



WORKING PAPER

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

Montréal, 13 to 18 October 2008

**Agenda Item 1: Annex 13
1.2: Chapter 5 of Annex 13**

INDEPENDENCE OF THE INVESTIGATION

(Presented by the Secretariat)

SUMMARY

The paper discusses the need to strengthen the independence of investigations from judicial or administrative proceedings by upgrading the relevant provision in Annex 13 to a Standard.

Action by the meeting is in paragraph 3.

1. INTRODUCTION

1.1 As stated in paragraph 3.1 of Annex 13 — *Aircraft Accident and Incident Investigation*, the sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents. It is not the purpose of this activity to apportion blame or liability. In addition, paragraph 5.4.1 recommends that any judicial or administrative proceedings to apportion blame or liability should be separate from investigations conducted under the provisions of Annex 13.

2. DISCUSSION

2.1 It is clear and evident that investigations conducted as per Annex 13 are aimed at preventing recurrences of accidents and incidents. Yet, it is also clear that different types of investigations are necessary to fulfil other needs. Notwithstanding, Annex 13 investigations shall not be used for purposes other than accident and incident prevention, which otherwise could have detrimental consequences on the progress of safety in air transportation.

2.2 Recommended Practice 5.4.1 was first introduced in Annex 13 in 1994, being in force for some fourteen years. The Secretariat is of the view that it is timely to consider the need to upgrade such provision to a Standard, bringing it in full alignment with the spirit of Annex 13 regarding the objective of investigations, as set forth in paragraph 3.1. To this end, it is also proposed that the paragraph be

rearranged, aiming at accentuating the investigation conducted under the provisions of Annex 13. In addition, a note to paragraph 5.4.1 is suggested to further clarify the intent of the provision concerned.

3. **ACTION PROPOSED**

3.1 The meeting is invited to consider the amendment proposed in the Appendix regarding the strengthening of paragraph 5.4.1 of Annex 13.

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APPENDIX

PROPOSED AMENDMENT TO ANNEX 13

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CHAPTER 5. INVESTIGATIONS

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ORGANIZATION AND CONDUCT OF THE INVESTIGATION

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General

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5.4.1 Any investigation conducted under the provisions of this Annex ~~judicial or administrative proceedings to apportion blame or liability should~~ shall be separate from any judicial or administrative proceedings to apportion blame or liability ~~investigation conducted under the provisions of this Annex.~~

Note 1.— Separation can be achieved by the investigation being conducted by accident investigation experts, and any judicial or administrative proceedings being conducted by other appropriate experts. Coordination, as per 5.10, between the two processes would likely be required at the accident site and in the gathering of factual information, with due consideration to the provisions in 5.12.

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