



INTERNATIONAL CIVIL AVIATION ORGANIZATION

A United Nations Specialized Agency

COSCAP-SEA

AIRCRAFT ACCIDENT/INCIDENT INVESTIGATION AUTHORITY WORKSHOP

Module 2.2

Aspects related to legislation

Principles



- Annex 13, like most Annexes, is not written in a manner that supports verbatim transposition into the State's legal framework. Each State needs to issue legislation (primary legislation (act/law) and, if applicable, regulations) to enable/ensure the implementation of the provisions contained in Annex 13.
- The investigation-related legislation needs to be issued at the appropriate level (e.g. to ensure enforceability), reflect the State's policy/strategy as well as the State's legal framework, including the State's Constitution and – if applicable – international/regional treaties.
- 'Model legislation' often needs to be customized for the specific situation of the State.
- The content of the legislation needs to be clear, detailed, comprehensive and be maintained up to date.

Provisions needed in the State's primary legislation



- Designation, scope, functions and reporting lines of the State's AIIA.
- Provisions to ensure the independence of the AIIA (including: prohibition for the AIIA to receive or seek instructions in the conduct of the investigation).
- Functions, responsibilities and authority of the Head of the AIIA.
- Powers of the AIIA and the IIC (including: unhampered access to, and control over accident site, wreckage, flight recorders and all material evidence; examination and testing without delay; taking statements from witnesses).

Provisions needed in the State's primary legislation



- Protection against disclosure of CVR recordings and other investigation records;
- Protection against unauthorized access to accident site and against interference with evidence
- Penalties for violations against provisions of the law.

Provisions which may be in the primary legislation or in regulations



- Obligation to institute an investigation in case of accident or serious incident.
- Accident prevention as sole objective of the investigation.
- Obligation to report accidents and serious incidents to the AIIA asap and by the quickest means available.
- Enabling participation of accredited representatives, advisers and experts from other involved States.
- Obligation to re-open the investigation if new and significant evidence becomes available.

Amendment of the legislation



- The State needs to establish and implement clear, comprehensive and detailed procedures to ensure the amendment of the State's legislation, in particular to keep pace with amendments to Annex 13.
- The amendment process would in most cases involve authorities that are external to the AAIIA. This needs to be reflected in the established procedures.
- The review of amendments to Annex 13 may lead to identifying the need to amend the State's primary legislation and/or the State's regulations.

What is your State's experience?



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