



International Civil Aviation Organization

**Asia Pacific Regional Aviation Safety Team - Second Meeting of the
Accident Investigation Ad hoc Working Group (APRAST-AIG AWG/2)**
(Macao, China, 6-7 September 2012)

Agenda Item 1: Review of the decisions by APRAST in respect of the conclusions of APRAST-AIG AWG/1

CODE OF CONDUCT ON COOPERATION RELATING TO CIVIL AVIATION ACCIDENT/INCIDENT INVESTIGATION

(Presented by Singapore)

SUMMARY

This paper presented a draft Code of Conduct on Cooperation Relating to Civil Aviation Accident/Incident Investigation to promote mutual cooperation in accident/incident investigation within the Asia and Pacific Regions.

1. INTRODUCTION

1.1 At the APRAST-AIG AWG/1 held at the ICAO APAC Office on 6-8 June 2012, Singapore presented a working paper proposing the idea of a written framework, such as the Code of Conduct, on cooperation relating to aircraft accident/incident investigation. The idea was accepted by the APRAST-AIG AWG and included as Conclusion 1/10 in the Record of Discussions and Conclusions of the APRAST-AIG AWG/1.

1.2 At the APRAST/2 held at the ICAO APAC Office on 21 – 24 August 2012, the APRAST adopted Conclusion 1/10 for forwarding to the RASG-APAC and requested the APRAST-AIG AWG to produce a draft of the framework so that the APRAST could also forward it to the RASG-APAC for its consideration.

2. DISCUSSION

2.1 To respond to the request of the APRAST, a Code of Conduct on Cooperation Relating to Civil Aviation Accident/Incident Investigation has been drafted (see **Attachment A**) for the consideration by the APRAST-AIG AWG. It is modelled after the investigation cooperation framework adopted by the Association of Southeast Asian Nations (ASEAN).

2.2 The draft Code of Conduct may be further refined in due course if the RASG-APAC accepts the idea of a written framework on investigation cooperation.

3. ACTION BY THE MEETING

3.1 The meeting is invited to review and adopt the draft Code of Conduct for forwarding to the RASG-APAC through the APRAST.

3.2 It has to be noted that an APRAST-AIG AWG Member's agreeing to adopt the draft Code of Conduct does not mean that the State/Administration concerned agrees to adhere to the Code of Conduct. States/Administrations are at liberty to choose whether to adhere to the Code of Conduct. A State/Administration will pledge to adhere to the Code of Conduct in accordance with the procedure set out in Article III of the proposed Code of Conduct.

— END —

Attachment A

ASIA AND PACIFIC REGIONS

CODE OF CONDUCT ON COOPERATION RELATING TO CIVIL AVIATION ACCIDENT/INCIDENT INVESTIGATION

The authorities responsible for the investigation of aircraft accidents and incidents in the States/Administrations of the Asia and Pacific Regions (APAC) (hereinafter referred to collectively as “the Participating Parties” or individually as “each Participating Party” or “the Participating Party”),

MINDFUL of the international nature of civil aviation and of aviation safety;

HAVING noted the importance for aviation safety of conducting appropriate technical investigations into aviation accidents and incidents;

REAFFIRMING the objective enshrined in Annex 13 to the Convention on International Civil Aviation (“the Chicago Convention”) that the sole objective of the investigation of an aircraft accident or incident shall be the prevention of accidents and incidents and that it is not the purpose of the investigation activity to apportion blame or to provide a means of determining liability;

COMMITTED to enhancing the capabilities and professionalism of their respective aircraft investigators;

DESIRING to share expertise and experience relating to aircraft accident and incident investigation;

ECOGNISING their common interest in establishing a lasting framework for cooperation in the area of aircraft accident and incident investigation;

SUSCRIBE to the following provisions:

ARTICLE I

Objective

The Participating Parties, subject to the terms of this Code of Conduct and the laws, rules, regulations and national policies from time to time in force in each Participating Party, decide to strengthen, promote and develop co-operation to enhance aviation safety.

ARTICLE II

Areas of Cooperation

1. Each Participating Party will, subject to the laws, rules, regulations, procedure and national policies from time to time in force governing the subject matter in their respective countries, cooperate in aircraft accident and incident investigation, investigation training and sharing of information and expertise, consistent with the Standards and Recommended Practices, *Aircraft Accident and Incident Investigation*, contained in Annex 13 to the Chicago Convention ("Annex 13"). The areas of cooperation are as follows:

- (a) Each Participating Party will offer assistance and the use of air safety investigation manpower, facilities and equipment to the other Participating Parties as it deems appropriate and as resources permit. Such assistance may include expertise in the fields of air traffic services, engineering, operations, flight recorders, human performance and management organisation.
- (b) Each Participating Party may invite the other Participating Parties' investigators to participate or assist in its accident investigation processes.
- (c) The Participating Parties will undertake appropriate steps, subject to the availability of resources, to positively answer all requests for assistance from another Participating Party.
- (d) Each Participating Party will invite the other Participating Parties' investigators to attend general and specialist investigation courses and undergo training courses which it conducts, where applicable and if suitable.
- (e) Each Participating Party will, to the extent permitted by its laws and regulations, facilitate the attachment of the other Participating Parties' investigators as observers to its investigation of aircraft accidents and serious incidents, with a view to enhancing the other Participating Parties' understanding of its investigation requirements and procedures. This will serve to develop effective cooperation between the Participating Parties in any investigation of aircraft accident or serious incidents it conducts pursuant to Annex 13 involving an aircraft of which the other Participating Parties are the State of Registry, State of the Operator, State of Design or State of Manufacture, as defined in Chapter 1 of Annex 13.
- (f) The Participating Parties will maintain regular contact with each other. Each Participating Party may organise visits to or meetings with another Participating Party or other Participating Parties with the aim of exchanging experiences, skills and technical knowledge, and of identifying in advance, areas of possible assistance or cooperation, in particular the availability of specialised equipment, facilities and trained personnel.
- (g) Each Participating Party will, to the extent permitted by its laws and regulations, endeavour to share with the other Participating Parties relevant

information about an investigation it is conducting in which the other Participating Parties have expressed an interest. This information, consistent with Annex 13, will not be released by the other Participating Parties without the express consent of the Participating Party conducting the investigation.

2. A Participating Party may also request another Participating Party for know-how and advice in the organisation of an investigation, drafting of the report, crisis management and communications.

3. The Participating Parties will, where possible and by mutual agreement, develop additional areas of cooperation, especially in areas corollary to those referred to in paragraph 1 of this Article.

ARTICLE III

Adherence to the Code of Conduct

1. An authority responsible for the investigation of aircraft accidents and incidents in a State/Administration of the Asia and Pacific Regions (APAC) will apply to become a Participating Party to the Regional Aviation Safety Group - Asia and Pacific Regions (RASG-APAC).

2. A Participating Party may notify its intention to withdraw from this Code of Conduct by giving three months' notice in writing to the RASG-APAC. In the event of a withdrawal by a Participating Party, the Participating Parties will provide for the continuance of any arrangement entered into under this Code of Conduct but not fully performed prior to the withdrawal of that Participating Party.

ARTICLE IV

Confidentiality

1. Each Participating Party will undertake to observe the confidentiality and secrecy of documents, information and other data received or supplied to the other Participating Party or Participating Parties during the period of the implementation of this Code of Conduct or any other arrangements made pursuant to this Code of Conduct, as provided for in Article X of this Code of Conduct.

2. The Participating Parties decide that the provisions of this Article will continue to be binding between the Participating Parties, notwithstanding the termination of or withdrawal from this Code of Conduct.

ARTICLE V

Non-liability

1. Each Participating Party will ensure that it will not, under any circumstances, make any demands of, or any claims against, the other Participating Party or Participating Parties for any matter or matters arising or resulting from any assistance which the latter Participating Party or Participating Parties has or have rendered to it under this Code of Conduct.
2. The former Participating Party will also ensure that no liability will be borne by the latter Participating Party or Participating Parties, in the circumstances described in paragraph 1 above, for damages or consequential losses, direct or indirect, arising from any third-party claims against it.

ARTICLE VI

Financial

Unless otherwise decided, each Participating Party will bear its own cost for the implementation of the matters set out in this Code of Conduct.

ARTICLE VII

Consultations

In the spirit of solidarity and cooperation, Participating Parties will consult each other from time to time to ensure the implementation of this Code of Conduct.

ARTICLE VIII

Suspension

Each Participating Party reserves the right, for reasons of national security, national interest, public order or public health, to suspend temporarily, either in whole or in part, the implementation of this Code of Conduct, which suspension shall take effect immediately after notification has been given to the other Participating Parties as well as the RASG-APAC.

ARTICLE IX

Revision, Modification and Amendment

1. Any Participating Party may request in writing a revision, modification or amendment of all or any part of this Code of Conduct. Proposals for amendment shall in the first place be put forward and discussed during the meetings of the RASG-APAC.
2. Any revision, modification or amendment agreed to by the RASG-APAC will come into effect on such date as may be determined by the RASG-APAC.
3. Any revision, modification or amendment will not prejudice the rights and obligations arising from or based on this Code of Conduct before or up to the date of such revision, modification or amendment.

ARTICLE X

Other Arrangements

The Participating Parties may, pursuant to this Code of Conduct and by mutual agreement, enter into other arrangements relating to aircraft accident and incident investigation.

ARTICLE XI

Settlement of disputes

Any difference or dispute between the Participating Parties concerning the interpretation, implementation, and/or application of any of the provisions of this Code of Conduct will be settled amicably through mutual consultation or negotiations between the Participating Parties, without reference to any third party.
