



WORKING PAPER

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

Montréal, 13 to 18 October 2008

**Agenda Item 1: Annex 13
1.6: Final Report**

RELEASE OF FINAL REPORTS

(Presented by the Secretariat)

SUMMARY

This paper discusses the need to amend paragraphs 6.5 and 6.6 of Annex 13 to clarify that States need to make the Final Report and the interim report available to the public, as well as the need to strengthen paragraph 6.6 so as to allow States involved in investigations to timely obtain relevant information.

Action by the meeting is in paragraph 3.

1. INTRODUCTION

1.1 Paragraph 6.5 of Annex 13 — *Aircraft Accident and Incident Investigation* reads “In the interest of accident prevention, the State conducting the investigation of an accident or incident shall release the Final Report as soon as possible”.

1.1.1 The verb ‘to release’, as per the Oxford dictionary, ninth edition, dated 1995, means, among others, to “make (information, a recording, etc) publicly or generally available”.

1.2 Paragraph 6.6 of Annex 13 reads “The State conducting the investigation should release the Final Report in the shortest possible time and, if possible, within twelve months of the date of the occurrence. If the report cannot be released within twelve months, the State conducting the investigation should release an interim report on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.”

2. DISCUSSION

2.1 The Secretariat has received requests from some States with regards to the need to better clarify paragraph 6.5, which calls for States to make the Final Report available to the public. In this

connection, the Secretariat has been advised that some States, regardless of the aforementioned in 1.1.1, may misinterpret paragraph 6.5 and release the Final Report only to the States listed in the previous paragraph, i.e. 6.4, due to the proximity of both paragraphs. It is thus proposed that paragraph 6.5 be amended to further clarify the need for States to make the Final Report available to the public in the interest of accident prevention.

2.2 During the 36th Session of the Assembly, a State presented a paper indicating that there are examples which show that the provisions relating to the conduct of investigations, and in particular the recommendation set out in 6.6, are not always applied by some States or for some accidents. This can, for example, involve accidents in which the State that conducts the investigation is only involved as the State of Occurrence. In this case, States directly involved, whether in relation to their responsibilities as State of Design or State of the Operator or due to their citizens having been killed, encounter great difficulties in obtaining and using information required for safety or which is expected by the families of victims.

2.2.1 Therefore, it is proposed that paragraph 6.6 be strengthened in order to allow all parties involved in the investigation to have timely access to relevant information to the benefit of accident prevention. In this connection, it is felt that a “report” detailing the progress of the investigation may be resource consuming for States which are already allocating resources towards the investigation itself. Thus, it is further proposed to replace the word “report” with “statement” in paragraph 6.6.

3. ACTION PROPOSED

3.1 The meeting is invited to consider the amendments in the Appendix, which include:

- a) further clarifying the need for States to make the Final Report available to the public in the interest of accident prevention; and
- b) amending and upgrading paragraph 6.6.

APPENDIX

PROPOSED AMENDMENT TO ANNEX 13

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CHAPTER 6. FINAL REPORT

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Release of the Final Report

6.5 In the interest of accident prevention, the State conducting the investigation of an accident or incident shall ~~release~~ make the Final Report publicly available as soon as possible.

6.6 ~~Recommendation.~~—The State conducting the investigation ~~should release~~ shall make the Final Report publicly available in the shortest possible time and, if possible, within twelve months of the date of the occurrence. If the report cannot be released within twelve months, the State conducting the investigation ~~should~~ shall release an interim ~~report~~ statement on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.

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