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Your reference:

Exemption from training requirement in connection to transportation of dangerous goods

1. Summary

Due to the outbreak of Covid-19 there is an inability to comply with certain provisions of national legislation. For various reasons renewals or other steps necessary during the lifetime of a license or certificate, as well as recurrent training, have become difficult or impossible for some organisations. In these cases, training requirements for persons handling dangerous goods are not met.

This decision applies to all persons handling dangerous goods that have to fulfill training requirements in accordance with Regulations 11 January 2003 No 41 on transportation of goods in aircraft. The decision does not apply for organisations that are regulated by the requirements in regulation (EU) No 965/2012¹.

2. Regulations and exempted requirements

Regulations 11 January 2003 No 41 on transportation of goods in aircraft (BSL D 1-7)² sets requirements for the handling of goods to be shipped by aircraft. BSL D 1-7 apply for all other entities than air operators, for which Regulation (EU) No 965/2012 apply.

BSL D 7-1 states in its § 9 that all transportation of dangerous goods must be in accordance with ICAO Technical Instructions for the safe transportation of dangerous goods by air (ICAO Doc. 9284-AN/905) with applicable amendments, hereafter ICAO TI.

Furthermore, it is stated in § 15 that all personnel handling dangerous goods must fulfill training relevant for the specific task as specified in ICAO TI Part 6, or the training requirements set by IATA in its dangerous goods regulation. Every entity (ground handling agent) is responsible for ensuring that its personnel handling dangerous goods fulfill the relevant training requirements.

The regulations contains a flexibility provision in § 16 where it is stated that if special reasons

¹ Incorporated into Norwegian law by Regulations 7 August 2013 No 956 on air operations.

² Forskrift 11. januar 2003 nr. 41 om transport av gods i luftfartøy (BSI D 1-7):

<https://lovdata.no/dokument/SF/forskrift/2003-01-11-41>

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so indicate, the Civil Aviation Authority may grant exemptions from the provisions of this regulation. (*“Luftfartstilsynet kan, når særlige grunner tilsier det, dispensere fra bestemmelsene i denne forskrift.»*)

3. Justification

Covid-19 has led to many unforeseen circumstances as well as some operational needs not covered by the regulations. Travel restrictions and quarantine requirements have made it difficult and in some cases impossible, to comply with training requirements as stated in ICAO TI and/or in the associated IATA dangerous goods regulations.

More specific, certificates for the following groups of persons may not always have been possible to renew since the beginning of the Covid-19 pandemic:

- a) shippers of dangerous goods, including packers and persons or organisations undertaking the responsibilities of the shipper;
- b) ground handling agencies which perform, on behalf of the operator, the act of accepting handling, loading, unloading, transferring or other processing of cargo or mail;
- c) ground handling agencies located at an airport which perform, on behalf of the operator: the act of processing passengers;
- d) agencies, not located at an airport, which perform, on behalf of the operator, the act of checking in passengers;
- e) freight forwarders.

The Civil Aviation Authority acknowledges that it has been, and still for some time will continue to be, difficult for some categories of personnel to comply with the applicable training requirements and consequently uphold the validity of necessary certificates.

However, as more and more travel restrictions and other restrictions are lifted, normal training must restart as soon as possible. There are no provisions in ICAO TI that details form and content of training and examinations. All effort should be focused on providing alternative means of training and examination if regular training is not possible.

In order to ensure continuity of transportation under the present extraordinary circumstances, it is necessary to introduce temporary flexibility provisions to prevent unwanted interruptions of necessary operations. The provisions will only remain active as long as regular training is seriously impeded or unavailable, and should only be considered where a risk assessment demonstrates there are no negative impact on aviation safety.

4. Summary of the exemption

- A. The training requirements as set out in Regulations 11 January 2003 No 41 on transportation of goods in aircraft (BSL D 1-7) § 15 are complied with, even if the relevant dangerous goods certificate is no longer valid as a consequence of lack of recurrent training from 19 March 2020 to 15 August 2020.

The exemptions shall stay in effect until 16 August 2020, unless the Civil Aviation Authority revokes the exemption.

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The exemptions are granted based on BSL D 1-7 § 16.

The exemptions have no consequences for the handling of dangerous goods. All requirements in ICAO TI for the handling itself still applies.

5. Conditions and mitigating measures

The exemptions are given on the basis of the following conditions and mitigating measures:

- i. The organisations seeking exemption should only do so after carrying out a risk assessment that establishes the risk to aviation safety as negligible, if necessary with other mitigating measures then those stated in this decision.
- ii. To the extent possible, the organisation should establish alternative training during the exemption period.
- iii. Personnel that have been temporarily laid off for more than 3 months must undergo alternative training before handling dangerous goods.

6. Right to appeal

Organisations for which this decision apply, have the right to appeal this decision to the Ministry of Transport. An appeal must be sent to CAA-Norway within three weeks from the publication of this decision. You can read more here: <https://luftfartstilsynet.no/om-oss/saksbehandling/> You may also contact CAA-Norway for further information.

Yours sincerely

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This document has been electronically validated, thus eliminating the need for a physical signature.