



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

Montréal, 13 to 18 October 2008

(DRAFT)REPORT TO PLENARY ON AGENDA ITEM 1.4

Agenda Item 1: Annex 13
1.4 Format of the Final Report in Annex 13

The meeting held a meeting on Agenda Item 1.4 on 14 October 2008.

N. Stoss
Chairman of the meeting

Agenda Item 1: Annex 13

1.4 Format of the Final Report in Annex 13

1.4.1 INTRODUCTION

1.4.1.1 The meeting considered several proposals related to the use of the term “causes” and the term “contributing factors” in the Final Report, as well as the definitions of “causes” and “contributing factors”.

1.4.2 CAUSES AND CONTRIBUTING FACTORS

1.4.2.1 The meeting considered a proposal to insert into the Appendix to Annex 13, Format for the Final Report, 3. Conclusions, the words “and contributing factors”, so that the text would read “List the findings, causes and contributing factors established in the investigation”.

1.4.2.2 Several other proposals were made as follows: to delete the word “causes”; to replace the term “causes” with “contributing factors”; or to replace the term causes with the term “causes” and contributing factors”.

1.4.2.3 The meeting noted that the use of “causes” in the Final Reports could be confused with legal use of the same terminology in proceedings for blame or liability. In legal proceedings, causes are often identified with the attribution of blame and legal compensation. The meeting noted that the aviation industry, legislators, regulators, the media, and the public benefit from a clear and official explanation of why an accident happened – that is, a statement of what caused an accident, along with an elaboration of the direct and indirect safety issues identified in the course of the investigation, and the corrective actions required. The meeting further noted that States around the world faced a wide variety of legal and political circumstances that were different in different States. It was also noted that some of the proposed changes appeared to be an indirect solution to the very real issue that some States faced by the criminalization of accidents. A view was expressed that a failure of the accident investigation authority to fulfil the fundamental role of explaining why an accident happened might threaten its ability to have an authoritative and positive impact on safety, and could give rise to the possibility that other organizations, perhaps with less expertise or impartiality, may rise to fill this void.

1.4.2.4 Several views were expressed in support of the use of the term “contributing factors” but concerns were expressed over the fact that such term is not defined in Annex 13. The meeting eventually agreed to change the term “causes” in the Appendix to Annex 13 by “causes” and “contributing factors” with a request that ICAO develop a definition for “contributing factors”.

1.4.2.5 The meeting noted that the term “causes” was used in other parts of Annex 13 and requested ICAO to study whether consequential amendments were required in order to facilitate the usage of the term “causes” and “contributing factors”.

1.4.2.6 As a result of the discussion, the meeting also agreed to an amendment to the definition of “causes”, on the understanding that the wording may require further changes as the result of the development of the definition of “contributing factors”.

1.4.2.7 The meeting made the following recommendations:

RSPP Recommendation 1.4/1 — Amendment to the definition of causes and Appendix to Annex 13

CHAPTER 1. DEFINITIONS

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Causes. Actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident. The identification of causes does not infer the assignment of fault or the determination of administrative, civil or criminal liability.

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APPENDIX. FORMAT OF THE FINAL REPORT

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3. CONCLUSIONS

List the findings, ~~and causes~~ and contributing factors established in the investigation. The list of causes should include both the immediate and the deeper systemic causes.

Recommendation 1.4/2 — Development of a definition of contributing

That ICAO develop a definition of “contributing factors” and undertake a study of the need for consequential amendments in Annex 13 and related guidance material as regards the use of the term “contributing factors” and “causes”.

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