



**WORKING PAPER**

**ACCIDENT INVESTIGATION AND PREVENTION (AIG)  
DIVISIONAL MEETING (2008)**

**Montréal, 13 to 18 October 2008**

**EXPLANATORY NOTES ON THE AGENDA ITEMS**

(Presented by the Secretariat)

The following explanatory notes have been prepared by the Secretariat to provide a brief outline of the nature and scope of the agenda items and where possible, to give an indication of the type of action that the meeting may be expected to take.

**SUBJECT 1: ANNEX 13**

Consideration of the need for, and if appropriate, development of Annex 13 Standards and Recommended Practices (SARPs), taking into account that Assembly Resolution A36-13: Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation, resolves, inter alia, that a high degree of stability in SARPs shall be maintained to enable the Contracting States to maintain stability in their national regulations. Some existing Recommended Practices will be considered for upgrading to Standards. In order to facilitate consideration of this subject, it will be subdivided as follows.

**Subject 1.1: Chapter 1 of Annex 13**

Consideration to amend the definition of accident aimed at including events in which the damage is limited to large turbine engine failures, events including unmanned aerial vehicle (UAV) and associated categories, as well as whether damage to aircraft as a result of deliberate action should constitute an “exception clause” to the definition of accidents. The meeting will also consider the need to amend letter c) of the definition of accident with regard to the classification of a missing aircraft as an accident. Other definitions, such as accredited representative, incident and safety recommendation will be considered for amendments.

**Subject 1.2: Chapter 5 of Annex 13**

**Subject 1.2.1: Investigation of accidents and serious incidents**

Paragraph 5.1 of Annex 13 calls for States to institute an investigation into the circumstances of accidents, while paragraph 5.1.1 recommends that States institute an investigation into the circumstances of a serious incident. The meeting will consider how States could best allocate their

resources in light of the existing provision to investigate all accidents. On the other hand, the meeting will consider the need to upgrade to a Standard the investigation of serious incidents, recognizing that there should be an increase of information on serious incidents so as to increase the safety data available for accident prevention.

**Subject 1.2.2: Independence of the investigation**

Consideration of the need to strengthen the provisions related to the independence of the investigation from any judicial or administrative proceedings, by upgrading Recommended Practice 5.4.1 to a Standard.

**Subject 1.2.3: Use of information from flight data recorder (FDR)**

The meeting will consider future actions that might be required to ensure that FDRs are not used for purposes other than accident investigation and prevention and the gathering of data for operational and maintenance-related activities.

**Subject 1.2.4: Participation of States in investigations**

As the State of departure and of arrival of aircraft involved in an accident or incident may not be entitled to participate in the investigation concerned, except when such States have another status set forth in Annex 13 (e.g. State of Occurrence, State of the Operator), the meeting will consider the need to extend the Provisions of Annex 13 to entitle the afore-mentioned States to participate in investigations.

**Subject 1.3: Chapter 7 of Annex 13**

To date, ICAO receives data reports of accidents to aircraft of a maximum mass limit over 2 250 kg. Considerations will be given by the meeting to lower such a maximum mass limit or to amend the related provision, so that ICAO will start receiving accident reports of very light jets (VLJ) with a maximum mass limit equal to or below 2 250 kg.

**Subject 1.4: Format of the Final Report in Annex 13**

Consideration of the need to replace the word “cause” with “contributing factors” in the format of the final report as contained in the Appendix to Annex 13, so as to bring the focus of the final report in line with SMS concepts.

**Subject 1.5: Notification of accidents and serious incidents**

Consideration of the need to include, in paragraph 4.1 of Annex 13, State(s) having suffered fatalities or serious injuries to its citizens in the list of States to be notified of accidents and serious incidents by the State of Occurrence. By doing so, paragraph 4.1 would be aligned with paragraph 5.27 of Annex 13.

**Subject 1.6: Final Report**

Consideration of the need to amend paragraph 6.3 of Annex 13 to include all States that participated in the investigation in the list of States that would receive the Draft Final Report for comments. By doing so, the list of States specified in paragraph 6.3 would be aligned with the preamble of the paragraph concerned.

**Subject 1.6.1: Safety recommendations**

Consideration of the need to amend paragraph 6.8 in Annex 13 to include the need to have safety recommendations issued being monitored and controlled by the investigation authority of the State conducting the investigation.

**Subject 1.6.2: Action on safety recommendations**

Consideration of the need to amend paragraph 6.10 in Annex 13 to include a time limit for States which receive safety recommendations to provide a preliminary response on preventive actions taken or the reasons why no action will be taken. Other States would also need to inform actions taken as a result of the safety recommendations.

**Subject 1.6.3: Release of Final Reports**

Consideration of the need to amend paragraphs 6.5 and 6.6 to clarify that States need to make the Final Report and the interim report available to the public. Moreover, in order to allow States involved in investigations to obtain timely information deriving from investigations, the meeting will consider upgrading Recommended Practice 6.6 to a Standard.

**Subject 1.7: Attachment E to Annex 13**

Recognizing that the protection of safety information from inappropriate use is essential to ensure its continuous availability so that proper and timely preventive actions can be taken, the meeting will review the analysis of the implementation level of paragraph 5.12 and the application of Attachment E to Annex 13 and make recommendations for possible means of increasing compliance by States.

**SUBJECT 2: RECENT DEVELOPMENTS IN INVESTIGATION AND PREVENTION MATTERS**

The meeting will be informed of the issuance of the most recent AIG related guidance material. In addition, the meeting will be invited to endorse and make full use of a new model Memorandum of Understanding (MoU), which was developed to be used by States for assistance in aircraft accident investigations. Also, the meeting will be informed of the work done by the Flight Recorder Panel (FLIRECP) on potential amendments to related provisions in Annex 6 — *Operation of Aircraft*, matters involving image recorders, flight recorders for small aircraft and data link recorders.

**SUBJECT 3: COOPERATION AMONG STATES IN INVESTIGATIONS**

Following a recommendation which stems from Assembly Resolution A35-14: *Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation*, some States afford opportunity to States seeking investigation experience to attend investigations of major aircraft accidents, in the interest of developing and furthering investigation expertise. In parallel, ICAO has conducted some training seminars in States covering the exchange of information and experience on accident prevention and investigation matters. ICAO was forced to discontinue the conduct of such seminars in States due to budget constraints. Consideration will be given by the meeting on the need to resurrect the training seminars with the help from States.

**SUBJECT 4: MANAGEMENT OF SAFETY DATA AND REPRESENTATION**

Currently, there is a number of different and seemingly disparate ways in which safety data is analysed and represented. The meeting will consider the need to advise States that all publications on safety data by States be accompanied by a clear description of the data sampled and the queries used in order to avoid potential misunderstandings in the interpretation of the safety data.

**SUBJECT 5: CONDUCT OF THE INVESTIGATION**

During the investigation of accidents in some States, the judicial authorities have control over the wreckage which may delay or restrict the conduct of the investigation. Also, some States do not have an independent investigation body, nor have appropriate procedures implemented and documented for carrying out investigations. The meeting will discuss the aforementioned issues with a view to advising ICAO on actions to be taken.

**SUBJECT 6: REGIONAL COOPERATION IN ACCIDENT AND INCIDENT INVESTIGATIONS**

For the investigation of major accidents in States which do not have the resources to carry out the investigation, other interested States (e.g. the State of Manufacture) will usually help and provide assistance to the State of Occurrence. However, some States also lack the capability to investigate minor accidents and serious incidents. Thus, the meeting will discuss the development of regional investigation bodies to carry out investigations on behalf of participating States.

**SUBJECT 7: RESOLVING DEFICIENCIES IDENTIFIED DURING ICAO AUDITS**

The meeting will be presented with a summary of the deficiencies identified in the field of accident and incident investigation during the ICAO universal safety oversight audit programme (USOAP) and will discuss remedial strategies.

— END —