



WORKING PAPER

ASSEMBLY — 39TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 31: Other high-level policy issues to be considered by the Executive Committee

ASSISTANCE TO VICTIMS OF AVIATION ACCIDENTS

(Presented by Brazil)

EXECUTIVE SUMMARY

The evolution of air transportation, combined with other social phenomena, such as greater consumer sensitivity; political influence in aviation; and the instantaneity of news published on all kinds of media and social networks, have raised the issue of the assistance to victims of aviation accidents and their families. Brazil has been building knowledge on this matter and believes that ICAO's recommendations are in the right path but their effectiveness would be improved if States could share experiences and develop means to obtain greater compliance by air operators

Action: The Assembly is invited to consider the establishment of an official forum to share State members' experiences concerning family assistance regulations in order to further improve ICAO standards and recommended practices.

<i>Strategic Objectives:</i>	This working paper relates to the Security & Facilitation Strategic Objective.
<i>Financial implications:</i>	The activities referred to in this paper will be undertaken subject to the resources available in the 2017–2019 Regular Programme Budget and/or from extra budgetary contributions.
<i>References:</i>	Doc 9973, <i>Manual on Assistance to Aircraft Accident Victims and their Families</i> Doc 9998, <i>ICAO Policy on Assistance to Aircraft Accident Victims and their Families</i> Annex 9 — <i>Facilitation</i>

1. INTRODUCTION

1.1 The last years of the 20th century witnessed a great evolution in the assistance provided by air companies to families and friends of the victims of aviation accidents. This evolution was due mostly to the attention that large-scale accidents attract and to the more active role of families, media, legislators and defence groups.

1.2 The assistance to the victims of aviation accidents and their respective families and friends have since received relevant consideration by ICAO reflected by a number of actions and publications: Resolution A32-7 (1998), *Guidance on Assistance to Aircraft Accident Victims and their Families* (Circ 285) (2001), Annex 9 — *Facilitation* (provisions were included in 2005 to enable expeditious entry into the State of Occurrence of an accident for family members of victims of aircraft accidents), *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) (2013) and *Manual on Assistance to Aircraft Accident Victims and their Families* (Doc 9973) (2013).

2. BRAZIL AND THE ASSISTANCE TO VICTIMS AND VICTIMS' FAMILIES OF AVIATION ACCIDENTS

2.1 The International Conference on Air Law held in Montreal in May 1999 explicitly acknowledged the tragic consequences of aviation accidents and the need to cope with the immediate needs and demands of families and friends of the victims.

2.2 Brazil followed suit. The consideration of the issue in the country evolved quickly with the publication and updating of regulations in 2000, 2002 and 2003. The last update occurred in 2005 with the issuing of a regulation designed to follow ICAO's Circular n° 285-AN/166 guidelines.

2.3 In this century's first decade, large-scale accidents involving aircrafts from companies operating in Brazil (GOL – flight 1907, 9/29/2006, TAM – flight 3054, 7/17/2007, Air France – flight 447, 5/31/2009), forced the Brazilian civil aviation authority (Civil Aviation National Agency - ANAC) to reinforce the compliance of air companies to the regulation (IAC 200-1001 of 2005).

3. DISCUSSION

3.1 Before the aforementioned accidents, ANAC inspectors conducted audits by reading and checking the adherence of the content of the air companies' family assistance plans to the regulation's recommendations. When the priority for auditing air companies' operations was raised, the Brazilian civil aviation authority decided to adopt a more hands-on approach to the activity.

3.2 Since 2013, as a consequence of the new approach, ANAC has been conducting field audits combining the table top simulation/table top drill methodology with the actual execution of many of the response actions foreseen in the companies' assistance plans under the pressure of a simulation of an aviation accident.

3.3 Typically, the planning of a table top drill takes into consideration a number of variables such as the size of the air companies' fleet, number of passengers transported any given period of time, their mode of operation (hub and spoke or otherwise), airports in which they operate, country of origin, among others. The picture ensued allows ANAC to establish a list of air companies in regressive order of perceived risk which is then followed by the team of auditors in their selection of which companies

should be audited first. The size of the team of auditors, the duration of the operation and the level of complexity applied to the drill are all consequence of the planning exercise and balance of the variables mentioned above.

3.4 The objective is to evaluate an air company's capacity to respond, and the quality of its response, to an aviation accident, related to the assistance to the families and friends of the victims, by the creation of the closest experience possible to an actual accident situation while minimally affecting the companies' regular daily operations. In doing so, the Agency has amassed enough knowledge as to confirm the appropriateness of the course taken.

4. CONCLUSIONS

4.1 Aviation accidents and the assistance to victims and their families and friends require cooperative planning and response by air transport operators, State of occurrence, non-governmental organizations, and specialized services providers.

4.2 The Brazilian experience in auditing the capacity of the air companies to respond to such situations has demonstrated that it can vary considerably depending on the level of the companies' commitment to the subject, the training of their personnel, availability and willingness to allocate resources, quality of their assistance plan and so forth.

4.3 Brazil believes that air transportation is better served when States, air operators, assistance organizations, users and private providers of specialized services collectively raise awareness on the importance of being adequately prepared to face aviation accidents with victims. The development of such awareness in an international scale, as an attribute of the air transportation industry, will occur more rapidly if supranational entities such as ICAO join forces to the effort.

4.4 Regulations demanding air companies to have assistance plans implemented in case of an accident is the first part of the solution. The other part, equally important, is that States' regulatory bodies should be able to assess the capacity of air companies to follow their own plan and to be able to actually respond to different aviation accidents scenarios.