

**AIG REGIONAL COOPERATION MECHANISM (ARCM) OF SOUTH AMERICA**

**THIRD MEETING OF AIG AUTHORITIES**

(Lima, Peru, 07 to 09 March 2016)

**Agenda item 2: Review and signature of the AIG Cooperation Agreement among the ARCM States**

**- Proposal of the AIG Cooperation Agreement among the ARCM States**

(Working paper presented by the President of the ARCM Executive Committee)

**Summary**

This working paper presents to the Third Meeting of AIG Authorities the proposal for the AIG Cooperation Agreement among the member States of the AIG Regional Cooperation Mechanism (ARCM) of South America for its review and signature.

**References**

- Report of the Second Meeting of AIG Authorities of the SAM Region (AIG-SAM/2), Buenos Aires, Argentina, 09 to 11 June 2015.
- ARCM AIG Regulations.
- Annex 13 – Aircraft Accident and Incident Investigation.
- Doc 9946 – Manual on Regional Accident and Incident Investigation Organization (RAIO).

**1. Introduction**

1.1. According to the last outcomes achieved under the framework of the activities of the ICAO Universal Safety Oversight Audit Programme (USOAP), one of the audit areas with less effective implementation (EI) in relation to the safety oversight capabilities of the SAM States is still aircraft accident and incident investigation (AIG).

1.2. In this area, it is mainly observed that the subgroups of investigation policies and procedures; development, completion and release of the final report; organization, staffing, and training of the accident investigation authority; elaboration, release and registry of safety recommendations and Accident/Incident Data Reporting (ADREP) procedures, are the ones that have the highest number of unsatisfactory Protocol Questions (PQ) as general average of the SAM States.

1.3. In this regard, the Second Meeting of AIG Authorities (AIG-SAM2) emphasized that the creation of an ARCM in South America would significantly contribute to achieve the following main objectives:

- ✓ the standardization and implementation of requirements, recommendations, procedures, methods and the best practices of the industry in the AIG area;
- ✓ to comply with the Declaration of Bogota that establishes the following regional goals:
  - *Achieve 80% of effective implementation (EI) in the SAM Region;*
  - *Reduce 50% the gap of the accident rate of the SAM Region in relation to the global accident rate; and*
  - *Reduce 20% the runway excursions rate in relation to the average rate of the Region (2007 – 2012).*
- ✓ to start AIG cooperation activities between the States that would benefit the States that have greater difficulty in establishing an efficient and effective AIG system; and
- ✓ to support the SAM States in the solution of the checking left by the Comprehensive Systems Approach (CSA) and by the activities of the new Continuous Monitoring Approach (CMA) of the USOAP.

1.4. Due to the stated antecedents and considerations, the Meeting unanimously adopted the AIG-SAM/02-01 Conclusion whereby the ARCM of South America was established.

1.5. The South American AIG Regional Cooperation Mechanism, called ARCM, has as its mission to support the States that request in the aspects related to aircraft accident and incident investigation in a regional cooperation environment that allows to improve the effective implementation in the AIG area and to contribute to the reduction of the aircraft accident and incident rate of the SAM Region below the global rate in all the aviation areas.

## 2. **Definition of the problem**

2.1 Once the AIG-SAM/2 agreed upon the establishment of the ARCM and for the States of Argentina, Plurinational State of Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Panama, Paraguay, Peru, Surinam, Uruguay and Bolivarian Republic of Venezuela to be able to facilitate the multinational technical cooperation amongst each other, it is necessary to have a legal instrument that allows such cooperation in the aircraft accident and incident investigation area.

2.2 The protocol question (PQ) AIG 6.115 allows that a State not having duly qualified staff or not enough staff can reach agreements (e.g. memoranda of agreement) with other States or regional organizations to quickly get the staff necessary in case of an accident.

2.3 Likewise, the PQ 6.122 requires that a State establish formal means, such as agreement letters, that clearly defines the prerogatives and responsibilities of the ones participating in the investigation, such as assigned experts, accredited representatives, advisors, observers and experts.

2.4 The cooperation shall be subject to an AIG authority of a member State requesting it and the necessary means and approval by the other AIG authorities of the other ARCM member States to facilitate such cooperation.

2.5 Therefore, **Appendix A** of this working paper presents to the Meeting the proposal of the AIG Cooperation Agreement among the ARCM States that will allow the regional cooperation with the following resources:

- ✓ investigators or others AIG specialists, for example, ADREP/ECCAIRS specialists;
- ✓ technical facilities;
- ✓ accident and serious incident related equipment;
- ✓ training, including opportunities for practical on-the-job training (OJT), either observing or participating in an investigation, and the availability of instructors and/or training material;
- ✓ readings of flight data recorders and cabin voice recorders, excluding recovered sounds and data analysis, for accident and serious incident investigation purposes;
- ✓ fluid and material tests; and
- ✓ elaboration of documents and other publications, such as final reports, bulletins, manuals, provisional statements and other public documents.

### 3. **Suggested actions**

3.1 The AIG Authorities of the Region are invited to:

- a) note and comment on the information provided in this working paper and **Appendix A**; and
- b) approve and sign the AIG Cooperation Agreement among the ARCM States.

**MULTINATIONAL TECHNICAL COOPERATION AGREEMENT AMONG  
AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION AUTHORITIES OF  
MEMBER STATES OF THE AIG REGIONAL COOPERATION MECHANISM  
(ARCM) OF SOUTH AMERICA**

**PREAMBLE**

The parties to this Agreement are the aircraft accident and incident investigation authorities of the South American States.

**Whereas** the International Civil Aviation Organization (ICAO) is the international body created by the 1944 Convention on International Civil Aviation (Chicago Convention) having as its main objectives the safe and orderly development of international civil aviation, the implementation and adoption of the principles and provisions of the Chicago Convention, including standards and recommended practices concerning accident and incident investigation and other matters connected with the safety and efficiency of air navigation;

**Whereas** Article 26 of the Convention provides that a State in which an accident occurs “will institute an inquiry into the circumstances of the accident in accordance, so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization”;

**Whereas** Annex 13 to the Convention specifies standards and recommended practices (SARPs) for the conduct of aircraft accident and incident investigations on the part of States to meet their obligations under Article 26 of the Convention;

**Recognising** that ICAO audits and coordinated validation missions (ICVM) conducted within the framework of the Universal safety oversight audit programme continuous monitoring approach (USOAP-CMA) have shown that many Contracting States have not established and/or managed effective accident and incident investigation organisations, primarily because of difficulties in the allocation of more resources to their organisations to meet their obligations under the Convention and Annex 13 to the Convention;

**Taking into account** the recommendations of the Accident Investigation and Prevention (AIG) Divisional Meeting (2008) (AIG/08) held in Montreal, Canada, from 13 to 18 October 2008, and in particular Recommendation 6/3 a), urging Contracting States to conduct safety investigations pursuant to Article 26 of the Chicago Convention and Annex 13 when an accident occurs in their territory, and to obtain regional support if the required capabilities or resources are not available;

**Taking into account** that Chapter 5 of Annex 13 includes the possibility for the State of occurrence to delegate the whole or any part of the conducting of an investigation in another State to a regional accident and incident investigation organisation by mutual arrangement and consent;

**Considering** that the 38<sup>th</sup> Session of the ICAO Assembly resolved, in Appendix N – Cooperation among member States concerning aircraft accident investigations, to recommend member States to cooperate in the investigation of aircraft accidents, especially accidents in which the investigation requires highly-specialised experts and facilities, and that to this end, Member States and regional accident and incident investigation organisations (RAIOs), to the extent possible, *inter alia*:

- a) provide, on request by other Member States, expert assistance and facilities for the investigation of major aircraft accidents; and

- b) afford opportunity to Member States seeking investigation experience to attend the investigation of aircraft accidents, in the interest of developing and furthering investigation expertise.

**Recalling** that the First AIG Meeting of the SAM Region (AIG/SAM-1), held from 18 to 20 March 2014 at the ICAO South American Regional Office, agreed on the strategy for moving towards the creation of a Regional AIG Cooperation Mechanism (ARCM) in the SAM Region, as one of the forms of a RAIO, that would allow Member States facing difficulties to meet their international obligations in terms of accident investigation, to meet those obligations by pooling efforts and sharing resources that they would otherwise not be able to obtain.

**Considering** that AIG authorities of the South American States agreed at the Second AIG Meeting of the SAM Region (AIG/SAM-2), held in Buenos Aires, Argentina, from 9 to 11 June 2015, to establish a Regional AIG Cooperation Mechanism (ARCM) and approved its regulations, procedural handbooks, training programme, and the regional database.

**Considering** the need to further an agreement among AIG authorities of the South American ARCM Member States with a view to formalising and increasing cooperation and collaboration in accident and incident investigation.

**Considering** that one of the objectives of the ARCM is to support and assist the AIG authorities of the States that so request it in aspects related to aircraft accident and incident investigation within a context of regional cooperation that contributes to improve effective implementation in the AIG area.

**Considering** that an aspiration of the States is to ensure that AIG authorities of the South American Region apply the highest standards in aircraft accident and incident investigation processes.

**Therefore**, the AIG authorities of the States of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Panama, Paraguay, Peru, Suriname, Uruguay, and Venezuela.

#### **HAVE AGREED TO THE FOLLOWING:**

### **ARTICLE 1**

#### **Application of the Agreement**

The Agreement will govern cooperation in aircraft accident and incident investigation among aircraft accident and incident investigation authorities of States that are party to the Regional AIG Cooperation Mechanism (ARCM) of South America.

### **ARTICLE 2**

#### **Objective**

The objective of this Agreement is to facilitate multinational technical cooperation in aircraft accident and incident investigation, including technical assistance by investigators in the investigation of aircraft accidents and serious incidents, training of investigation personnel, and mainly material and equipment testing, whenever requested by an AIG authority of a member State, the required means are available, and the other AIG authorities of the other ARCM Member States agree to facilitate the requested cooperation. Resources to be provided under this agreement include:

- a) investigators or other specialists related to the AIG field, for example, experts in the ADREP/ECCAIRS system;
- b) technical facilities;
- c) equipment related to the investigation of accidents and serious incidents;

- d) training, including on-the-job training (OJT) opportunities, either observing or participating in an investigation, and availability of instructors and/or training materials;
- e) flight data recorder and cockpit voice recorder readings, excluding the analysis of recovered data and noise, for the purpose of investigating accidents and serious incidents;
- f) material and fluid testing; and
- g) drafting of documents and other publications, such as final reports, bulletins, manuals, provisional statements, and other public documents.

### **ARTICLE 3**

#### **Cooperation among AIG authorities of ARCM States**

1. Under this Agreement, AIG authorities of ARCM Member States may provide technical assistance in the resources mentioned in Article 2 of this Agreement, when so requested by an AIG authority of another Member State, and the terms of the required cooperation are agreed upon, and they have the capacity to do so.
2. The AIG authorities in charge of the investigation may request technical assistance from other AIG authorities of ARCM States to cooperate in the investigation of accidents and serious incidents. However, the AIG authorities in charge of the investigation will be responsible for the investigation as a whole, in accordance with the provisions of Annex 13 to the Chicago Convention.
3. The AIG authority of the State providing the required services will determine if the circumstances allow for assistance to be provided to the petitioner, in which case the terms governing such assistance will be determined by common agreement among the Parties.
4. The request for cooperation will be submitted to the Chairperson of the Executive Committee of the ARCM.
5. The assistance provided under this agreement will be offered in accordance with national AIG documentation harmonised with ARCM AIG documentation.

### **ARTICLE 4**

#### **Training cooperation methods**

When an investigation in one of the ARCM States is in a particular area of interest of the AIG authority of another State, or in an area in which the latter does not have resources or technical expertise, said authority may request that an AIG specialist participate in the investigation as an observer, who will be under the control and direction of the investigator in charge, for purposes of on-the-job training (OJT). Participation as an observer will imply compliance with all information protection measures resulting from the application of applicable regulations of the State conducting the investigation, as well as signing current confidentiality agreements to preserve the confidential nature of the information.

### **ARTICLE 5**

#### **Methods for participating as investigator or specialist in an investigation**

When an AIG authority of the ARCM States requests the participation of an investigator or specialist in the investigation of an accident or serious incident as an investigator or advisor, the latter will be under the control and direction of the investigator in charge of the investigation. Participation as an investigator or advisor implies compliance with all information protection

measures derived from the applicable regulations of the State conducting the investigation, as well as signing current confidentiality agreements to preserve the confidential nature of the information.

## **ARTICLE 6**

### **Method of operation for testing materials**

When an AIG authority of the ARCM States requests from another AIG authority the conduction of a material test of a part corresponding to an aircraft involved in an accident, the former will be responsible for delivering the element to the laboratory where such testing will take place, and also for its retrieval. It will also be responsible for all administrative and export formalities required for the delivery of the element.

## **ARTICLE 7**

### **Method for reading the FDR or CVR**

When an AIG authority of the ARCM States requests another AIG authority to obtain data from an FDR or CVR corresponding to an aircraft involved in an accident, it will be responsible for the delivery of the element to the laboratory where such testing will take place, as well as of its retrieval. It will also be responsible for all administrative and export formalities required for the delivery of the element.

## **ARTICLE 8**

### **Confidentiality and information protection**

The data, records, recordings, statements, communications, and reports to which one of the parties might have access as a result of its collaboration with the other will be subject to the confidentiality and information protection measures of the State of the party that provides them, and their dissemination or assignment to third parties will be subject to the conditions and obligations contained in such regulatory provisions.

## **ARTICLE 9**

### **Financial aspects**

The AIG authority of the State requesting the cooperation of another AIG authority of another ARCM State will cover air travel expenses and *per diems* resulting from such cooperation, in accordance with United Nations *per diem* rates.

## **ARTICLE 10**

### **Entry into force, duration, and withdrawal**

1. This Agreement shall be signed and deposited by the AIG authorities of the respective States with the ARCM Technical Committee, through the Chairperson of the Executive Committee.
2. This Agreement will enter into force immediately upon signature by at least three AIG authorities of ARCM States. Thereafter, it will come into force for the other AIG authorities of ARCM States immediately after at least three AIG authorities of ARCM States have signed this Agreement.

3. The AIG authorities of the States agree that the Chairperson of the ARCM Executive Committee shall notify the entry into force of this Agreement to them, as well as the signatures and deposits received after the entry into force of this Agreement.
4. Any Party that elects to withdraw from this Agreement will forward an official notification of its intent to withdraw to the Chairperson of the ARCM Executive Committee. The withdrawal will take effect one year after the date of the receipt by the Chairperson. The withdrawal will be without prejudice to any obligation incurred by the withdrawing party under this Agreement prior to such withdrawal. This Agreement will continue to be in force thereafter with respect to the other Parties.

## **ARTICLE 11**

### **Accession**

1. This Agreement, once in force, will remain open to accession by other AIG authorities of other Contracting States of the Convention on International Civil Aviation that are not ARCM members, upon approval by the ARCM Executive Committee. The ARCM Technical Committee will be the depository of the Agreement and accession requests will be submitted to the Chairperson of the ARCM Executive Committee.
2. Requests by entities or other bodies interested in becoming a party to the ARCM as special observers shall be submitted to the Chairperson of the ARCM Executive Committee, who will initiate the corresponding administrative process. Accession will be granted to entities or other interested bodies upon approval by the ARCM Executive Committee.
3. Any other AIG authority of another State that wishes to become a party to this Agreement shall submit an accession request to the Chairperson of the ARCM Executive Committee, and may do so upon approval by the other AIG authorities of ARCM Member States and upon signature of the Agreement.
4. In case of accession, this Agreement will enter into force for the party acceding, thirty days after the date of signature.

## **ARTICLE 12**

### **Dissolution**

The Agreement may be dissolved by the AIG Authorities of Member States.

## **ARTICLE 13**

### **Amendment of the Agreement**

1. This Agreement may be amended by the agreement of the AIG authorities of the ARCM member States.
2. The AIG authorities of the member States may submit proposals for the amendment of this Agreement.
3. Any proposal for amendment will be submitted in writing to the Chairperson of the ARCM Executive Committee who will, within thirty (30) days of its receipt, communicate the proposed amendment to the AIG authorities of ARCM member States.



4. The AIG authorities of ARCM member States that wish to make comments concerning the proposal may do so within ninety (90) days from the date of its delivery by the Chairperson of the ARCM Executive Committee.
5. Proposals and comments received in this regard from AIG authorities of the ARCM Member States will be submitted at the following meeting of the ARCM Executive Committee for approval.
6. Any amendment to this Agreement will be valid only when adopted by the AIG authorities of the ARCM member States, and will enter into force once approved by all the AIG authorities of ARCM member States.

IN WITNESS WHEREOF, the AIG authorities sign this Agreement on this .....  
day of ..... in the year two thousand and .....

***AIG Authority of the ARCM Member State***  
***Name and title of the representative***  
***signature/date***

JIAAC, Argentina

Mrs. Ana Pamela Suárez  
Chairperson of JIAAC

DGCA, Bolivia (Plurinational State of)

Air Force Brigadier General Edgar Pereira Quiroga  
Executive Director (*a.i.*), DGCA

CENIPA, Brazil

Brig. Dilton José Schuck  
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