



**INTERNATIONAL CIVIL AVIATION ORGANIZATION**

*A United Nations Specialized Agency*

# **COSCAP-SEA**

## **AIRCRAFT ACCIDENT/INCIDENT INVESTIGATION AUTHORITY WORKSHOP**

### **Module 1.3**

### **Investigation-related obligations of the State under ICAO (Convention and Annex 13)**

- The Chicago Convention was signed on  
7 December 1944
- On 3 October 1947, the International Civil Aviation Organization (ICAO) became a UN specialized agency.

## **Prime objective**

The development of international civil aviation “... in a safe and orderly manner” and such that air transport services would be established “on the basis of equality of opportunity and operated soundly and economically”.

# ICAO mandate

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ICAO's core mandate, then as today, was to help States to achieve the highest possible degree of uniformity in civil aviation regulations, standards, procedures, and organization.

# Convention, Article 26



## Article 26

In the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the 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. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

# Convention, Article 26



## Article 3

### *Civil and state aircraft*

a) This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft.

b) Aircraft used in military, customs and police services shall be deemed to be state aircraft.

c) ....

- There are 19 Annexes (rough groupings):
- Annex 13 — Accident and Incident Investigation
  - Annexes 1, 6, 8, 14, 18 — Operations
  - Annexes 2, 10, 11, 12 — ATM
  - Annex 19 — Safety Management

# Definitions



**Accident.** An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

- a) a person is fatally or seriously injured as a result of:
  - being in the aircraft, or
  - direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
  - direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

- b) the aircraft sustains damage or structural failure which:
- adversely affects the structural strength, performance or flight characteristics of the aircraft, and
  - would normally require major repair or replacement of the affected component,
- except for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or
- c) the aircraft is missing or is completely inaccessible.

**Incident.** An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

*Note.— The types of incidents which are of main interest to the International Civil Aviation Organization for accident prevention studies are listed in Attachment C.*

**Serious incident.** An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.

*Note 1.— The difference between an accident and a serious incident lies only in the result.*

*Note 2.— Examples of serious incidents can be found in Attachment C.*

# Definitions



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**Accident Investigation Authority:** The authority designated by a State as responsible for aircraft accident and incident investigations within the context of this Annex.

## **Chapter 3 - Independence of investigations**

3.2 A State shall 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.

**Accredited representative:** A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. ~~Where the State has established an accident investigation authority, t~~ **The** designated accredited representative would normally be from ~~that~~ **the State's accident investigation** authority.

# Chapters 2 and 3



**Chapter 2 - Applicability:** Unless otherwise stated, the specifications in this Annex apply to activities following accidents and incidents wherever they occurred.

## **Chapter 3 - Objective of the investigation**

3.1 The sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents. It is not the purpose of this activity to apportion blame or liability

## Chapter 4 – Notification

Notification for accident, serious incident, or **an incident to be investigated within the context of this Annex** to an aircraft in the territory of a Contracting State of another contracting State to be investigated within the context of this annex:

- State of Occurrence notify
  - ✓ State of Registry, Operator, Design and Manufacture;
  - ✓ ICAO when aircraft mass over 2 250kg or turbojet-powered aeroplane

## Chapter 4 – Notification

- ✓ Responsibility of State of Registry, Operator, Design and Manufacture;

When in territory of State of Registry, in a non-contracting State or outside territory of any State, who institute the investigation?

## Chapter 5 – Investigation

State of Occurrence shall institute an investigation for:

- all accidents
- serious incidents when aircraft of maximum mass over 2 250 kg
- delegation of investigation
- What about accidents in territory of Non-Contracting State?
- What about accidents outside territory of any State?

## Chapter 5 – Investigation (what is new?)

### *Recommendation 5.1.3*

*State of Occurrence does not institute or conduct an investigation, and does not delegate, the State of Registry or in order the States of Operator, Design or Manufacturer is entitled to request State of Occurrence to delegate the investigation. If SoO gives consent or does not reply within 30 days, State making the request should institute and conduct the investigation with such information as is available.*

*NB: the two associated notes*

## Chapter 5 – Investigation

- Accident investigation authority have independence in conduct of investigation
  - Extent of the investigation be determined by AIA depending on the lessons it expects to draw from the investigation
- Separate from judicial or administrative proceedings
- Investigator-in-charge --- designation and access and control
- Flight recorders and **ground based recordings**

## Chapter 6 – Final Report (what is new?)

### ***Recommendation 6.6.1***

*If the State conducting the investigation does not make the Final Report or an interim statement publicly available within a reasonable timeframe, other States participating in the investigation are entitled to request in writing from the State conducting the investigation express consent to release a statement containing safety issues raised with such information as is available. If the State conducting the investigation gives express consent or does not reply to such a request within 30 days, the State making the request should release such a statement after coordination with participating States.*

*NB: Note on “reasonable timeframe”.*

## Chapter 6 – Safety recommendations (what is new?)

### ***Below 6.8***

*Note.— Nothing in this Standard is intended to preclude the State conducting the investigation from consulting States participating in the investigation on its draft safety recommendations, inviting their comments on the appropriateness and effectiveness of these recommendations.*

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## Chapter 6 – Safety recommendations (what is new?)

~~Note 6.8.1~~ Precedence for the issuance of safety recommendations from an accident or incident investigation ~~should be~~ **is** given to the State conducting the investigation; however, in the interest of safety, other States participating in the investigation ~~may~~ **shall be entitled to** issue safety recommendations after coordinating with the State conducting the investigation.

*Note.— Effective coordination of draft safety recommendations would avoid issuance of conflicting safety recommendations by the States participating in the investigation.*

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# Attachments – what is new?



## **Attachment C -- List of examples of serious incidents**

Guidance related to categorization of serious incidents on a risk-based analysis principle.

## **Attachment F -- Investigation delegation agreements**

Guidance for agreements for the delegation of investigations either in part or in full.

# Amendment 18 to Annex 13 (SRGC)



**Safety recommendation of global concern (SRGC).** A safety recommendation regarding a systemic deficiency having a probability of recurrence, with significant consequences at a global level, and requiring timely action to improve safety.

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6.9.1 A State issuing a safety recommendation of global concern (SRGC) shall inform ICAO of the issuance of that recommendation and its responses in dated transmittal correspondence, even when the SRGC is not addressed to ICAO.

*Note – SRGC and responses are recorded in an ICAO central database that is made publicly available.*

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# What is being developed?

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## Unmanned Aircraft Systems

Standards and Recommended Practices are being developed for investigations involving UAS. Are being coordinated with the developments related to RPAS in Annex 8 and Annex 6.



# ICAO

North American  
Central American  
and Caribbean  
(NACC) Office  
Mexico City

South American  
(SAM) Office  
Lima

ICAO  
Headquarters  
Montréal

Western and  
Central African  
(WACAF) Office  
Dakar

European and  
North Atlantic  
(EUR/NAT) Office  
Paris

Middle East  
(MID) Office  
Cairo

Eastern and  
Southern African  
(ESAF) Office  
Nairobi

Asia and Pacific  
(APAC) Sub-office  
Beijing

Asia and Pacific  
(APAC) Office  
Bangkok



THANK YOU