

Miscellaneous

No: 1580

UK Regulation (EU) 2018/1139
Air Navigation Order 2016
ICAO Technical Instructions 2023-2024

Publication date: 30 June 2023

General Exemption E 5972

Exemption From Classification Provisions of Mpox Virus Not Including Cultures of Mpox

Background

- 1) United Kingdom (UK) legislation, the Air Navigation Order, 2016, the Air Navigation (Dangerous Goods) Regulations, 2002 and UK Regulation (EU) No. 965/2012, collectively ("the Regulations") requires that dangerous goods be carried by air in accordance with the ICAO Annex 18 'The Safe Transport of Dangerous Goods by Air', and as amplified by the detailed specifications of the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284) ("TI"). The carriage of dangerous goods must either comply with the specific requirements applicable to the particular dangerous goods or be carried in accordance with an exemption permitted by that document.
- 2) This is such an exemption and is issued to meet urgent operational needs and urgent unforeseeable circumstances surrounding the outbreak of the Monkeypox virus which led to the UN Sub Committee agreement to change the indicative classification for Monkeypox virus samples from a Category A Infectious substance to a Category B Infectious substance ("the Agreement"). Only the cultures of Monkeypox virus will remain as Category A. The WHO and the UK Chief Medical Adviser support the Agreement.
- 3) This exemption is being issued to align with the derogation, for the transport of Monkeypox virus samples by road and by rail. This exemption will enable the transport of Monkeypox virus samples by air ahead of a change to the ICAO Technical Instructions (TI). The change to the TI is anticipated to reflect the Agreement.

Interpretation

- 4) In this Exemption:
 - a) references to EU regulations are to those regulations as retained and amended in UK domestic law under the European Union (Withdrawal) Act 2018 and are referenced hereafter as "UK Regulation (EU) year/number" or "UK Regulation (EU) No. number/year".
 - b) "Technical Instructions" ("TI") means the latest effective edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284-AN/905), including the Supplement and any Addendum, approved and published by decision of the Council of the International Civil Aviation Organization;
 - c) "The operator" referred to is an operator who has been issued with a dangerous goods approval in accordance with relevant UK regulations.

Exemption

- 5) The CAA, pursuant to Article 266 of the Air Navigation Order 2016 and Article 71(1) of UK Regulation (EU) 2018/1139, and as detailed in Part 1; 1.1.3 of the TI, subject to the conditions in paragraph 8, hereby exempts any UK shipper and agent thereof, any UK aircraft operator ("the operator"), together with the pilot in command, of any aircraft flying for the purposes of commercial air transport, and any agent thereof, and the Royal Mail Group Plc from the provisions of the Regulations that requires compliance with the Technical Instructions specified in paragraph 7 but only to the extent necessary to permit the carriage of the dangerous goods specified in paragraph 6 when forwarded for carriage on board an aircraft and consigned within the UK or between the UK and Guernsey, Jersey or the Isle of Man, if applicable, subject to the conditions in paragraph 8.
- 6) The dangerous goods permitted for carriage by this exemption are UN2814 Infectious substance, affecting humans, containing Mpox virus. This exemption does not apply to cultures of Mpox virus.
- 7) This exemption is granted from the classification provisions of Part 2;6.3.2.2.1 of the TI.
- 8) This exemption is granted subject to the following conditions:
 - a) the operator must hold a Dangerous Goods approval CAT.GEN.MPA.200 and SPA.DG.100 of UK Regulation (EU) No. 965/2012;
 - b) infectious substance, affecting humans, containing Mpox virus, except for cultures of Mpox virus, must be carried under UN3373, Biological substance, Category B, n.o.s., or UN3291 Clinical waste, unspecified, n.o.s, as appropriate.
 - c) the operator shall ensure that their operational personnel and contracted agents are informed of the carriage of mail/cargo containing the dangerous goods specified in paragraph 6 and the danger which they can give rise to;
 - d) the dangerous goods shall be packed, marked, labelled and documented, where appropriate, in accordance with the TI; and
 - e) the acceptance, loading and stowage of the said goods, where appropriate, shall be carried out in compliance with the TI.
- 9) When operating to/from countries outside of the United Kingdom, the operator must additionally obtain an exemption from the states concerned, in accordance with the provisions of Parts 1;1.1.3 and 1;1.1.4 of the TI, if this is required by the laws of the relevant State.
- 10) This exemption is granted to meet urgent operational needs and urgent unforeseeable circumstances as a result of the emergence and spread of the Mpox virus.

Date in Force

- 11) This exemption has effect from 30 June 2023 until 29 June 2024, both dates inclusive, unless previously revoked.

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30 June 2023