



ICAO

### **What is the international definition of an aircraft accident?**

The 1944 Convention on International Civil Aviation has been ratified by 191 countries and applies to flights undertaken between them. Annex 13 — *Aircraft Accident and Incident Investigation* to the Convention defines an accident as an occurrence associated with the operation of an aircraft in which a person is fatally or seriously injured, or in which an aircraft sustains damage or structural failure that adversely affects the structural strength, performance or flight characteristics of the aircraft and would normally require major repair or replacement of the affected component, or in which an aircraft is considered to be missing or is completely inaccessible.

### **What role does ICAO play following an aircraft accident?**

ICAO, the International Civil Aviation Organization, is a United Nations agency founded by the 1944 Convention on International Civil Aviation (Chicago Convention). The Convention mandates ICAO to foster the sustainable development of international civil aviation by facilitating agreement amongst contracting States on pertinent issues, including aircraft accident investigations. These agreements are codified as Standards and Recommended Practices which are appended to the Convention under 19 Annexes. Standards and Recommended Practices pertaining to aircraft accident and incident investigations are contained in Annex 13.

While ICAO's role includes supporting Member States as they implement Standards and Recommended Practices under each of the 19 Annexes, ICAO is not directly involved in aircraft accident investigations. ICAO monitors Final Reports of investigations and take actions on safety recommendations addressed to ICAO.

Investigations undertaken into aircraft accidents are commonly referred to as "Annex 13 investigations" in recognition of the fact that they are not undertaken by ICAO but rather by States in accordance with Annex 13 provisions. In accordance with Annex 13, States are required to establish accident investigation authorities that are independent from State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation.

ICAO would only participate in an accident investigation upon special request from the State that instituted the investigation.

### **Which State is responsible for conducting an accident investigation?**

Annex 13 to the Convention provides that the State of Occurrence shall institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation, but it may delegate the whole or any part of the conducting of such investigation to another State or a regional accident and incident investigation organization (RAIO) by mutual arrangement and consent. The identification of the State of Occurrence may not be immediately obvious when the aircraft is missing or if it has crashed in international waters.

Annex 13 provides further international requirements for the investigation of aircraft accidents and incidents. It spells out which States may participate in an investigation, such as the State of Occurrence, the State of (the aircraft's) Registry, State of the Operator, State of Design and State of Manufacture. It also defines the rights and responsibilities of such States.

The State of Occurrence may call on the best technical expertise available from any source to assist with the investigation. States of the Registry of the aircraft, Operator, Design and Manufacture that participate in an investigation are entitled to appoint an accredited representative (with or without associated advisers) to take part in the investigation.

A State which has a special interest in an accident, by virtue of fatalities or serious injuries to its citizens is entitled to appoint an expert who shall be entitled to visit the scene of the accident, have access to the relevant factual information which is approved for public release by the State conducting the investigation, and information on the progress of the investigation, and receive a copy of the accident investigation Final Report.

### **What are the objective and consequences of an Annex 13 investigation?**

The sole objective of an Annex 13 investigation of an accident or incident shall be the prevention of accidents and incidents, and *not* the apportionment of blame or liability. Annex 13 investigations result in reports of which the contents are shared to improve safety and best practices in aviation.

### **When are Annex 13 investigations launched under the Chicago Convention?**

Annex 13 requires the State of Occurrence of an aircraft accident or serious incident to forward a notification of it, with a minimum of delay and by the most suitable and quickest means available, to the aircraft's State of Registry, the State of its Operator, the State of its Design and the State of Manufacture, and ICAO (when the aircraft involved is of a maximum mass of over 2 250 kg or is a turbojet-powered aeroplane.)

The accident investigation authority shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Annex 13. The investigation shall normally include:

- a) the gathering, recording and analysis of all relevant information on that accident or incident;
- b) the protection of certain accident and incident investigation records;
- c) if appropriate, the issuance of safety recommendations;
- d) if possible, the determination of the causes and/or contributing factors; and
- e) the completion of the Final Report.

### **How are Annex 13 accident investigations reported?**

In the interest of accident prevention, the State conducting the investigation of an accident or incident shall make the Final Report publicly available as soon as possible.

### **What happens when States disagree on the findings presented in the Final Report?**

The State conducting the investigation shall send a copy of the draft Final Report to the State of Occurrence, States of the aircraft's Registry, Operator, Design and Manufacture, and any other State that participated in the investigation. These States are invited to communicate their significant and substantiated comments on the report as soon as possible.

If the State conducting the investigation receives comments within sixty days, it shall either amend the draft Final Report to include the substance of the comments received or, if desired by the State that provided comments, append the comments to the Final Report.

If the State conducting the investigation receives no comments within sixty days of the date of the first transmittal letter, it shall issue the Final Report, unless an extension of that period has been agreed by the States concerned.

### **Further resources for media**

Media are encouraged to contact ICAO's Communications Unit ([communications@icao.int](mailto:communications@icao.int)) with any further queries they may have regarding international air accidents or incidents.