

Regulations Governing the Safe Transport of Dangerous Goods by Air

Full text promulgated by the MOTC Order No. 0970085011 on February 25, 2008.

There are 36 Articles in the Regulations.

Amendments to Articles 18, 24~26, 32, 35, attachment 2 and addition of Article 34-1 promulgated by MOTC Order No. 10750162871 on December 10, 2018

Article 1

This Regulations are prescribed in accordance with Article 43-IV of the Civil Aviation Act (hereinafter referred to as the “Act”).

Article 2

In carrying out the transport of dangerous goods by air, the shipper, owner or operator of an aircraft, air freight forwarder, airport ground handling service, catering service and air cargo entrepot shall follow the provisions of this Regulations and the Technical Instructions for the Safe Transport of Dangerous Goods by Air issued by the International Civil Aviation Organization (hereinafter referred to as the “Technical Instructions”) as adopted by the Civil Aviation Administration, Ministry of Transportation and Communications (hereinafter referred to as the “CAA”) pursuant to Article 43-IV of the Act.

Article 3

Dangerous goods are divided into the following 9 classes:

- (1) Class 1: Explosives;
- (2) Class 2: Gases;
- (3) Class 3: Flammable liquids;
- (4) Class 4: Flammable solids, substances liable to cause spontaneous combustion, substances which, on contact with water, emit flammable gases;
- (5) Class 5: Oxidizing substances and organic peroxides;
- (6) Class 6: Toxic and infectious substances;
- (7) Class 7: Radioactive material;
- (8) Class 8: Corrosive substances;
- (9) Class 9: Miscellaneous dangerous substances and articles.

The classification criteria for the dangerous goods described in the preceding paragraph shall follow the Technical Instructions.

Article 4

The shipper shall ensure that the proper shipping name, the UN number or identification number marked on each package of dangerous goods and shipper's declaration for dangerous goods (hereinafter referred to as the "DGD") shall be in compliance with the requirements of the Technical Instructions.

Article 5

Any dangerous goods that are not in compliance with the provisions of this Regulations or the Technical Instructions shall not be transported by air; provided that, in cases of extreme urgency or when other forms of transport are inappropriate or compliance therewith is contrary to the public interest, the owner or operator of an aircraft may submit an application (as shown in Attachment 1) to the CAA for its approval.

Article 6

Packagings used by the shipper 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 air transport, by vibration or by change in temperature, humidity, pressure, and to prevent chemical reactions or other reactions with the dangerous goods.

Packagings shall meet the material and construction specifications in the Technical Instructions and packagings shall be tested in accordance with the provisions thereof.

Article 7

Packagings for which retention of a liquid shall be capable of withstanding, without leakage, the pressure stated in the Technical Instructions.

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) under normal conditions of air transport. Cushioning and absorbent materials shall not react dangerously with the contents of the packagings.

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.

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.

No harmful quantity of a dangerous substance shall adhere to the outside of packages.

Article 8

Each package of dangerous goods shall be labelled by the shipper with the appropriate labels in accordance with the provisions set forth in the Technical Instructions.

Article 9

Unless otherwise provided for in the Technical Instructions, each package of dangerous goods shall be marked by the shipper with the proper shipping name of its contents and such other markings as may be specified in the Technical Instructions.

Unless otherwise provided for in the Technical Instructions, each packaging manufactured to a specification contained in the Technical Instructions shall be so marked in accordance with the appropriate provisions of the Technical Instructions and no packaging shall be marked with a packaging specification marking unless it meets the appropriate packaging specification contained in the Technical Instructions.

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 should also be used for the markings on the packagings.

Article 10

Unless otherwise provided for in the Technical Instructions, the shipper who offers dangerous goods for transport by air shall complete and sign a DGD which bear a declaration 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 in accordance with the relevant regulations.

The shipper who offers dangerous goods for transport by air shall provide to the owner or operator of an aircraft the DGD described in the preceding paragraph and other transport document.

English should also be used for the document described in Paragraph I hereof.

Article 11

Before offering any dangerous goods for transport by air, the shipper shall ensure that:

- (1) the dangerous goods are not forbidden for transport by air; and
- (2) the dangerous goods are properly classified, identified, packed, marked, labelled, declared and accompanied by a DGD and other transport document in accordance with Articles 3, 4, and 6-10 hereof.

Article 12

The owner or operator of an aircraft shall not accept dangerous goods for transport by air:

- (1) unless the dangerous goods are accompanied by a completed DGD and other transport document, except where the Technical Instructions indicate that such a document is not required; and
- (2) 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, without leakage being found, and properly marked and labelled.

The owner or operator of an aircraft shall develop and use an acceptance checklist for dangerous goods and affix its signature thereto to confirm compliance with the provisions of the preceding paragraph.

Article 13

The owner or operator of an aircraft shall load and stow packages containing dangerous goods and freight containers containing radioactive materials on an aircraft in accordance with the provisions of the Technical Instructions.

The owner or operator of an aircraft shall inspect packages containing dangerous goods and freight containers containing radioactive materials for evidence of leakage or damage before loading on an aircraft or into a unit load device. Leaking or damaged packages or freight containers shall not be loaded on an aircraft.

Except as otherwise provided by laws or regulations, if the owner or operator of an aircraft finds any damage or leakage as to the packages containing dangerous goods loaded on the aircraft, it shall remove the packages from the aircraft without delay and thereafter shall ensure that the remainder of the consignment is not contaminated and is in a proper condition for transport by air in accordance with the Technical Instructions. Packages containing dangerous goods and freight containers containing radioactive materials shall be inspected by the owner or operator of an aircraft 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.

Article 14

Except as otherwise provided by laws or regulations, any hazardous contamination found on an aircraft as a result of leakage or damage to dangerous goods shall be removed by the owner or operator of an aircraft 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 and the Regulations for the Safe Transport of Radioactive Material.

Article 15

The owner or operator of an aircraft shall not load any dangerous goods 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.

Article 16

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 radioactive materials shall be stowed on an aircraft so that they are separated in accordance with the provisions in the Technical Instructions and the Regulations for the Safe Transport of Radioactive Material.

Article 17

When packages of dangerous goods are loaded in an aircraft, the owner or operator of an aircraft shall protect the dangerous goods from being damaged, and shall secure such goods in the aircraft.

Article 18

Packages of dangerous goods bearing the “Cargo aircraft only” label shall be loaded in accordance with the provisions of the Technical Instructions.

Article 19

The owner or 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.

Article 20

The owner or operator of an aircraft shall provide such information in the relevant operational manual as will enable the flight crew to carry out its responsibilities with regard to the transport of dangerous goods by air and shall provide instructions as to the action to be taken in the event of emergencies arising involving dangerous goods.

Article 21

The owner or operator of an aircraft shall ensure that information is promulgated in such a manner that passengers are warned as to the types of dangerous goods which they are forbidden from checking in or carrying on board an aircraft, and shall request passengers to confirm that they do not check in or carry on board any such dangerous goods.

The owner or operator of an aircraft, and air freight forwarder shall ensure that information is promulgated in such a manner that the shippers are warned as to the types of dangerous goods that are forbidden from transporting by air; if it is found that the

identification, packing, labeling or transport document of the goods may involve any such dangerous goods, they shall not accept such dangerous goods for transport by air until the shippers confirm that no dangerous goods are contained.

Article 22

The owner or operator of an aircraft, air freight forwarder, airport ground handling service, air cargo entrepot and catering service 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 involving dangerous goods.

Article 23

The shipper, owner or operator of an aircraft, air freight forwarder, airport ground handling service, air cargo entrepot and catering service shall carry out their responsibilities with regard to the storage of dangerous goods in accordance with the provisions of the Technical Instructions.

Article 24

In carrying out their responsibilities with regard to the transport of dangerous goods by air and security screening, the shipper, owner or operator of an aircraft, air freight forwarder, airport ground handling service, air cargo entrepot, catering service, and the Aviation Police Bureau of the National Police Agency, Ministry of the Interior (hereinafter referred to as the “APB”) shall establish the personnel training programs for dangerous goods, and shall administer training and tests on their personnel and administer recurrent training and tests based on such programs within 24 months of previous training except in circumstances permitted by the provisions of the Technical Instructions.

The personnel training programs for dangerous goods described in the preceding paragraph shall be updated in a timely manner.

Any person who fails to complete the training and passes the tests described in Paragraph I hereof shall not carry out the transport of dangerous goods by air, nor shall he or she sign the documents specified in Articles 10, 12-II and 19 hereof.

The training records described in the first paragraph hereof shall be kept for a minimum period of 36 months from the month the latest training was completed.

Article 25

The owner or operator of an aircraft, air freight forwarder, airport ground handling service, air cargo entrepot and catering service shall not carry out the transport of

dangerous goods by air until it submits the personnel training programs for dangerous goods and the operational manual for dangerous goods to the CAA and obtains the latter's approval. The foregoing shall also apply to the modification thereof, if any.

The personnel training programs for dangerous goods described in the preceding paragraph shall consist of training goals, types of trainees, training courses, hours, testing criteria, instructors' qualifications, keeping of the training record, periods for initial training and recurrent training; the operational manual for dangerous goods shall consist of the classification, identification, air transport limitation, packing, marking and labeling, provision of documents and information, handling, supervisory and audit mechanisms, acceptance procedures and emergency response procedures of dangerous goods.

The validity period for carrying out the transport of dangerous goods by air referred to in the first paragraph hereof shall be 2 years. The owner or operator of an aircraft, air freight forwarder, airport ground handling service, air cargo entrepot and catering service shall submit the documents described in the first paragraph hereof to the CAA for an extension one month prior to its expiration.

The owner or operator of a foreign aircraft shall not carry out the transport of dangerous goods by air until it submits relevant documents authorized by registered competent authority to the CAA for permission and files the operational manual for dangerous goods or relevant procedures to the CAA for record.

The validity period for carrying out the transport of dangerous goods by air referred to in the preceding paragraph shall be consistent with permission by the registered competent authority. The owner or operator of a foreign aircraft shall file application to the CAA in accordance with the requirements described in the preceding paragraph for an extension one month prior to its expiration.

The owner or operator of a foreign aircraft with the CAA's approval for carrying out the transport of dangerous goods by air according to the fourth paragraph hereof shall file the operational manual for dangerous goods or relevant procedures if revised to the CAA for record during the validity period.

Article 26

The owner or operator of an aircraft, air freight forwarder, airport ground handling service, air cargo entrepot and catering service shall keep the documents with regard to the air transport of dangerous goods for a minimum of 3 months from the date of departure of the aircraft for the purpose of audit and review.

The documents referred to in the preceding paragraph include the air waybill, air consignment note, cargo manifest, acceptance checklist for dangerous goods, DGD, other transport document and the written document described in Article 19 hereof.

Article 27

The owner or operator of an aircraft shall be responsible for the safe transport of dangerous goods by air, and shall establish a supervisory and audit mechanism so as to ensure that its personnel and business agents carry out their responsibilities in accordance with its operational manual for dangerous goods.

The owner or operator of an aircraft, air freight forwarder, airport ground handling service, air cargo entrepot and catering service shall, prior to accepting the dangerous goods, inspect the package, DGD and other transport document, and shall not accept such dangerous goods or transport by air until it is confirmed that they are identified, packed, marked and labelled, and that relevant information is completed in accordance with the provisions of this Regulations and the Technical Instructions.

Article 28

The CAA may dispatch its personnel to inspect the owner or operator of an aircraft, air freight forwarder, airport ground handling service, air cargo entrepot and catering service with regard to their air transport of dangerous goods, as well as various documents and training.

Article 29

Dangerous goods shall not be introduced into air transport through postal services, nor shall dangerous goods be concealed in any air mail unless they are offered for air transport in accordance with the Technical Instructions and the Regulations Governing the Handling of Mail.

Article 30

In the event of a dangerous goods incident during flight, the pilot-in-command shall, as soon as the situation permits, report the information related to the dangerous goods aboard to the air traffic control, which shall pass such information to the airport authority of entry.

Article 31

On learning of the occurrence of an aircraft accident or serious incident with regard to an aircraft in which dangerous goods are carried, the owner or operator of the aircraft shall forthwith provide to the emergency response authority the information related to dangerous goods contained in the written document described in Article 19 hereof. In the event of an aircraft incident, information related to dangerous goods shall be provided to the emergency response authority, if necessary.

Article 32

In the event of a dangerous goods accident or incident while carrying out the transport of dangerous goods by air, the owner or operator of an aircraft, airport ground handling service, air cargo entrepot and catering service shall forthwith handle the situation in accordance with their emergency response procedures.

Where the accident or incident referred to in the preceding paragraph results in fatality or injury to a person, property damage, or jeopardizes the aircraft or its occupants, the local airport and the CAA shall be informed forthwith and a dangerous goods occurrence report (as shown in Attachment 2) shall be completed and submitted to the CAA within 72 hours. If necessary, the CAA may dispatch its personnel to conduct an investigation with regard to the dangerous goods accident or incident other than the aviation occurrence.

The owner or operator of an aircraft, airport ground handling service, air cargo entrepot and catering service shall complete and submit the dangerous goods occurrence report (as shown in Attachment 2) to the APB within 72 hours when discovering undeclared or misdeclared dangerous goods, or unpermitted dangerous goods carried as carry-on baggage or checked baggage by passengers or crew, or dangerous goods not loaded, segregated, separated, secured and carried without information provided to the pilot-in-command in accordance with the Technical Instructions.

With regard to a dangerous goods accident or incident related to the dangerous goods accepted by an air freight forwarder which have entered the airport, the air freight forwarder shall adhere to the provisions of the three preceding paragraphs.

Article 33

Articles and substances which would otherwise be classed as dangerous goods but which are required to be aboard the aircraft in accordance with the other laws, regulations or the Technical Instructions, shall be excepted from the provisions of this Regulations.

Where articles and substances intended as replacements for those dangerous goods described in the preceding paragraph or which have been removed for replacement are carried on an aircraft, they shall be transported in accordance with the provisions of this Regulations.

Specific dangerous goods carried by passengers or crew members which are in compliance with the CAA's bulletin shall be excepted from the provisions of this Regulations.

The consumable articles and substances carried on board an aircraft by the owner or operator of the aircraft for the purposes of use or sale, or the dry ice used aboard for the purpose of preserving food or drink freezing, shall be excepted from the provisions of this Regulations.

Upon approval by the APB and consent from the owner or operator of an aircraft,

ammunition to be used for a special mission may be carried on board the aircraft without regard to the provisions of this Regulations.

Dangerous goods that are necessary for maintenance, repair or cleaning may be carried on board an aircraft on the ground upon consent from the owner or operator of the aircraft. Upon completion of the foregoing task, the dangerous goods so carried on board shall be removed from the aircraft.

Article 34

The shipper, owner or operator of an aircraft, air freight forwarder, airport ground handling service, air cargo entrepot and catering service shall take security measures to reduce the risk of theft or misuse of the dangerous goods by a third party, and to prevent hazard to people, property or the environment.

Article 34-1

The owner or operator of an aircraft shall include the safety risk assessment of dangerous goods in the safety management system.

Article 35

Aside from complying with the provisions set forth in the Article 25, the provisions of this Regulations shall apply *mutatis mutandis* to a foreign aircraft which carries dangerous goods into or out of the national territory of the ROC.

Article 36

This Regulations shall come into force as of the date of its issuance.

.

Attachment 1

APPLICATION

1. Information regarding Shipper and Consignee			
Shipper	Name		
	Address		
Consignee	Name		
	Address		
2. Information regarding Dangerous Goods (Please enclose supporting materials)			
Proper Shipping Name			
UN Number/Identification Number			Class or Division
Shipping Quantity			Form of Packaging
Need for Special Treatment			
Emergency Response Information (including response procedures, the name and telephone number of 24 hour contact)			
3. Form of Transport			
Date of Transport			
Place of Origin			
Place of Destination			
Route			
4. Reason for Air Transport Exemption			
5. Form of Transport (Please enclose a plan that is in compliance with the safety requirements of the Technical Instructions)			
Applicant		Signature of Applicant (Supervisor or Responsible Person):	
Contact Person			
Contact Telephone			
Date of Application			

Attachment 2

DANGEROUS GOODS OCCURRENCE REPORT

See the Notes of this form. *Those boxes where the heading is in italics needs only be completed if applicable*

Mark type of occurrence: Accident ☐ Incident ☐ Other Occurrence ☐

1.Operator:		2.Date of occurrence:		3.Local time of occurrence:	
4.Flight date:			5.Flight no.:		
6.Departure airport:			7.Destination airport:		
8.Aircraft type:			9.Aircraft registration.:		
10.Location of occurrence:			11.Origin of the goods:		
12.Description of occurrence, including details of injury, damage, etc. <i>(if necessary continue on the next page)</i> :					
13. Proper shipping name <i>(including the technical name)</i> :				14.UN/ID no. (when known):	
15.Class/ division(when known):	16.Subsidiary risk(s):	17.Packing group:	18.Category (class 7 only):		
19.Type of packaging:	20.Packaging specification marking:	21.No. of packages:	22.Quantity(or transport index , if applicable):		
23.Reference no. of Air Waybill:					
24. Reference no. of courier pouch, baggage tag, or passenger ticket:					
25.Names and addresses of shipper, agent and passenger, etc.:					
26.Other relevant information (including suspected cause, any action taken):					
27.Name and title of person making report:			28.Telephone no.:		
29.Company/department, code, E-mail or Mail code:			30.Reporters ref.:		
31.Address:			32.Date/Signature:		
Description of the occurrence (continuation):					

Notes:

- Any type of dangerous goods occurrence must be reported, irrespective of whether the dangerous goods are contained in cargo, mail or baggage.
- A dangerous goods accident is an occurrence associated with and related to the transport of dangerous goods which results in fatal or serious injury to a person or major property damage. For this purpose, a serious injury is an injury which is sustained by a person in an accident and which: (a) requires hospitalization for more than 48 hours, commencing from the time the injury was received; (b) results in a fracture of any bones (except small fractures of fingers, toes, or nose); (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; (d) involves injury to any internal organ; (e) involves second or third degree burns; (or) any burns affecting more than 5% of the body surface; or (f) involves verified exposure to infectious substances or injurious radiation. A dangerous goods accident may also be an aircraft accident; in which case the normal procedure for dangerous goods accidents must be followed.

3. *Other occurrence: (a) undeclared or misdeclared dangerous goods; (b) unpermitted dangerous goods carried as carry-on baggage or checked baggage by passengers or crew; (c) dangerous goods not loaded, segregated, separated or secured in accordance with the Technical Instruction; (d) dangerous goods carried without the information provided to the pilot-in-command in accordance with the Technical Instructions.*
4. *Copies of all relevant documents shall be included with the report.*