



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

Montréal, 13 to 18 October 2008

(DRAFT) REPORT TO PLENARY ON AGENDA ITEM 1.6

Agenda Item 1: Annex 13
1.6 Final Report

The meeting held two meetings on Agenda Item 1.6 (1.6.2 and 1.6.3) on 15 October 2008.

N. Stoss
Chairman of the meeting

Agenda Item 1: Annex 13
1.6 Final Report

1.6.1 INTRODUCTION

1.6.1.1 The meeting considered proposals for amendments to Chapter 6 in Annex 13. The proposals are presented under the following headings:

- a) action on safety recommendations; and
- b) release of Final Reports.

1.6.2 ACTION ON SAFETY RECOMMENDATIONS

1.6.2.1 The meeting considered a proposal to add:

- a) to paragraph 6.10 a ninety-day period for the State receiving the safety recommendation to report on action taken; and
- b) a new Recommended Practice 6.11 that a State that was not addressed by a safety recommendation, but acted upon the safety recommendation, to inform the proposing State of the preventive action taken or under consideration.

1.6.2.2 The meeting supported the proposed amendment in a) above to include a ninety-day notification period. The meeting did not support the proposal to insert a new Recommended Practice 6.11 in Annex 13 as the meeting was unsure of how the State not addressed in the safety recommendation would become aware of the safety recommendation and take action on it.

1.6.2.3 The meeting considered a proposal to include the words “in a dated safety recommendation transmittal letter” in paragraphs 6.8 and 6.9 in order to align these Standards with the proposed amendment of paragraph 6.10. The proposal was supported by the meeting, and the chairman mentioned that the text of the proposal might need to be edited by the Secretariat.

1.6.2.4 The meeting considered a proposal to include in paragraph 6.10 and the new Recommended Practice 6.11 reference to international aviation bodies and regional aviation organizations. Although the meeting recognized the growing importance of regional organizations, it felt that the issue was not yet mature and did not support it.

1.6.2.5 As a result of these discussions, the meeting agreed to amend paragraphs 6.8, 6.9 and 6.10 along the following lines:

RSPP Recommendation 1.6/7 — Amendment to Annex 13, Chapter 6, paragraphs 6.8, 6.9 and 6.10

Amend Chapter 6, paragraphs 6.8, 6.9 and 6.10 as follows:

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CHAPTER 6. FINAL REPORT

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Safety recommendations

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6.8 At any stage of the investigation of an accident or incident, the accident or incident investigation authority of the State conducting the investigation shall recommend **in a dated transmittal letter** to the appropriate authorities, including those in other States, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.

6.9 A State conducting investigations of accidents or incidents shall address, when appropriate, any safety recommendations arising out of its investigations **in a dated transmittal letter** to the accident investigation authorities of other State(s) concerned and, when ICAO documents are involved, to ICAO.

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Action on safety recommendations

6.10 A State that receives safety recommendations shall inform the proposing State, **within ninety days of the date of the transmittal letter**, of the preventive action taken or under consideration, or the reasons why no action will be taken.

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1.6.3 RELEASE OF FINAL REPORTS

1.6.3.1 The meeting considered proposals to amend paragraphs 6.5 and 6.6. These proposals include:

- a) clarifying the wording of paragraph 6.5 to require the public release of the Final Report; and
- b) upgrading paragraph 6.6 to a standard, and amending it to require the production of an “interim statement” in lieu of the current “interim report”.

1.6.4 Release of the Final Report

1.6.4.1 One State pointed out that in the Spanish version of the Secretariat’s working paper, no amendment was proposed regarding paragraph 6.5. With the assistance of ICAO’s interpreters, it was noted that in the Spanish language, as well as in other ICAO languages, the word “release” used in the English version of paragraph 6.5 was already translated by “made public”. There was therefore no need to

amend paragraph 6.5 in those languages. There remained nevertheless a need to amend paragraph 6.5 in the ICAO languages, including English, where there is a need to clarify that the Final Report shall be made available to the public. There was a large agreement with the proposal of amending paragraph 6.5 as proposed by the Secretariat.

1.6.4.2 A State asked for clarification from the Secretariat on the definition of “public” as well as on how the Final Report would be made publicly available. It was explained that “public” shall be understood as the public at large and that paragraph 6.5 could be implemented, for example, by posting the Final Report on the internet. It was further confirmed that making the Final Report publicly available does not necessarily imply publishing the Final Report in hard copy. The Secretariat assessed that creating a note to clarify that the term “publicly available” was appropriate.

1.6.4.3 A few States expressed concern about the public release of the Final Report and in particular about the possible misinterpretation or misuse of the information contained therein. The importance of public release and its contribution to enhancing confidence in the investigation process were reiterated by the Secretariat and by several States. Reference was made by a State to the Divisional Meeting AIG/99, during which the need to make the Final Report publicly available was agreed upon. The conclusions of the Directors General of Civil Aviation Conference on a Global Strategy for Aviation Safety (Montréal, 20 to 22 March 2006, topic 2.1) also called for greater transparency and sharing of safety information, not only between States but with the public as well. Several States indicated that the requirement to make the Final Report publicly available is already contained in their national legislation.

1.6.5 Release of interim statements

1.6.5.1 There was a large agreement to the proposal of upgrading paragraph 6.6 to a Standard, taking into consideration the need to inform States about the progress of the investigation. It was also agreed to replace “interim report” by “interim statement”, in order to avoid increasing too significantly the workload of the investigation authority.

1.6.5.2 One State highlighted that the first sentence of paragraph 6.6 was redundant with the provisions of paragraph 6.5, and proposed that this sentence be deleted. There was a consensus on this proposal. One international organization noted that the word “release”, which was proposed to be removed from paragraph 6.5, was still present in the proposed amendment of paragraph 6.6. It was consequently proposed, and agreed by all States, that paragraph 6.6 be reworded to remove the word “release” and to align it with the wording used in paragraph 6.5.

1.6.6 States to which the Final Report shall be released

1.6.6.1 One State proposed that paragraph 6.4 be also amended in order to add any State that participated in the investigation to the list of States to which the Final Report shall be sent. This proposal was agreed to by all States.

1.6.6.2 As a result of these discussions, the meeting agreed to amend paragraphs 6.4, 6.5 and 6.6 along the following lines:

RSPP Recommendation 1.6/8 — Amendment to Annex 13, Chapter 6, paragraphs 6.4, 6.5 and 6.6

Amend Chapter 6, paragraphs 6.4, 6.5 and 6.6 as follows:

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CHAPTER 6. FINAL REPORT

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Release of the Final Report

6.4 The Final Report of the investigation of an accident shall be sent with a minimum of delay by the State conducting the investigation to:

- a) the State that instituted the investigation;
- b) the State of Registry;
- c) the State of the Operator;
- d) the State of Design;
- e) the State of Manufacture;
- f) any State that participated in the investigation;
- g) any State having suffered fatalities or serious injuries to its citizens; and
- h) any State that provided relevant information, significant facilities or experts.”

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.

Note.- Making a final report publicly available can be achieved by posting the final report on the internet, and does not necessarily require a hard-copy publication of the final report.

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 made publicly available released within twelve months, the State conducting the investigation should release~~ **should** ~~make an interim report~~ **shall make an interim report** ~~publicly available~~ **publicly available** ~~release an interim report~~ **on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.**

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