of rechtspersoon die direct betrokken is bij het vervoer van gevaarlijke stoffen door de lucht.

§ 2 GEVARENKLASSE

Artikel 3

Artikelen en stoffen worden in gevarenklassen ingedeeld conform artikel 18.3 van de bijlage.

Artikel 4

1. Het vervoer door de lucht van gevaarlijke stoffen als bedoeld in de artikelen 18.4.1 en 18.4.2, van de bijlage geschiedt enkel in overeenstemming met hetgeen daarin is bepaald en overeenkomstig het bepaalde in de Technische Voorschriften van ICAO en IATA.
2. Gevaarlijke stoffen als bedoeld in artikel 18.4.3, van de bijlage worden onder geen enkele omstandigheid aan boord van een luchtvaartuig vervoerd.

§ 3 VERPAKKING, ETIKETTEN EN VERPAKKINGSKENMERKEN

Artikel 5

1. Gevaarlijke stoffen worden verpakt overeenkomstig het bepaalde in hoofdstuk 18.5 van de bijlage en de verpakking moet voldoen aan de vereisten neergelegd in dat hoofdstuk.
2. De verpakking van gevaarlijke stoffen wordt voorzien van etiketten en verpakkingskenmerken overeenkomstig de bepalingen neergelegd in hoofdstuk 18.6 van de bijlage.

§ 4 VEREISTEN VOOR DE AFZENDER

Artikel 6

Alvorens een zending gevaarlijke stoffen voor vervoer door de lucht wordt aangeboden voldoet de afzender aan de vereisten neergelegd in hoofdstuk 18.7 van de bijlage.

Artikel 7

Tenzij hieromtrent in de Technische Voorschriften van ICAO en IATA een uitzonderingsbepaling is opgenomen zal de afzender een ondertekende luchtvrachtbrief, die de informatie en schriftelijke verklaring, bedoeld in paragraaf 18.7.2, leden 1 en 2, van de bijlage bevat, overleggen aan de gebruiker van een luchtvaartuig.

§ 5 VEREISTEN VOOR DE GEBRUIKER VAN EEN LUCHTVAARTUIG

Artikel 8

Bij het vervoer van gevaarlijke stoffen door de lucht voldoet de gebruiker van een luchtvaartuig aan de vereisten opgenomen in hoofdstuk 18.8 van de bijlage.

§ 6 INFORMATIEVERPLICHTING VAN GEBRUIKER VAN EEN LUCHTVAARTUIG

Artikel 9

De gebruiker van een luchtvaartuig waarmee gevaarlijke stoffen door de lucht worden vervoerd voorziet, vóór het vertrek van het desbetreffende luchtvaartuig, de gezagvoerder van de schriftelijke informatie, bedoeld in artikel 18.9.1 van de bijlage.

Artikel 10

De gebruiker van een luchtvaartuig voorziet de bemanningsleden van informatie en geeft hen instructies met inachtneming van artikel 18.9.2 van de bijlage.

Artikel 11

De gebruiker van een luchtvaartuig draagt er zorg voor dat vóór het vertrek van het desbetreffende luchtvaartuig de passagiers worden voorzien van informatie met betrekking tot de soorten gevaarlijke goederen die verboden zijn om aan boord van een luchtvaartuig te vervoeren, op hun persoon, in handbagage of ruimbagage met inachtneming van artikel 18.9.3 van de bijlage.

§ 7 INFORMATIEVERPLICHTING VAN GEBRUIKER, AFZENDERS EN ANDERE ORGANISATIES BETROKKEN BIJ VERVOER

Artikel 12

De gebruiker van een luchtvaartuig, afzenders en andere organisaties betrokken bij het vervoer van gevaarlijke stoffen, voorzien hun personeel van informatie en geven hen instructies met inachtneming van artikel 18.9.4 van de bijlage.

Artikel 13

In geval van een noodtoestand gedurende de vlucht voorziet de gezagvoerder de luchthavenautoriteiten van informatie met inachtneming van artikel 18.9.5 van de bijlage.

Artikel 14

Voorvallen en ongevallen met gevaarlijke stoffen optredend vóór, tijdens of na de vlucht worden door de gebruiker van een luchtvaartuig gemeld met inachtneming van artikel 18.9.6 van de bijlage.

§ 8 TRAININGSPROGRAMMA

Artikel 15

1. De gebruiker van een luchtvaartuig, afzenders en andere organisaties betrokken bij het vervoer van gevaarlijke stoffen door de lucht dragen er zorg voor dat trainingsprogramma's over gevaarlijke stoffen worden opgesteld, vastgesteld en bijgewerkt overeenkomstig hoofdstukken 18.10, 18.11 en 18.13 van de bijlage.
2. De gebruiker van een luchtvaartuig, afzenders en andere organisaties betrokken bij het vervoer van gevaarlijke stoffen bieden de trainingsprogramma's aan de Directeur-Generaal van de Curaçaose Burgerluchtvaart Autoriteit voor goedkeuring.
3. De Directeur-Generaal van de Curaçaose Burgerluchtvaart Autoriteit beslist binnen zes weken of de programma's, bedoeld in het eerste lid, voldoen aan de voorschriften gegeven in de hoofdstukken 18.10, 18.11 en 18.13 van de bijlage. De beslissing wordt schriftelijk bekendgemaakt aan de indiener.

§ 9 VERGUNNINGSVERPLICHTING EN AANVRAAGVEREISTEN

Artikel 16

De gebruiker van een luchtvaartuig, afzender en vrachtafhandelaar verrichten geen werkzaamheden die verband houden met het vervoer van gevaarlijke stoffen door de lucht, tenzij zij in het bezit zijn van een vergunning als bedoeld in artikel 16, eerste lid, van de Luchtvaartlandsverordening.

Artikel 17

1. De vereisten voor de aanvraag van een vergunning als bedoeld in artikel 16, eerste lid, worden bekend gemaakt in de Landscourant.
2. De aanvraagprocedure wordt uitgevoerd overeenkomstig de beleidsregels van de Curaçaose Burgerluchtvaart Autoriteit. Deze beleidsregels worden geplaatst in de Landscourant.

Artikel 18

De Directeur-Generaal van de Curaçaose Burgerluchtvaart Autoriteit plaatst de beveiligingsmaatregelen, zoals bedoeld in hoofdstuk 18.15 van de bijlage, in de Landscourant.

§ 10 SLOT- EN OVERGANGSBEPALING

Artikel 19

De vergunningen afgegeven op grond van de Beschikking vervoer gevaarlijke stoffen door de lucht², blijven van kracht gedurende de nog resterende geldigheidsduur.

Artikel 20

De Beschikking vervoer gevaarlijke stoffen door de lucht wordt ingetrokken.

Artikel 21

Deze ministeriële regeling treedt in werking met ingang van de dag na die waarop het is bekendgemaakt.

Artikel 22

Deze regeling wordt aangehaald als: Regeling vervoer gevaarlijke stoffendoor de lucht 2024.

Gegeven te Willemstad, 12 september 2024
De Minister van Verkeer, Vervoer
en Ruimtelijke Planning,
C.F. COOPER

Uitgegeven, 24^{ste} september 2024
De Minister van Algemene Zaken a.i.,
C.F. COOPER

² P.B. 2007, no. 38, zoals gewijzigd bij P.B. 2009, no. 57.

Toelichting behorende bij de Regeling vervoer gevaarlijke stoffen door de lucht 2024:

§1. Algemeen

Ingevolge artikel 16, tweede lid, van de Luchtvaartlandsverordening dient een ministeriële regeling te worden opgesteld bevattende bepalingen met betrekking tot het vervoer van gevaarlijke stoffen. Deze regeling is derhalve ter uitvoering van artikel 16, tweede lid, van de Luchtvaartlandsverordening³.

Bij de opstelling van deze regeling hebben de Beschikking vervoer gevaarlijke stoffen door de lucht (P.B. 2007, no. 38) en de Beschikking tot wijziging van die Beschikking⁴ als basis gediend.

Met de onderhavige ministeriële regeling met algemene werking wordt onder andere beoogd om de laatste standaarden van ICAO ten aanzien van Annex 18, getiteld 'The Safe Transport of Dangerous Goods by Air', van het Verdrag inzake de Internationale Burgerluchtvaart, ook wel het Verdrag van Chicago genoemd (Stbl. 1947, H 165) en de bij deze Annex 18 behorende Technische Voorschriften te implementeren.

Annexen, bijlagen, bij het Verdrag van Chicago zijn aan regelmatige wijziging onderhevig. Om de uitvoering van deze annexen door kleine landen - zoals Curaçao - te vereenvoudigen, heeft de burgerluchtvaartautoriteit van de Verenigde Staten van Amerika, de Federal Aviation Administration (FAA) model-regelgeving opgesteld. Deze modelregelgeving wordt aangeduid als "Model Civil Aviation Regulation" (MCAR). De modelregelgeving ziet ook op activiteiten die niet worden gedekt door de annexen bij het Verdrag van Chicago, maar waar wel standaarden internationaal zijn ontwikkeld.

Voor annex 18 heeft FAA echter geen MCAR opgesteld. Voor het opstellen van de bijlage bij deze regeling, is gebruik gemaakt van annex 18 van/ bij het Verdrag van Chicago.

§2. Artikelsgewijze toelichting

Artikel 1 geeft de definities weer.

Artikel 2 geeft de situaties aan waarop deze regeling van toepassing is. De Technische Voorschriften van ICAO en IATA en hun meest recente versies zijn te vinden op de website van ICAO (International Civil Aviation Organization) respectievelijk IATA (International Air Transport Association).⁵ Wegens de auteursrechten van ICAO en IATA kunnen deze niet toegevoegd worden als bijlage bij deze ministeriële regeling, met algemene werking.

De verpakking waarin gevaarlijke stoffen dienen te worden vervoerd, de etikettering en de verpakkingskenmerken waaraan deze verpakking dienen te voldoen, wordt in artikel 5 geregeld.

³ P.B. 2019, no. 4 (GT).

⁴ P.B. 2009, no. 57.

⁵ <https://store.icao.int/en/technical-instructions-for-the-safe-transport-of-dangerous-goods-by-air-doc-9284>;
<https://www.iata.org/en/publications/dgr/>.

In artikel 6 worden de vereisten bepaald waaraan de afzender van gevaarlijke stoffen zich aan moet houden.

De artikelen 7 tot en met 12 beschrijven de vereisten waaraan de gebruiker van een luchtvaartuig bij het vervoer van gevaarlijke stoffen door de lucht dient te voldoen en welke informatie de gebruiker aan wie dient te verschaffen.

In artikel 13 wordt de informatie bepaald die de gezagvoerder aan de luchthavenautoriteiten dient te verschaffen in geval van een noodtoestand gedurende de vlucht. Met de luchthavenautoriteiten wordt (in eerste instantie) de DC-ANSP (de Toren) bedoeld. DC-ANSP zal deze info aan de Operations afdeling van de Curaçao Airport Partners (CAP) doorgeven.

Artikel 14 regelt de melding van voorvallen en ongevallen met gevaarlijke stoffen die hebben opgetreden vóór, tijdens of na de vlucht door de gebruiker van een luchtvaartuig.

Artikel 15 bepaalt dat gebruiker van een luchtvaartuig, afzenders en andere organisaties betrokken bij vervoer van gevaarlijke stoffen over een trainingsprogramma over gevaarlijke stoffen moet beschikken. Deze programma moet ook steeds vastgesteld worden en bijgewerkt.

Artikel 16 beschrijft de verplichting voor het hebben van een vergunning voor het verrichten van werkzaamheden die verband houden met het vervoer van gevaarlijke stoffen door de lucht door de gebruiker van een luchtvaartuig, de afzender en de vrachtafhandelaar.

Op basis van artikel 16, derde lid, van de Luchtvaartlandsverordening is de Minister van Verkeer, Vervoer en Ruimtelijke Planning in staat om voorschriften te verbinden aan ieder individuele vergunning. Een vergunning wordt voor een bepaald termijn gegeven. Het kan voor ten hoogste vijf jaar worden afgegeven, maar ook voor een kortere duur. Overeenkomstig artikel 3, eerste lid, van de Bekendmakingsverordening⁶ worden de vereisten voor het doen van een aanvraag voor de vergunning geplaatst in de Landscourant. Krachtens artikel 19 van de Luchtvaartlandsverordening geldt dezelfde aanvraag procedure in het geval van verlenging van de vergunning.

De beveiligingsmaatregelen zoals bepaald in artikel 18, zullen ook in de Landscourant geplaatst worden.

§3. Financiële paragraaf

Er zijn geen financiële consequenties voor de landsbegroting verbonden aan onderhavige regeling. Deze ministeriële regeling komt in de plaats van de Beschikking vervoer gevaarlijke stoffen door de lucht van 2007 en houdt op onderdelen enkele wijzigingen in, maar veroorzaakt geen substantiële wijzigingen in de normale werkzaamheden van de Curaçaose Burgerluchtvaart Autoriteit en daarmee de landsbegroting.

⁶ A.B. 2010, no. 87, bijlage I, zoals laatstelijk gewijzigd bij P.B. 2018, no. 54.

Er zijn wel kosten verbonden aan de uitvoering van deze regeling voor de afzender van gevaarlijke goederen, de gebruiker van luchtvaartuigen, de vrachtafhandelaar en andere deelnemers in het vervoer van gevaarlijke stoffen door de lucht. Deze kosten zijn onvermijdelijk gelet op de internationale ontwikkelingen gericht op het bevorderen van de veiligheid van de luchtvaart.

De Minister van Verkeer, Vervoer
en Ruimtelijke Planning,
C.F. COOPER

Bijlage behorende bij de Regeling vervoer gevaarlijke stoffen door de lucht 2024

CURAÇAO CIVIL AVIATION REGULATIONS

PART 18 – THE SAFE TRANSPORT OF DANGEROUS GOODS BY AIR

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18.1 Definitions

When the following terms are used in this part, they have the following meanings:

- a) **Acceptance:** a package will be considered accepted when the acceptance checklist mentioned under 18.7.2 has been signed by the operator's representative. The baggage of a passenger will be considered accepted by the operator at the check-in counter when the baggage label is placed on it.
- b) **Approval:** An authorization granted by an appropriate national authority for:
 - a. The transport of dangerous goods forbidden on passenger and/or cargo aircraft where the Technical Instructions state that such goods may be carried with an approval; or
 - b. Other purposes as provided for in the Technical Instructions.

Note. - In the absence of a specific reference in the Technical Instructions allowing the granting of an approval, an exemption may be sought.
- c) **Approved Maintenance Organization:** An organization approved by the Authority, in accordance with CCAR Part 6 of the Regeling nadere voorschriften toezicht luchtvaart¹, to perform specific aircraft maintenance activities by the Authority. These activities may include the inspection, overhaul, maintenance, repair and/or modification and release to service of aircraft or aeronautical products.
- d) **Authority:** the Curacao Civil Aviation Authority
- e) **Cargo aircraft:** Any aircraft, other than a passenger aircraft, which is carrying goods or property;
- f) **Consignment:** One or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address;
- g) **Crew member:** A person assigned by an operator to duty on an aircraft during a flight duty period;
- h) **Dangerous goods:** Articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those Instructions;
- i) **Dangerous goods accident:** An occurrence associated with and related to the transport of dangerous goods by air which results in fatal or serious injury to a person or major property or environmental damage;
- j) **Dangerous goods incident:** An occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property or environmental damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained. Any occurrence relating to the transport of dangerous goods which seriously jeopardizes the aircraft or its occupants is also deemed to constitute a dangerous goods incident.
- k) **Designated postal operator:** Any governmental or non-governmental entity officially designated by a Universal postal Union (UPU) member country to operate postal services and to fulfil the related obligations arising from the acts of the UPU Convention on its territory.
- l) **Exception:** A provision in this part which excludes a specific item of dangerous goods from the requirements normally applicable to that item;
- m) **Exemption:** An authorization other than an approval, granted by the Authority providing relief from the provisions of the Technical Instructions;
- n) **Flight crew member:** A licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;
- o) **Minister:** The Minister of Traffic, Transport and Urban Planning;
- p) **Operator:** A person, organization or enterprise engaged in or offering to engage in an aircraft operation;
- q) **Overpack:** An enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage;

¹ P.B. 2015, no. 60, as amended

Note — A unit load device is not included in this definition.

- r) **Package:** The complete product of the packing operation consisting of the packaging and its contents prepared for transport;
- s) **Packaging:** Receptacles and any other components or materials necessary for the receptacle to perform its containment function;
Note — For radioactive material, see Part 2, paragraph 7.2 of the Technical Instructions.
- t) **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;
- u) **Pilot-in-command:** The pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight;
- v) **Safety Management System (SMS);** a systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures.
- w) **Serious injury:** An injury, which is sustained by a person in an accident and which:
 - 1°. Requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
 - 2°. Results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
 - 3°. Involves lacerations which cause severe hemorrhage, nerve, muscle or tendon damage; or
 - 4°. Involves injury to any internal organ; or
 - 5°. Involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
 - 6°. Involves verified exposure to infectious substances or injurious radiation;
- x) **State of Origin:** The State in the territory of which the consignment is first to be loaded on an aircraft;
- y) **State of destination:** The State in the territory of which the consignment is finally to be unloaded from an aircraft.
- z) **State of the Operator:** The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence;
- aa) **Technical instruction:** The *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284), approved and issued periodically in accordance with the procedure established by the ICAO Council.
- bb) **UN number:** The four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals to identify an article or a substance or a particular group of articles or substances;
- cc) **Unit load device:** Any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo.
Note — An overpack is not included in this definition.

18.2 Applicability

18.2.1 AOC Dangerous Goods Management

Note 1: Subpart 1.6 of the CCAR Part 1 includes safety management provisions for air operators. Further guidance is contained in ICAO Doc 9859, Safety Management Manual (SMM).

Note 2: The carriage of dangerous goods is included in the scope of the operator's SMS.

18.2.2 General applicability

The requirements of this part shall be applicable to the carriage of dangerous goods by air as specified in Annex 18 and the current Technical Instructions for the Safe Transport of Dangerous Goods by air (ICAO

DOC. Nr. 9284-AN/905) / IATA Dangerous Goods Regulation (DGR), whether that transport relates to an operation under general aviation, aerial work or commercial transport requirements.

The requirements under this part are applicable to all domestic and international operations.

Where specifically provided for in the Technical Instructions, the Authority may grant an approval provided that in such instances an overall level of safety in transport which is equivalent to the level of safety provided for in the Technical Instructions is achieved.

18.2.3 Exemptions

The Authority may grant exemptions for the following, as long as every effort is made to achieve an overall level of safety in transport that is equivalent to the level of safety required for in the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by air / IATA Dangerous Goods Regulation:

- a) in cases of extreme urgency; or
- b) when other forms of transport are inappropriate; or
- c) when full compliance with the prescribed requirements is contrary to the public interest.

If Curaçao is the State of Overflight and none of the criteria for granting an above mentioned exemption are relevant, an exemption may be granted based solely on whether it is believed that an equivalent level of safety in air transport has been achieved.

18.2.4 Any location on aircraft

Any instructions or limitations contained in the Technical Instructions for the carriage of dangerous goods on passenger or cargo aircraft, as therein defined, shall for the purpose of this part be interpreted as applying also to the carriage of such goods in the baggage compartment on passenger's aircraft.

18.2.5 General Prohibition

With respect to any goods that a person knows or ought to know or suspect to be dangerous goods, that person shall not, without determining and complying with the restrictions regarding carriage by air:

- a) take or cause it to be taken on board;
- b) suspend or cause it to be suspended beneath; or
- c) deliver or cause it to be delivered for loading or suspension beneath an aircraft.

18.2.6 Authorization required

Dangerous goods shall not be carried or loaded on an aircraft or suspended there under unless such goods are carried, loaded or suspended:

- a) with the written authorization of the Authority;
- b) in accordance with any conditions to which such approvals may be subject; and
- c) in accordance with the Technical Instructions and any conditions specified therein.

18.2.7 Dangerous Goods Technical Instructions

The Authority shall take necessary measures to achieve compliance with the detailed provisions contained in the Technical Instructions. The Authority shall also take the necessary measures to achieve compliance with any amendments to the Technical Instructions which may be published during the specified period of applicability of an edition of the Technical Instructions.

The Authority shall inform ICAO of difficulties encountered in the application of the Technical Instructions and of any amendments which it would be desirable to make to them.

Although any amendment to the Technical Instructions with an immediate applicability for reasons of safety may not yet have been implemented in Curaçao, the movement of dangerous goods which are

consigned from another Contracting State in accordance with that amendment, providing the goods comply in total with the revised requirements, shall nevertheless be facilitated in the territory of Curaçao.

18.2.8 Exceptions

Articles and substances which would otherwise be classified as dangerous goods but which are required to be on board the aircraft in accordance with the pertinent airworthiness requirements and operating regulations, or for those specialized purposes identified in the Technical Instructions, shall be excepted from the provisions of this Part.

Where articles and substances intended as replacements for those described in above paragraph or which have been removed for replacement are carried on an aircraft, they shall be transported in accordance with the provisions of this Part except as permitted in the Technical Instructions.

Specific articles and substances carried by passengers or crew members shall be excepted from the provisions of this Part to the extent specified in the Technical Instructions.

18.2.9 Notification of variations from the Technical Instructions.

Where different provisions from those specified in the Technical Instructions are adopted, the Authority shall notify ICAO promptly of such variations for publication in the Technical Instructions.

If an operator established in Curaçao adopts more restrictive requirements than those specified in the Technical Instructions, the Authority shall take the necessary measures to ensure the notification of such operator variations is made to ICAO for publication in the Technical Instructions.

18.2.10 Surface transport

Dangerous goods intended for air transport and prepared in accordance with this part and the ICAO Technical Instructions will be accepted for surface transport to and from aerodromes.

18.2.11 The national authority

The national authority responsible for ensuring compliance with this part is the Curaçao Civil Aviation Authority. ICAO will be advised of this designation and of any eventual changes.

18.3 Classification

The classification of an article or substance as dangerous goods shall be in accordance with the provisions of the Technical Instructions.

18.4 Limitations on the transport of dangerous goods by air

18.4.1 Dangerous goods permitted for transport by air

The transport of dangerous goods by air is forbidden except as established in this Part and the detailed specifications and procedures provided in the Technical Instructions.

18.4.2 Dangerous goods forbidden for transport by air unless exempted

The dangerous goods described hereunder shall be forbidden on aircraft unless exempted by the States concerned under the provisions of paragraph 18.2.3 or unless the provisions of the Technical Instructions indicate they may be transported under an approval issued by the State of Origin:

- a) dangerous goods that are identified in the Technical Instructions as being forbidden for transport

- in normal circumstances; and
- b) infected live animals.

18.4.3 Dangerous goods forbidden for transport by air under any circumstances

Articles and substances that are specifically identified by name or by generic description in the Technical Instructions as being forbidden for transport by air under any circumstances shall not be carried on any aircraft.

18.5 Packing

18.5.1 General Requirements

Dangerous goods shall be packed in accordance with the provisions of this chapter and as provided for in the Technical Instructions.

18.5.2 Packagings

1. Packagings used for the transport of dangerous goods by air shall be of good quality and shall be constructed and securely closed so as to prevent leakage which might be caused in normal conditions of transport, by changes in temperature, humidity or pressure, or by vibration.
2. Packagings shall be suitable for the contents. Packagings in direct contact with dangerous goods shall be resistant to any chemical or other action of such goods.
3. Packagings shall meet the material and construction specifications in the Technical Instructions.
4. Packagings shall be tested in accordance with the provisions of the Technical Instructions.
5. Packagings for which retention of a liquid is a basic function, shall be capable of withstanding, without leaking, the pressure stated in the Technical Instructions.
6. Inner packagings shall be so packed, secured or cushioned as to prevent their breakage or leakage and to control their movement within the outer packaging(s) during normal conditions of air transport. Cushioning and absorbent materials shall not react dangerously with the contents of the packagings.
7. No packaging shall be re-used until it has been inspected and found free from corrosion or other damage. Where a packaging is re-used, all necessary measures shall be taken to prevent contamination of subsequent contents.
8. If, because of the nature of their former contents, uncleaned empty packagings may present a hazard, they shall be tightly closed and treated according to the hazard they constitute.
9. No harmful quantity of a dangerous substance shall adhere to the outside of packages.

18.6 Labeling and marking

18.6.1 Labels

Unless otherwise provided for in the Technical Instructions, each package of dangerous goods, overpacks, and freight containers shall be labeled with the appropriate labels and in accordance with the provisions set forth in those Instructions.

18.6.2 Markings

1. Unless otherwise provided for in the Technical Instructions, each package of dangerous goods shall be marked with the proper shipping name of its contents and, when assigned, the UN number and such other markings as may be specified in those Instructions.
2. Specification markings on packaging's. Unless otherwise provided for in the Technical Instructions, each packaging manufactured to a specification contained in those Instructions shall be so marked in accordance with the appropriate provisions of those Instructions and no packaging shall be marked with a packaging specification marking unless it meets the appropriate packaging specification contained in those Instructions.

18.6.3 Languages to be used for markings

In addition to the languages required by the State of Origin and pending the development and adoption of a more suitable form of expression for universal use, English must be used for the markings related to dangerous goods.

18.7 Shipper's responsibilities

18.7.1 General requirements

Before a person offers any package or overpack of dangerous goods for transport by air, that person shall ensure that the dangerous goods are not forbidden for transport by air and are properly classified, packed, marked, labeled and accompanied by a properly executed dangerous goods transport document, as specified in this part and the Technical Instructions.

18.7.2 Dangerous goods transport document

1. Unless otherwise provided for in the Technical Instructions, the person who offers dangerous goods for transport by air shall complete, sign and provide to the operator a dangerous goods transport document, which shall contain the information required by those Instructions.
2. The transport document shall bear a declaration signed by the person who offers dangerous goods for transport by air indicating that the dangerous goods are fully and accurately described by their proper shipping names and that they are classified, packed, marked, labeled, and in proper condition for transport by air in accordance with the relevant regulations.
3. In addition to the languages required by the State of Origin and pending the development and adoption of a more suitable form of expression for universal use, English must be used for the dangerous goods transport document.
- 4a. The shipper must retain a copy of the dangerous goods transport document and additional information and documentation as specified in these instructions, for a minimum period of three months.
 - b. When the documents are kept electronically or in a computer system, the shipper must be able to reproduce them in a printed form.

18.8 Operator responsibilities

18.8.1 Scope

- a) Each Operator shall comply with the provisions contained in ICAO Doc 9284, *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, hereinafter referred to as "Technical Instructions," on all occasions when dangerous goods are carried, irrespective of whether the flight is wholly or partly within or wholly outside the territory of Curaçao. Where dangerous goods are to be transported outside the territory of Curaçao, the AOC holder shall review and comply with the appropriate variations noted by Contracting States contained in Attachment 3 to the Technical Instructions.
- b) Articles and substances that would otherwise be classified as dangerous goods are excluded from the requirements of this subpart, to the extent specified in the Technical Instructions, provided they are:
 - (1) Required to be on board the aircraft for operating reasons;
 - (2) Carried as catering or cabin service supplies;
 - (3) Carried for use in flight as a veterinary aid or as a humane killer for an animal; or
 - (4) Carried for use in flight for medical aid for a patient, provided that:
 - (i) Gas cylinders have been manufactured specifically for the purpose of containing and transporting that particular gas;
 - (ii) Drugs, medicines, and other medical matter are under the control of trained personnel during the time when they are in use in the aircraft;
 - (iii) Equipment containing wet cell batteries is kept and, when necessary, secured in an upright position to prevent spillage of the electrolyte; and
 - (iv) Proper provision is made to stow and secure all the equipment during take-off and landing and at all other times when deemed necessary by the PIC in the interests of safety; or
 - (v) They are carried by passengers or crew members.
- c) Articles and substances intended as replacements for those described in 18.8.1 b (1) of this subsection shall be transported on an aircraft as specified in the Technical Instructions.

18.8.2 Acceptance for transport

An operator shall not accept dangerous goods for transport by air:

- a) unless the dangerous goods are accompanied by a completed dangerous goods transport document, except where the Technical Instructions indicate that such a document is not required; and
- b) until the package, overpack or freight container containing the dangerous goods has been inspected in accordance with the acceptance procedures contained in the Technical Instructions.

18.8.3 Acceptance checklist

An operator shall develop and use an acceptance checklist as an aid to comply with the provisions mentioned above.

18.8.4 Loading and stowage

Packages and overpacks containing dangerous goods and freight containers containing radioactive materials shall be loaded and stowed on an aircraft in accordance with the provisions of the Technical Instructions.

18.8.5 Inspection for damage or leakage

Packages and overpacks containing dangerous goods and freight containers containing radioactive materials shall be inspected for evidence of leakage or damage before loading on an aircraft or into a unit load device, as specified in the Technical Instructions. Leaking or damaged packages, overpacks or freight containers shall not be loaded on an aircraft.

A unit load device shall not be loaded onboard an aircraft unless the device has been inspected, as required by the Technical Instructions, and found free from any evidence of leakage from, or damage to, any dangerous goods contained therein.

Where any package of dangerous goods loaded on an aircraft appears to be damaged or leaking, the operator shall remove such package from the aircraft, or arrange for its removal by an appropriate authority or organization, and thereafter shall ensure that the remainder of the consignment is in a proper condition for transport by air and that no other package has been contaminated.

Packages or overpacks containing dangerous goods and freight containers containing radioactive materials shall be inspected for signs of damage or leakage upon unloading from the aircraft or unit load device. If evidence of damage or leakage is found, the area where the dangerous goods or unit load device were stowed on the aircraft shall be inspected for damage or contamination.

18.8.6 Loading restrictions in passenger cabin, on flight deck or cargo compartments

1. Dangerous goods shall not be carried in an aircraft cabin occupied by passengers or on the flight deck of an aircraft, except in circumstances permitted by the provisions of the Technical Instructions.
2. Dangerous goods carried in cargo compartments shall be loaded, segregated, stowed, and secured on an aircraft as specified in the Technical Instructions.

18.8.7 Removal of contamination

Any hazardous contamination found on an aircraft as a result of leakage or damage to dangerous goods shall be removed without delay.

An aircraft which has been contaminated by radioactive materials shall immediately be taken out of service and not returned to service until the radiation level at any accessible surface and the non-fixed contamination are not more than the values specified in the Technical Instructions

18.8.8 Separation and segregation

Packages containing dangerous goods which might react dangerously one with another shall not be stowed on an aircraft next to each other or in a position that would allow interaction between them in the event of leakage.

Packages of toxic and infectious substances shall be stowed on an aircraft in accordance with the provisions of the Technical Instructions.

Packages of radioactive materials shall be stowed on an aircraft so that they are separated from persons, live animals and undeveloped film, in accordance with the provisions of the Technical Instructions.

18.8.9 Securing of dangerous goods cargo loads

When dangerous goods subject to the provisions contained in this part are loaded in an aircraft, the operator shall protect the dangerous goods from being damaged, and shall secure such goods in the aircraft in such a manner that will prevent any movement in flight which would change the orientation of the packages. For packages containing radioactive materials, the securing shall be adequate to ensure that the separation requirements mentioned in 18.8.8 paragraph 3 are met at all times.

18.8.10 Loading on cargo aircraft

Except as otherwise provided in the Technical Instructions, packages of dangerous goods bearing the "Cargo Aircraft Only" label shall be loaded in such a manner that a crew member or other authorized person can see, handle and, where size and weight permit, separate such packages from other cargo on flight.

18.8.11 Retention of Dangerous Goods documents

The entity involved in the transport of dangerous goods shall ensure that at least one copy of the documents appropriate to the transport by air of a consignment of dangerous goods is retained for a minimum period of three months, after the flight on which the dangerous goods were transported. As a minimum, the documents or information which must be retained are dangerous goods transport documents, the acceptance checklist (when this is in a form which requires completion), the identification of the person who performed the acceptance check and the written information to the pilot-in-command. These documents or the information must be made available to the appropriate Authority upon request.

Note: Where the documents are kept electronically or in a computer system, they shall be able to reproduce them in a printed form.

18.9 Provision of information

18.9.1 Information to pilot-in-command.

The Operator of an aircraft in which dangerous goods are to be carried shall provide the pilot-in-command as early as practicable before departure of the aircraft with written information as specified in the Technical Instructions. The pilot-in-command must indicate on a copy of the information provided to the pilot-in-command, or in some other way, that the information has been received. The NOTOC must be readily accessible to the aerodromes of last departure and next scheduled arrival point, until after the flight to which the information refers.

18.9.2 Information and instructions to flight crew members

The Operator shall provide such information in the Operations Manual as will enable the flight crew to carry out its responsibilities with regard to the transport of dangerous goods and shall provide instructions as to the action to be taken in the event of emergencies arising involving dangerous goods.

18.9.3 Information to passengers

The aircraft operators shall provide information to the passengers as to the types of dangerous goods that are forbidden to transport on board an aircraft, on their person, in carry-on and/or hold baggage as provided for in the Technical Instructions.

18.9.4 Information to other persons/ shippers or other organizations

Operators, shippers or other organizations 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 with regard to the transport of dangerous goods and shall provide instructions as to the action to be taken in the event of emergencies arising when dangerous goods is involved.

18.9.5 Information from pilot-in-command to aerodrome authorities

If an in-flight emergency occurs, the pilot-in-command shall, as soon as the situation permits, inform the appropriate air traffic services unit, for the information of aerodrome authorities, of any dangerous goods on board the aircraft, as provided for in the Technical Instructions.

18.9.6 Information in the event of an aircraft accident or incident

18.9.6.1 In the event of an aircraft accident or a serious incident where dangerous goods carried as cargo may be involved, the operator of the aircraft carrying dangerous goods as cargo shall provide information, without delay, to emergency services responding to the accident or serious incident about the dangerous goods on board, as shown on the written information to the pilot-in-command. As soon as possible, the operator shall also provide this information to the appropriate authorities of the State of the Operator and the State in which the accident or serious incident occurred.

18.9.6.2 In the event of an aircraft incident, the operator of an aircraft carrying dangerous goods as cargo shall, if requested to do so, provide information without delay to emergency services responding to the incident and to the Authority of the State in which the incident occurred, about the dangerous goods on board, as shown on the written information to the pilot-in-command.

Note — The terms “accident”, “serious incident” and “incident” are as defined in Annex 13.

18.10 Training Programmes

18.10.1 Establishment of training programmes

Initial and recurrent dangerous goods training programmes shall be established and maintained in accordance with the Technical Instructions. These training records shall be retained for a minimum of 2 years. Initial and recurrent dangerous goods training programmes must be established and maintained by or on behalf of:

- a) shippers of dangerous goods, including packers and persons or organizations undertaking the responsibilities of the shipper;
- b) operators authorized to carry dangerous goods by air;
The Operator shall provide in its Dangerous Goods Manual all information as will enable the flight crew to carry out its responsibilities with regard to the transport of dangerous goods and shall provide instructions as to the action to be taken in the event of emergencies arising involving dangerous goods.
- c) operators not authorized to carry dangerous goods by air;
- d) ground handling agencies which perform, on behalf of the operator, the act of accepting, handling, loading, unloading, transferring or other processing of cargo, mail or stores;

- e) ground handling agencies located at an airport which perform, on behalf of the operator, the act of processing passengers;
- f) security service providers located at the airport which perform, on behalf of the operator, security activities;
- g) agencies, not located at an airport, which perform, on behalf of the operator, the act of checking in passengers;
- h) freight forwarders; and agencies engaged in the security screening of passengers and their baggage and/or cargo, mail or stores;
- i) any other organization or agency involved in the transport of dangerous goods by air.

18.10.2 Approval of training programmes

Above-mentioned training programmes shall be approved by the Authority.

These training records shall be retained by the entities involved in the transport of dangerous goods for a minimum of 2 years.

18.10.3 Dangerous goods competency-based training

The employer must ensure that personnel are competent to perform any function for which they are responsible prior to performing any of these functions. This must be achieved through training and assessment commensurate with the functions for which they are responsible.

Such training must include:

- a) general awareness/familiarization training — Personnel must be trained to be familiar with the general provisions;
- b) function-specific training — Personnel must be trained to perform competently any function for which they are responsible;
- c) safety training — Personnel must be trained on how to recognize the hazards presented by dangerous goods, on the safe handling of dangerous goods, and on emergency response procedures.

Note — General information on the provisions for dangerous goods carried by passengers and crew should be included in training courses, as appropriate.

Personnel who have received training but who are assigned to new functions must be assessed to determine their competence in respect of their new function. If competency is not demonstrated, appropriate additional training must be provided.

Personnel must be trained to recognize the hazards presented by dangerous goods, to safely handle them and to apply appropriate emergency response procedures.

18.11 Approved Maintenance Organization (AMO)

- (a) An AMO shall have a dangerous goods training programme approved by the Authority for its employees, whether full time, part time, temporary, or contracted, who are engaged in:
 - (1) The loading, unloading, or handling of dangerous goods;
 - (2) The design, manufacture, fabrication, inspection, marking, maintenance, reconditioning, repairing, or testing of a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting dangerous goods;
 - (3) The preparation of dangerous goods for transport;
 - (4) Activities for ensuring the safety of transporting dangerous goods;
 - (5) The operation of a vehicle used to transport dangerous goods; or
 - (6) The supervision of any of the above-listed items
- (b) No person shall perform or directly supervise a maintenance function listed in paragraph 18.11 (a) of this part unless that person has received the approved dangerous goods training.
- (c) An AMO shall ensure that its dangerous goods training:
 - (1) Ensures that each person performing or directly supervising any of the maintenance functions specified in paragraph 18.11 (a) of this part is trained to comply with all applicable procedures; and
 - (2) Enables the trained person to recognize items that contain, or may contain, dangerous goods regulated under these regulations.
- (d) An AMO's dangerous goods training programme shall be approved by the Authority and shall contain the training as required by the Technical Instruction (ICAO Doc 9284).
- (e) An AMO shall document, in a form and in a manner acceptable to the Authority, the individual employee training required under this subsection. These training records shall be retained by the AMO for a minimum of 2 years.

18.12 Compliance

18.12.1 Inspection systems

The Authority shall establish inspection, surveillance and enforcement procedures for all entities performing any function prescribed in the regulations for air transport of dangerous goods with a view to achieving compliance with those regulations.

Note 1 — It is envisaged that these procedures would include provisions for

- *Inspecting dangerous goods consignments prepared, offered, accepted or transported by the entities referred to in ICAO Annex 18, paragraph 11.1;*
- *Inspecting the practices of the entities referred to in ICAO Annex 18, paragraph 11.1; and*
- *Investigating alleged violations (see ICAO Annex 18, paragraph 11.3).*

Note 2 — Guidance on dangerous goods inspections and enforcement may be found in the Supplement to the technical Instruction (Part S-5, Chapter 1 and Part S-7, Chapters 5 and 6).

18.12.2 Cooperation between States

The Authority shall participate in cooperative efforts with other States concerning violations of dangerous goods regulations, with the aim of eliminating such violations. Cooperative efforts could include coordination of investigations and enforcement actions; exchanging information on a regulated party's compliance history; joint inspections and other technical liaisons, exchange of technical staff, and joint meetings and conferences.

Appropriate information that could be exchanged include safety alerts, bulletins or dangerous goods advisories; proposed and completed regulatory actions; incident reports; documentary and other evidence developed in the investigation of incidents; proposed and final enforcement actions; and educational/outreach materials suitable for public dissemination.

18.12.3 Penalties

The Authority shall take such measures as it may deem appropriate to achieve compliance with its dangerous goods regulations including the prescription of appropriate penalties for violations.

18.13 Designated Postal Operators

18.13.1 The Authority shall approve dangerous goods training programmes of the designated postal operators.

18.13.2 The Authority will ensure that the "Postal Operators" will establish procedures to comply with in relation to the transport of dangerous goods by air.

18.13.3 The Authority shall approve the procedures of the designated postal operators for controlling the introduction of dangerous goods in mail into air transport.

Note 1. — In accordance with the Universal Postal Union (UPU) Convention, dangerous goods are not permitted in mail, except as provided for in the Technical Instructions.

Note 2. — International procedures for controlling the introduction of dangerous goods into air transport through the postal services have been established by the Universal Postal Union.

Note 3. — Guidance for approving the procedures established by designated postal operators to control the introduction of dangerous goods into air transport may be found in the Supplement to the Technical Instructions (Part S-1, Chapter 3).

18.14 Dangerous Goods Accident and Incident Reporting

18.14.1 With the aim of preventing the recurrence of dangerous goods accidents and incidents, the Authority shall establish procedures for investigating and compiling information concerning such accidents and incidents which occur in its territory and which involve the transport of dangerous goods originating in or destined for another State. Reports on such accidents and incidents shall be made in accordance with the detailed provisions of the Technical Instructions.

18.14.2 With the aim of preventing the recurrence of instances of undeclared or misdeclared dangerous goods in cargo, the Authority shall establish procedures for investigating and compiling information concerning such occurrences which occur in its territory and which involve the transport of dangerous goods originating in or destined for another State. Reports on such instances shall be made in accordance with the detailed provisions of the Technical Instructions.

18.14.3 Operators and entities other than operators shall report dangerous goods incidents and accidents to the Authority within 72 hours of the events, unless exceptional circumstances prevent this.

18.14.4 Operators and entities other than operators shall report undeclared or misdeclared dangerous goods discovered in cargo or passenger's baggage to the Authority within 72 hours of the discovery, unless exceptional circumstances prevent this.

18.14.5 In the event of an aircraft accident or a serious incident where dangerous goods as cargo may be involved, the operator of the aircraft carrying dangerous goods as cargo shall, without delay provide information to the appropriate authorities of the State in which the accident or serious incident occurred and the State of the Operator.

18.15 Dangerous goods security provisions

The Authority shall establish dangerous goods security measures, applicable to operators, shippers or other organizations involved in the transport of dangerous goods by air, to be taken to minimize theft or misuse of dangerous goods that may endanger persons, property or the environment. These measures shall be commensurate with security provisions specified in other Annexes and the Technical Instructions.