



WORKING PAPER

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

Montréal, 13 to 18 October 2008

Agenda Item 7: Resolving deficiencies identified during ICAO audits

AIG RELATED DEFICIENCIES IDENTIFIED DURING ICAO AUDITS

(Presented by the Secretariat)

SUMMARY

This paper presents a summary of the deficiencies identified in the area of accident and incident investigation during the ICAO USOAP so as to enable the discussion of relevant remedial actions.

Action by the conference is in paragraph 3.

1. INTRODUCTION

1.1 The objective of the Universal Safety Oversight Audit Programme (USOAP) is to promote global aviation safety through auditing Contracting States, on a regular basis, to determine States' capability for safety oversight and the status of States' implementation of the International Civil Aviation Organization (ICAO) safety-relevant Standards and Recommended Practices (SARPs), associated procedures, guidance material and safety related practices.

1.2 This paper presents a summary of the deficiencies identified in the field of accident and incident investigation during the ICAO USOAP, as of December 2007, when some eighty States had been audited.

2. DISCUSSION

2.1 Legislation and regulations

2.1.1 The provisions contained in the legislation and regulations are sometimes insufficient to provide for the effective and adequate conduct of aircraft accident and serious incident investigations, and/or for compliance with the SARPs laid out in Annex 13 — *Aircraft Accident and Incident Investigation*.

2.1.2 In particular, provisions were missing or insufficient with regard to:

- a) the conduct of serious incident investigations;
- b) the independence of the investigation process, and its separation from administrative and judicial proceedings that may apportion blame or liability;
- c) the immediate notification of all accidents and serious incidents to the State's authorities;
- d) the necessary empowerments of the investigators;
- e) the protection and custody of the aircraft and all relevant evidence;
- f) the non-disclosure of records listed in paragraph 5.12 of Annex 13; and
- g) the participation of accredited representatives from relevant States.

2.1.3 In some cases, the provisions contained in the State's legislation and regulations are insufficient to ensure compliance with Annex 13, as they do not apply to judicial authorities, which may use elements of the investigations without any consideration for the adverse effects explicitly mentioned in paragraph 5.12 of Annex 13.

2.2 **Organization and staffing of the investigation authority, or organization and staffing of States without a permanent investigation authority**

2.2.1 As far as organizational aspects are concerned, States fall into the following groups:

Group 1: States which have established a permanent investigation authority separate from the Civil Aviation Authorities (CAA);

Group 2: States, which have established a permanent office within the CAA to be in charge of accident/incident investigations; and

Group 3: States that have not established a permanent entity, within or outside the CAA, to be in charge of accident/incident investigations.

2.2.2 Organizational aspects are usually more problematic in States under Group 2 and Group 3. Common concerns in those States relate to conflicts of interest and the difficulty of having technical experts released for the whole duration of the investigation process.

2.2.3 A number of States do not have the capability or means to establish an investigation system on their own, and are lacking guidance on how to cooperate with other States (e.g. to establish a sub-regional accident and incident investigation bureau).

2.2.4 Regarding the training of investigators, despite the existence of a dedicated ICAO circular *Training Guidelines for Aircraft Accident Investigators* (Circ 298), many States have not yet established formal training systems (including training policy, programmes and periodic plans), and/or ensured that the training provided to their technical experts meets the specific needs of the State.

2.2.5 Other concerns relate to the funding of investigations, and the availability of adequate equipment, transportation and communication means.

2.3 Notification procedures

2.3.1 Some States, especially in the above-mentioned Group 3, have not designated the personnel or entity responsible for receiving, forwarding and processing accident and incident notifications.

2.3.2 In some States, the internal notification system is deficient as a significant number of occurrences are not notified to the State's aviation authorities. More particularly, it can be considered that a number of serious incidents are not the object of an immediate notification to the State's aviation authorities, and are therefore not investigated, or not fully investigated.

2.3.3 In addition, a number of States have not provided ICAO with a contact phone number that is operational 24 hours a day to be used for the immediate notification by other States of accident and serious incidents involving them.

2.3.4 In many States, notification procedures are not formalized.

2.4 Investigation procedures

2.4.1 The material produced by ICAO in the AIG area has to be complemented in each State by specific procedures, processes, guidelines, checklists or other guidance material as applicable, as such guidance material should reflect the specific system established by the State for the investigation of accidents and incidents under its responsibility, as well as for the participation in investigations conducted by other States.

2.4.2 However, a number of States have not yet established such procedures, processes or other guidance material regarding the conduct of investigations as well as the participation in investigations conducted by other States. In some cases, procedures are established but are not, or not consistently, implemented.

2.5 Final reports, safety recommendations and ADREP

2.5.1 Even in cases where procedures have been established, non-compliance with ICAO provisions regarding Final Reports, safety recommendations and ADREP reports is frequent. A number of Final Reports have not been completed or published. In some cases, Final Reports are completed without going through the consultation process with other States involved.

2.6 Reporting systems, databases and accident prevention systems

2.6.1 More and more States have been adopting the European Co-ordination Centre for Aviation Incident Reporting System (ECCAIRS) software within the ADREP framework in order to maintain an accident and incident database. The main concerns here relate to:

- a) a mandatory reporting system which is not fully implemented, as many occurrences are not duly notified;
- b) the absence of a voluntary reporting system (at the level of the State); and

- c) the absence of safety data analysis by the State aviation authorities.

2.7 Cooperation to establish regional investigation groups

2.7.1 Assembly Resolutions A36-2: *Unified strategy to resolve safety-related deficiencies* and A36-3: *Implementation Support and Development (ISD) Programme – Safety*, support Regional Safety Oversight Organizations as described in the *Safety Oversight Manual*, Part B — *The Establishment and Management of a Regional Safety Oversight System* (Doc 9734). This is one example of a vehicle to establish accident and incident investigation groups. Such organizations were further supported by the *EC-ICAO Symposium on Regional Organizations*, held in Montreal on 10 and 11 April 2008.

2.7.2 The Secretariat notes that Working Paper 19 (AIG/08-WP/19) provides information on regional cooperation during investigations. In this connection, the meeting was invited to recommend that ICAO develop guidance to States addressing this matter.

3. ACTION PROPOSED

3.1 The meeting is invited to approve the recommendation in the Appendix regarding the resolution of Annex 13-related deficiencies identified during USOAP audits.

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APPENDIX
RECOMMENDATION OF THE MEETING

The 2008 AIG Divisional Meeting recommends that ICAO conduct a study to prioritize Annex 13-related deficiencies identified during USOAP audits in order to resolve them in the most efficient way possible.

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