**REPORT ON**

**PUBLIC CONSULTATION OF THE INTERESTED PARTIES**

**NR. 6/2014**

25 September 2014

1. **GENERAL**

This report has been prepared in accordance with the requirements of the Administrative Instruction no. 01/2012 on procedures of public consultation of the interest parties regarding the following CAA’s draft regulation:

**Draft regulation on the conditions and methods of transporting dangerous goods by air**

This draft regulation has been in the process of public consultation from 29 August to 9 September 2014. Receiving comments and remarks from intrested parties about these draft regulations is done by applying the procedure set forth in section 5.3 of the Administrative Instruction no. 01/2012 (written consultation) given that the conditions are not met to organize the meeting with intrested parties , as required by Article 5.4 of the Administrative Instruction no. 01/2012.

1. **COMMENTS RECEIVED AND CAA RESPONSES**

To the call sent out for public consultation of the interest parties have responded three entities respectively: Office of the Commissioner for Languages ​​(ZKM), Prishtina International Airport "Adem Jashari" - LKIA and Kosovo Agency for Radiation Protection and Nuclear Safety - AMRK (ZKM) who have filed remarks / suggestions via email to the CAA.

The following are reflected remarks / suggestions received in the order of which are listed is in calendaric manner of their admission from the parties by electronic mail:

**OFFICE OF THE COMMISSIONER FOR LANGUAGES (ZKM)-**

(by mail from Ms. Safete Graiçevci, Coordinator to guarantee implementation, dated September 4, 2014, 10:34 min)

*Varianit i I-rë*

* *“Article 12.5 of Draft Regulation to be changed and become: labelling of dangerous goods should be done in Albanian and Serbian languages (official language of the Republic of Kosovo) and in English language.”*

**CAAK Response – Accepted**

**Article 12.5 has been changed as in the text below:**

**For all international flights that depart from the Republic of Kosovo, official languagse shall be used for marking of dangerous goods, in addition to the English language which may be required by the State of transit or destination.**

* *“Article 16 item c) be added: The transport document of dangerous goods, respectively, declaration shall be completed in Albanian, Serbian and according to technical instructions also in English language”*

**CAAK Response – Accepted**

**Article 16.2 c) has been changed as in the text below:**

**For all international flights that depart from the Republic of Kosovo, the official languages shall be used on the transportation of dangerous goods documents, in addition to the English language which may be required by the State of transit or destination.**

* *“Article 28, item 28.2 be added: certificate must contain the following information, in Albanian and Serbian language as official languages in the Republic of Kosovo, including English language as a supplement.”*

**CAAK Response – Not Accepted**

**The official languages of the Republic of Kosovo are defined in Article 5.1 of the Constitution of the Republic of Kosovo and the Law no. 02 / L-37 for language use; therefore it is not necessary to be repeated in the text of the draft regulation.**

*Varianti i II-të*

* *“After Article 12 a new article should be added to this content:*

*In all the procedures for the transport of dangerous goods by air, languages​​ to be used are: Albanian and Serbian language as official languages ​​in Republic of Kosovo and in addition the English language as a supplement. Labelling and marking of dangerous goods, the transport document for dangerous goods respectively, the declaration and testing certificate be in Albanian, Serbian and English.”*

**CAAK Response – Not Accepted**

**Suggestions have been accepted in Articles 12.5 and 16.2 c) and therefore there is no need of incorporating new article in this draft regulation.**

**PRISHTINA INTERNATIONAL AIRPORT "ADEM JASHARI" - LKIA –**

(by mail from Mr. Gökmen ARITAY, Director of Airport Operations, dated September 5, 2014, at 17:53 min)

* *“Article 13 (b) and Article 14*

*In the methodology of IATA DG regulation that DGR instructor is an authorized person to provide training together with coordination of all the DG training needs and actually the instructor is the coordinator of DG trainings.*

*On the other side, according to Regulation No. 01/2014 on Professional training of employees and other aerodrome contracted workers, providers of ground handling services, and users of aerodrome services providing self-handling of ground handling services” it’s mandatory to appoint a Training Coordinator who will be responsible person to coordinate and organize all related trainings including DG. To have DG coordinator together with Training Coordinator means for us that would be possible to have some interior organizational conflict.”*

**CAAK Response – Not Accepted**

**The rquirments of the draft regulation for the appointment of a coordinator for dangerous goods which must be accepted by the CAAK remains in this draft regulation. Dangerous goods Coordinator in addition to the training issues is responsible for a significant number of other tasks as specified in this draft regulation. Article 14.2 of the draft regulation specifies that the CAA may accept a coordinator/person that performs other tasks in that enterprise, provided that that person is capable of performing the duties of the coordinator for dangerous goods.**

**KOSOVO AGENCY FOR RADIATION PROTECTION AND NUCLEAR SAFETY-AMRK (ZKM) –**

(by mail from Mr. Nasser Balaj, Sector Leader for Radiation Protection and Nuclear Safety – AMRK (ZKM) dated September 8, 2014, at 9:49 min.)

* *“Article 2 this should clearly note that the approval and recommendation must be taken in full consultation to AMRK, based on cooperation agreements between the CAAK and AMRK.”*

**CAAK Response – Accepted**

**Article 2 – is changed as in the text below:**

**Approval - for the transport of Class 7 material; means approval issued by the Kosovo Agency for radiation protection and nuclear safety in coordination with CAAK.**

* *“Article 2 I recommend to note here that regarding the permit for nuclear fuels and radioactive materials competent authority is AMRK”*

**CAAK Response – Accepted**

**Article 2 – is changed as in the text below:**

**Permission - means an authorization issued by the Civil Aviation Authority of the Republic of Kosovo in coordination with AMRK respectively MIA for transportation of arms and ammunition, including explosives and other dangerous goods such as harmful or toxic gases, nuclear fuels and radioactive materials.**

* *“Article 6.1 Here should be noted also in accordance with the international legislation in force and I also think that it should be specified if we are dealing with radioactive and nuclear materials that IAEA SAFETY STANDARDS SERIES No. SSR-6, REGULATIONS FOR THE SAFE TRANSPORT OF RADIOACTIVE MATERIAL must be respected and it is clearly stated upon the recommendation of the AMRK”*

**CAAK Response – Not Accepted**

**Requirements of the 7th edition of the United Nations Recommendations for the Transport of Dangerous Goods and Regulations of the International Atomic Energy Agency (IAEA) on the safe transport of radioactive materials, are incorporated in the 2013-2014 edition of the Technical Instructions, therefore it will be a repeat to incorporate the text proposed in article 6.1.**

* *“Article 8.1 It should be noted here, also in accordance with the international legislation in force and I think if we are dealing with radioactive and nuclear materials the IAEA SAFETY STANDARDS SERIES No. SSR-6, Regulations FOR THE SAFE TRANSPORT OF RADIOACTIVE MATERIAL should be respected and clearly stated with the recommendation of AMRK”*

**CAAK Response – Not Accepted**

**Article 8.1 was referring to Article 57 of the Law no. 03/051 on Civil Aviation**

* *“Article 8.2 in cooperation with other authorities, in the case of radioactive materials with AMRK.”*

**CAAK Response – Not Accepted**

**Article 8.1 was referring to Article 59 of Law no. 03/051 on Civil Aviation**

* *“Article 17.5 Here it should be stated that inspection must be done in full coordination with inspectors AMRK.”*

**CAAK Response – Not Accepted**

**We are dealing with the inspection without details entered by who will be inspected. This automatically means that according to the responsibilities prescribed by the relevant law, each entity conducts its inspection conform the legal requirements arising from the law.**

* *“Article 17.11 If we are dealing with radioactive materials, here should say that AMRK should be informed immediately, which provides recommendations for further action”*

**CAAK Response –Accepted**

**Article 17.11 is changed as in the text below:**

**Any hazardous contamination found on the aircraft as a result of leakage or damage of dangerous goods must be removed without delay. Aircraft, which is contaminated by radioactive materials, must be reported immediately to AMRK and removed from operation and must not return to operation 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 recommendations by AMRK.**

* *“Article 21.7 it should be noted here that storage is done as recommended by AMRK, which defines the conditions and standards for temporary storage of radioactive materials in the premises of the Airports.”*

**CAAK Response –Accepted**

**Article 21.7 - is changed as in the text below:**

**Radioactive material shall be stored and separated providing adequate distance from the area where employees and customers have access in order to reduce radiation exposure, in accordance with the recommendations of the AMRK which defines the conditions and standards for temporary storage of radioactive materials at airports.**

* *“Article 22.11 it should be noted here also, that if we are dealing with radioactive material accident, AMRK needs to be informed without delay.”*

**CAAK Response – Not Accepted**

**Article 22.11 clearly states that in the event of an aircraft incident, the operator of the aircraft that carries dangerous goods, as required, will provide information without delay, in case of accident reporting to the agency responsible for investigation of accidents in the state concerned, to that agency and to emergency personnel who respond to the incident concerning dangerous goods on board. This means that AMRK is automatically notified when dealing with accidents involving radioactive material.**

1. **CONCLUSION**

During the public consultation of the interested parties regarding the draft regulation under section I of this report, are thoroughly assessed 14 remarks / suggestions that were received during the public consultation process with intrested parties.

From these remarks/suggestions, six (6) are accepted by the CAA for adaptation/improvement of the text of the draft regulation which will be incorporated into the final version. All other comments received adequate responses.

**The report was drafted by the:**

Flight Safety Department

Office of Legal and Regulatory Affairs