

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.
