



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**

COMMENTS ON DRAFT FINAL REPORTS

(Presented by Australia)

SUMMARY

The current wording of Standard 6.3, and the recommended amended wording as proposed in AIG/08-WP/10, requires the draft Final Report to be sent to four listed States irrespective of whether they participated in the investigation. There are instances where this would serve no purpose and could unnecessarily delay the final report. The draft Final Report should only be sent to a State that has participated in an investigation and/or to a State that is affected by its findings. An amendment to Standard 6.3 is proposed that gives effect to this intention.

Action by the meeting is in paragraph 3.

1. INTRODUCTION

1.1 AIG/08-WP/10 identifies that the current purpose of Standard 6.3 is to ensure that all states that are entitled to be a participant in an investigation, as identified in Standard 5.18, shall receive a copy of the draft Final Report for that investigation and an invitation to provide comment. However, the note to Standard 5.18 identifies that there may be further States that hold an interest with respect to an investigation and may therefore request participation in an investigation. When these additional States participate in the investigation, they also are entitled to receive a copy of the draft Final Report and to provide comment under Standard 6.3.

1.2 WP/10 proposes to amend Standard 6.3 to make it entirely clear that the four listed States shall be provided with a draft Final Report and be given an opportunity to comment thereon, irrespective of whether they participated in the investigation.

1.3 Australia does not agree with the requirement to send the draft Final Report for comment to the four listed States in all cases, as would be required under the amended Standard 6.3.

2. DISCUSSION

2.1 The requirement to send the draft Final Report to the State of Registration, Operator, Design or Manufacturer irrespective of whether any of those States elected to participate in the investigation may provide safety benefit through keeping these States fully informed. However, there are instances where offering comment on a draft Final Report to one or more of those four States, where they have not elected to participate, serves no purpose and may introduce unnecessary complications and delays to the reporting process. The following two examples illustrate such instances:

- An investigation that involves an aircraft operated on a lease agreement in a State of the Operator different from the State of Registration under an Article 83 *bis* transfer arrangement—distribution of the draft Final Report for comment to the State of Registration may not serve any purpose.
- A serious incident attributed to local ATC procedures—distribution of the draft Final Report for comment to the State of Design, Manufacture or Registration may not serve any purpose.

2.2 The only time that a draft Final Report should be required to be sent for comment to a state that has not participated in an investigation is when that state is affected by the findings of the draft Final Report.

3. ACTION PROPOSED

3.1 Australia recommends that the proposed amendment be modified to read:

Consultation

6.3 In every case, the State conducting the investigation shall send a copy of the draft Final Report to the State that instituted the investigation, ~~and~~ to all States that participated in the investigation and to any State affected by the findings of the draft Final Report, inviting their significant and substantiated comments on the report as soon as possible. In particular, the State conducting the investigation shall consider and if possible, confirm whether ~~In every case, the draft Final Report of the investigation shall be sent for comment to:~~

- a) the State of Registry;
- b) the State of the Operator;
- c) the State of Design; ~~or and~~
- d) the State of Manufacture,,-

are affected by the findings of the draft Final Report. If affected, the draft Final Report shall be sent to that State for comment.

— END —