



International  
Civil Aviation  
Organization

Organisation  
de l'aviation civile  
internationale

Organización  
de Aviación Civil  
Internacional

Международная  
организация  
гражданской  
авиации

منظمة الطيران  
المدني الدولي

国际民用  
航空组织

Ref.: T 6/8.3 – AP002/19 (FS)

15 January 2019

**Subject:** Asia Pacific Accident Investigation Group  
(APAC-AIG)

**Action required:**

- 1) Reply no later than **24 May 2019** for submission of Response Form for Database of APAC Accident Investigation Authorities; and
- 2) Reply at States/Administrations' earliest convenience for pledging support to the Asia Pacific Code of Conduct on Cooperation Relating to Civil Aviation Accident/Incident Investigation.

Sir/Madam,

I have the honour to inform you of two significant developments in relation to the activities of the Asia Pacific Accident Investigation Group.

First, the Regional Aviation Safety Group – Asia and Pacific Regions (RASG-APAC) had decided at its 8<sup>th</sup> Meeting held in Bangkok, Thailand on 6 – 7 October 2018 that the Asia Pacific Accident Investigation Group (APAC-AIG), until then a sub-group of the Asia Pacific Regional Aviation Safety Team (APRAST), should report directly to the RASG-APAC, given the independence of accident investigation work from other safety management issues focused under the APRAST.

Second, the Asia/Pacific Ministerial Conference on Civil Aviation was successfully held in Beijing, China from 31 January to 1 February 2018. The Beijing Declaration endorsed by the Conference focused on four major areas, viz. Aviation Safety, Collaboration, Accident Investigation and Human Resource Development. The Beijing Declaration sent a very positive signal to the industry partners and potential investors about the high level commitment from the States in the region to aviation safety and efficiency of air navigation services.

In the area of accident investigation, the Ministers committed through the Beijing Declaration to either establish an accident investigation authority that is independent from State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation or, where appropriate, develop a bilateral, sub-regional or regional partnership to support the establishment of accident investigation capabilities to serve the Region, sub-region or State.

In the area of human resource development, the Ministers committed through the Beijing Declaration to establish access to quality training and encourage sharing of resources bilaterally and/or multilaterally as well as with industry partners.

In line with the desire of the Ministers expressed in the Beijing Declaration, the RASG-APAC will continue to support the following directions which the APAC-AIG has been pursuing:

- To encourage States/Administrations to establish an independent accident investigation authority, as required by Annex 13, as well as the related investigation system and procedures; and
- To develop training opportunities to enhance:
  - the accident investigation capabilities of the States/Administrations; and
  - the investigation professionalism of the States/Administrations' investigators

Accordingly, the APAC-AIG will continue in its endeavor to:

- (a) Develop and promote a regional accident/incident investigation cooperative framework in the form of the Asia Pacific Code of Conduct on Cooperation Relating to Civil Aviation Accident/Incident Investigation;
- (b) Develop and maintain a Database of APAC Accident Investigation Authorities in order to strengthen coordination between States/Administrations in accident/incident investigation;
- (c) Conduct surveys of accident investigation training needs in the Asia Pacific region and identify States/Administrations and international organizations able to provide training as required;
- (d) Disseminate accident/incident investigation related communications from ICAO and other regions to States/Administrations in the Asia Pacific region; and
- (e) Support the ICAO Asia and Pacific Office in its technical assistance to States/Administrations in the area of accident/incident investigation.

In respect of (a) above, I am pleased to include for your reference a copy of the Asia Pacific Code of Conduct on Cooperation Relating to Civil Aviation Accident/Incident Investigation (hereinafter referred to as the Code of Conduct) in **Attachment A**. To date, 21 States/Administrations have pledged support to the Code of Conduct<sup>1</sup>. I encourage States/ Administrations that have not yet pledged support to the Code of Conduct to consider doing so. The ICAO Asia and Pacific Office wishes to stress again that the Code of Conduct is not meant to be legally binding. To pledge support to the Code of Conduct, please complete the response form in **Attachment B** and return it at States/Administrations' earliest convenience to the ICAO Asia and Pacific Office via email to [APAC@icao.int](mailto:APAC@icao.int).

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<sup>1</sup> The 21 States/Administrations are Australia, Bangladesh, Brunei Darussalam, Cambodia, China, Hong Kong, China, Macao China, France, Indonesia, Japan, Lao PDR, Maldives, Mongolia, Myanmar, New Zealand, Papua New Guinea, Philippines, Republic of Korea, Singapore, Sri Lanka and Thailand.

In respect of (b) above, I wish to inform you that, to date, 23 States/Administrations have provided input to the Database of APAC Accident Investigation Authorities<sup>2</sup>. I am pleased to include a response form (**Attachment C**) for States/Administrations to provide, or to update, their input to the database. Attachment C includes an explanatory note for the items of information needed. I would request you to complete the response form and return it no later than **24 May 2019** to the ICAO Asia and Pacific Office via email to [APAC@icao.int](mailto:APAC@icao.int).

Accept, Sir/Madam, the assurances of my highest consideration.



Arun Mishra  
Regional Director

**Enclosures:**

- A – Code of Conduct on Cooperation Relating to Civil Aviation Accident/Incident Investigation
- B – Response Form to pledge support to the Code of Conduct
- C – Response form for input to Database of APAC Accident Investigation Authorities

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<sup>2</sup> The 23 States/Administrations are Australia, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Hong Kong, China, Macau, China, France, India, Indonesia, Japan, Maldives, Mongolia, Myanmar, Nepal, New Zealand, Papua New Guinea, Philippines, Republic of Korea, Singapore, Sri Lanka and Thailand.

**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 authorities” or individually as “each participating authority” or “the participating authority”),

**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;

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

**SUSCRIBE** to the following:

**ITEM I**

**Objective**

The participating authorities, 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 States/ Administration, decide to strengthen, promote and develop co-operation to enhance aviation safety.

## ITEM IA

### Application of Code

The application of this Code by the participating authorities is subject to available resources and the laws, rules, regulations, procedures and national policies from time to time in force governing the subject matter of the Code in the States/Administrations of the participating authorities.

## ITEM II

### Areas of Cooperation

1. Each participating authority acknowledges Article 37 of the Chicago Convention and the Standards and Recommended Practices in Annex 13 – *Aircraft Accident and Incident Investigation* – to the Convention (“Annex 13”), concerning cooperation between States.
2. Each participating authority should seek to cooperate in aircraft accident and incident investigation, investigation training and sharing of information and expertise as follows:
  - (a) Each participating authority should offer assistance and the use of air safety investigation manpower, facilities and equipment to the other participating authorities as it deems appropriate. Such assistance may include expertise in the fields of air traffic services, engineering, operations, flight recorders, human performance and management organisation.
  - (b) Each participating authority may invite the other participating authorities’ investigators to participate or assist in its accident investigation processes.
  - (c) The participating authorities should take steps, as they deem appropriate, to positively answer all requests for participation or assistance from another participating authority.
  - (d) Each participating authority may invite the other participating authorities’ investigators to attend general and specialist investigation courses and undergo training courses which it conducts, where applicable and if suitable.
  - (e) Each participating authority should, where it deems appropriate, facilitate the attachment of the other participating authorities’ investigators as observers to its investigation of aircraft accidents and serious incidents, with a view to enhancing the other participating authorities’ understanding of its investigation requirements and procedures. This will serve to develop effective cooperation between the participating authorities in any investigation of an aircraft accident or serious incidents it conducts pursuant to Annex 13, involving an aircraft of which the States/Administrations of the other participating authorities 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 authorities should maintain regular contact with each other. Each participating authority may organise visits to or meetings with another participating authority or other participating authorities 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 authority should, as it deems appropriate, endeavour to share with the other participating authorities relevant information about an investigation it is conducting in which the other participating authorities have expressed an interest. This information, consistent with Annex 13, should not be released by the other participating authorities without the express consent of the participating authority conducting the investigation.

3. A participating authority may also request another participating authority for know-how and advice in the organisation of an investigation, drafting of the report, crisis management and communication.

4. The participating authorities should, where possible and by mutual consent, develop additional areas of cooperation, especially in areas corollary to those referred to in paragraph 1 of this Item.

### **ITEM 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) may apply to become a participating authority to the Regional Aviation Safety Group - Asia and Pacific Regions (RASG-APAC).

2. A participating authority may notify its intention to opt out from this Code of Conduct by giving three months' notice in writing to the RASG-APAC. In the event of an opting out by a participating authority, the participating authorities should provide for the continuance of any arrangement made under this Code of Conduct but not fully performed prior to the opting out of that participating authority.

### **ITEM IV**

#### **Confidentiality**

1. Each participating authority should observe the confidentiality and secrecy of documents, information and other data received or supplied to the other participating authority or participating authorities during the period of the implementation of this Code of

Conduct or any other arrangements made under this Code of Conduct, as described in Item X of this Code of Conduct.

2. The participating authorities decide that the paragraph 1 of this Item should continue to be required for the participating authorities, notwithstanding the termination of or opting out from this Code of Conduct.

## **ITEM V**

### **Non-liability**

Where assistance is requested under this Code of Conduct, the participating authorities concerned should decide whether they can agree that the participating authority receiving the assistance will not, under any circumstances, make any demands of, or any claim against, the other participating authority or participating authorities for any matter or matters arising or resulting from the assistance that they have requested.

## **ITEM VI**

### **Financial**

Unless otherwise decided, each participating authority will bear its own costs for the implementation of the matters described in this Code of Conduct.

## **ITEM VII**

### **Consultations**

In the spirit of solidarity and cooperation, participating authorities should consult each other from time to time to ensure the implementation of this Code of Conduct.

## **ITEM VIII**

### **Suspension**

Each participating authority reserves the right, to suspend temporarily, either in whole or in part, its implementation of this Code of Conduct. This participating authority should inform the other participating authorities as well as the RASG-APAC as to when this Code of Conduct will be suspended in such cases.

## **ITEM IX**

### **Revision and Modification**

1. Any participating authority may request in writing a revision or modification of all or any part of this Code of Conduct. Proposals for revisions or modifications will be put forward and discussed during the meetings of the RASG-APAC.
2. Any revision or modification decided by the RASG-APAC will come into operation on such date as may be determined by the RASG-APAC.
3. Unless otherwise provided for, a revision or modification so decided will not affect the arrangements made among the participating authorities arising from or based on this Code of Conduct before or up to the date of such revision or modification.

## **ITEM X**

### **Other Arrangements**

The participating authorities may, under this Code of Conduct and by mutual consent, make other arrangements relating to aircraft accident and incident investigation.

## **ITEM XI**

### **Settlement of disputes**

Any difference or dispute between the participating authorities concerning the interpretation, implementation or application of any of the Items of this Code of Conduct should be settled amicably through mutual consultation or negotiations between the participating authorities, without reference to any other entity.

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**Asia-Pacific Code of Conduct on Cooperation  
Relating to Civil Aviation Accident/Incident Investigation**

**Response form to be completed and returned to ICAO Asia and Pacific Office**

Date \_\_\_\_\_

To: Regional Director  
ICAO Asia and Pacific Office  
Email address: [APAC@icao.int](mailto:APAC@icao.int)

**(State)** \_\_\_\_\_

I have the honour to refer to the letter Ref.: T 6/8.3 – AP002/19 (FS) of 15 January 2019 from the ICAO Asia and Pacific Office.

I write to advise you that ***(name of accident investigation authority)***, which is the authority in charge of investigations into civil aviation accidents and incidents in ***(name of State)***, wishes to subscribe to the Asia-Pacific Code of Conduct on Cooperation Relating to Civil Aviation Accident/Incident Investigation, as enclosed with the letter under reference.

I would be grateful for confirmation of your receipt of this notification of subscription to the Code of Conduct.

Yours sincerely,

***(Signature)***

\_\_\_\_\_  
***(Name and position of senior official of  
accident investigation authority)***

**Response Form  
for Provision of Information for  
Database of Asia Pacific Accident Investigation Authorities**

(See next page for Explanatory Note for Information to be provided)

<b>State/Administration:</b>	
Name of Investigation Agency:	
Multi-modal (details, if applicable):	
Reporting to:	
Address:	
Phone:	
Fax:	
Website:	
24 hours x 7 days contact (including alternate numbers, if any):	
Point of contact (name/designation/e-mail):	
Official to be contacted on matters relating to the database:	
Independence from the civil aviation regulatory authority and other agencies:	Yes/No
Number of staff:	
Areas of particular expertise:	
Facilities:	
Availability of specialised equipment:	
Availability of training:	
Any other remarks:	

*Please submit the completed form by **24 May 2019***

*After completing, please send the form to:*

ICAO Asia and Pacific Office  
Email: [APAC@icao.int](mailto:APAC@icao.int)  
Fax: +66 (2) 537 8199

## Explanatory Note for Information to be provided

Information Field	Explanatory Note
State/Administration:	
Name of Accident Investigation Authority:	
Multi-modal (details, if applicable):	<b>Please provide details if the investigation authority also conducts investigation for other modes of transport (e.g. rail, marine)</b>
Reporting to:	<b>Please provide details on the higher authority to which the investigation authority reports (e.g. President, Ministry of Transport)</b>
Address:	
Phone:	
Fax:	
Website:	
24 hours x 7 days contact (including alternate numbers, if any):	<b>Please provide contact details (including alternate numbers) which the investigation authority can be readily contacted</b>
Point of contact (name/designation/e-mail):	<b>Please provide information of the person to be contacted pertaining to accident/incident investigation matters</b>
Official to be contacted on matters relating to the database:	<b>Please provide information of the person to be contacted pertaining to the database</b>
Independence from the civil aviation regulatory authority and other agencies:	<b>Yes/No Please indicate if the investigation authority is independent from aviation authorities or other entities that could interfere with the conduct or objectivity of an investigation</b>
Number of staff:	<b>Please indicate the size of the investigation authority, including administrative staff</b>
Areas of particular expertise:	<b>Please indicate if the investigation authority has expertise in any particular area (e.g. sea search operation, wreckage recovery)</b>
Facilities:	<b>Please indicate availability of specialised facilities (e.g. laboratory for flight recorder readout or material failure analysis)</b>
Availability of specialised equipment:	<b>Please indicate availability of specialised equipment (e.g. site survey equipment, underwater search equipment)</b>
Availability of training:	<b>Please indicate investigation related training which State/ Administration conducts</b>
Any other remarks:	