



FOURTEENTH AIR NAVIGATION CONFERENCE

Montréal, Canada, 26 August to 6 September 2024

- Agenda Item 2: Timely and safe use of new technologies
2.3: 2026-2028 Edition of the Global Aviation Safety Plan (GASP)

THE TIMELY RELEASE OF ANNEX 13 FINAL REPORTS

(Presented by the International Society of Air Safety Investigators (ISASI))

EXECUTIVE SUMMARY

This working paper highlights the importance of timely release of Annex 13 – *Aircraft Accident and Incident Investigation* Final Reports as well as their safety recommendation(s) to address safety risks and provide lessons learned for aviation stakeholders including those from evolving aviation technologies. They also provide validated safety data to support the ICAO *Global Aviation Safety Plan* (GASP, Doc 10004). The ICAO Secretariat and Accident Investigation Panel (AIGP) have undertaken a number of recent actions with respect to Final Reports. These actions include the search for unpublished Final Reports, the clarification of certain Standards and the promotion of an easily accessible public ICAO repository of Final Reports. In addition, it underlines the efforts undertaken by ICAO and the Contracting States to ensure Final Reports are made publicly available as soon as possible.

Action: The Conference is invited to agree to Recommendation 2.3/x – Timely Release of Annex 13 Final Reports in paragraph 3.

1. INTRODUCTION

1.1 The International Civil Aviation Organization has always been very proactive in making accident reports available for its Contracting States. Annex 13, Standard 6.5 states “*In the interest of accident prevention, the State conducting the investigation of an accident or incident shall make the Final Report publicly available as soon as possible and, if possible, within twelve months.*” Annex 13 has emphasized this essential need to make public the contents of Final Reports with Contracting States for lessons learned. It evolved from a Recommended Practice in 1979, to a Standard in 1994. In 2001, a new Recommended Practice introduced the concept of releasing an interim report on each anniversary of the occurrence, if the report could not be released within twelve months. In 2010 it was upgraded to a Standard and the words “*interim report*” were replaced by “*interim statement*”.

1.2 Annex 13 interim statements, written preliminary reports and Final Reports have been invaluable to inform authorities, families and the public about the circumstances of accident and serious incidents, and investigation findings. They are used by regulators, operators, manufacturers and many other stakeholders to identify the actions necessary to make aviation safer and help prevent future accidents. They provide validated safety data and an important input to organizations’ safety management systems, State safety programmes, and regional and global safety plans. These publications address safety risks and provide lessons learned for aviation stakeholders including those from evolving aviation technologies. The

timely and safe use of new technologies requires timely availability of safety data and lessons learned as innovators and regulators analyse the potential for both existing and new hazards related to novel technologies. Final Reports can also be used for educational and training purposes, for wider research, and for safety promotional activities.

2. DISCUSSION

2.1 The arrival of the internet as well as digitalization have modified the context of disseminating accident reports and the involvement of ICAO. In 2014, ICAO created an electronic library (e-Library) that contains the Final Reports of investigated accidents and incidents that were sent to ICAO. This library is available to aviation stakeholders as well as the public. However, the database does not contain reports if the State in charge of an investigation did not send its Final Report to the ICAO Secretariat. Annex 13, Section 6.7 requires that States send ICAO a copy of the Final Report. Arising from the sixth meeting of the Accident Investigation Panel (AIGP/6), State letter AN 6/1.1-24/26 containing Amendment 19 to Annex 13 has improved Standard 6.7, which notes that Final Reports sent to ICAO are preferably in an electronic format and are recorded and publicly available in the ICAO e-Library of Final Reports. The AIGP has also supported the ICAO Secretariat in processing Final Reports that are not yet available on the e-Library.

2.2 The ICAO website emphasizes that Final Reports are made publicly available “*in the interest of accident prevention*”. It also strongly encourages the aviation community “*to make use of lessons contained in these Final Reports for the benefit of aviation safety.*”

2.3 The AIGP has addressed the non-publication of Final Reports and reports on a regular basis to the Air Navigation Commission (ANC) who has been closely monitoring the issue of the timely release of Final Reports. In 2019, ICAO’s work on this issue resulted in Amendment 17 to Annex 13 to address cases where the State conducting the investigation does not make the Final Report or an interim statement publicly available within reasonable timeframe¹. The amendment contains provisions by which another participating State can initiate a process to release safety information learned during the investigation.

2.4 During AIGP/6, a number of measures were proposed to the ANC to expedite the publication of safety information relating to an occurrence. It resulted in the adoption of Amendment 19 to Annex 13 (see State letter AN 6/1.1- 24/26 of 28 April 2024). For example, the proposal to reduce the consultation period, where appropriate, was made along with other measures for the timely and effective release of investigative information, including preliminary and other reports, interim statements and Final Reports. This especially addressed the investigations of accidents and incidents that draw heightened public attention. It is crucial to facilitate the flow of safety information to ensure that those affected by the occurrence and those in a position to institute mitigating actions are kept informed of the progress of the investigation and of any safety lessons uncovered. The adoption of such a proactive approach will not only inform the public and aviation stakeholders but also reinforce the accident/incident investigation authority as the source of timely, authoritative, and validated investigative information thus minimizing the effect of speculation, rumours, and well-intended but uninformed commentary.

2.5 In addition to the above-mentioned initiatives, the AIGP has also endeavoured to clarify the need for States to conduct investigations and publish Final Reports for all occurrences meeting the Annex 13 definition of an accident, including those which result from an act of unlawful interference. When it is known or suspected that an act of unlawful interference is involved, only judicial or administrative

¹ Annex 13 contains a note on what may constitute a “reasonable timeframe” for a State to make a Final Report publicly available. Guidance is contained in the *Manual of Aircraft Accident and Incident Investigation* (Doc 9756), Part IV – *Reporting*. It mentions four years.

proceedings can determine if acts were unlawful and address questions of blame and liability. Nonetheless, there may still be lessons to draw for the improvement of safety. Research carried out by the AIGP and presented during AIGP/6, identified a lack of Final Reports related to an incorrect interpretation of Annex 13, Standard 5.11². Regardless of the cause of an occurrence, all civil aviation accidents are required to be investigated under the Annex 13 framework. Even if the investigator-in-charge immediately initiates action to ensure that the aviation security authorities of the State(s) concerned are so informed (as set out in Standard 5.11) resulting in other investigations being conducted by judicial or security authorities, nothing in Annex 13 is intended to relieve the State of Occurrence of the responsibility to institute, conduct, and complete an investigation including publication of a Final Report, complemented by Accident/Incident Data Reporting (ADREP) for statistical and prevention purposes. The scope and depth of the investigation may need to be adapted depending on the specific circumstances. At a minimum, the Annex 13 investigation and report should establish the circumstances of the accident and identify any safety issues that need to be addressed.

2.6 It is recognized that certain information, such as systemic factors related to the dual-use technology, decision-making processes in a military organization, the identification of terrorist activities, and other information which may affect national security, required to be made available to the investigation under Annex 13, Standard 5.4, may not be appropriate for inclusion in a publicly available Final Report. Additional measures and procedures may be necessary to protect such security-related information when used in the context of an Annex 13 investigation. One method is to provide such information to a subset of authorized investigative personnel who are tasked with summarizing the relevant details in a manner appropriate for use in the investigation.

2.7 Since 2017, the AIGP has continued to search for Final Reports which are not publicly available, particularly for fatal accidents involving aircraft of more than 5 700 kg. As of today, the AIGP has found that a Final Report was made publicly available for 74 per cent of fatal accidents involving aircraft of more than 5 700 kg in the period 1990-2021. The ICAO Secretariat also has the prerogative to issue a Mandatory Information Request (MIR) under its Universal Safety Oversight Audit Programme (USOAP) requesting a State to make a Final Report publicly available as soon as possible (in accordance with Annex 13, Standard 6.5).

2.8 The completion and publication of a Final Report can sometimes be a challenging undertaking for the accident investigation authority (AIA). The sole objective of the investigation and the Final Report is the prevention of accidents and incidents, not to assign blame or liability. Annex 13 requires that States have an independent investigative authority, structured to “*withstand political or other interference or pressure*” and functioning separately from any judicial or administrative proceedings, and independent of any regulators and other entities. This is particularly important for investigations that draw heightened public attention and may become politicized. The timely release of Annex 13 Final Reports depends on the State AIA having the necessary independence and sufficient resources to complete these challenging undertakings.

² 5.11 - If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, the investigator-in-charge shall immediately initiate action to ensure that the aviation security authorities of the State(s) concerned are so informed.

3. CONCLUSION

3.1 Final Reports for Annex 13 investigations identify safety deficiencies, lessons learned and help with accident prevention. They provide validated safety data to support the ICAO Global Aviation Safety Plan and can also help to identify emerging issues related to new technologies. Thus, timely release of all such reports is an important cornerstone of continued advances in aviation safety.

3.2 Annex 13 investigations are required even when it is known or suspected that an act of unlawful interference is involved. A misunderstanding regarding this Standard may have partially contributed to the lack of publicly released Final Reports following occurrences where initial information suggested that the circumstance was not purely accidental.

3.3 In light of the above, the Conference is invited to agree to the following recommendation:

Recommendation 2.3/x – Timely release of Annex 13 Final Reports

That States:

- a) ensure Annex 13 investigations are conducted when required for all accidents, including those when it is known or suspected that an act of unlawful interference is involved;
- b) ensure Final Reports are released in a timely manner for all Annex 13 investigations; and
- c) send Final Reports to ICAO in an electronic format;

that ICAO:

- d) ensure Final Reports submitted by States are published in the ICAO e-Library of Final Reports in a timely manner; and
- e) continue support for the AIGP's efforts to ensure the Timely Release of Annex 13 Final Reports.

— END —