



AIG/08-WP/79
17/10/08

**ACCIDENT INVESTIGATION AND PREVENTION (AIG)
DIVISIONAL MEETING (2008) (AIG/08)**

Montréal, 13 to 18 October 2008

REPORT ON AGENDA ITEM 1.4

The Plenary, on 18 October 2008, approved the report on Agenda Item 1.4.

Note.— After removal of this covering sheet, this paper should be inserted in the appropriate place in the Report Folder.

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”; to replace the term causes with the term “causes and contributing factors”, “causes and/or contributing factors”, or “causes/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 with “causes and contributing factors” with a request that ICAO develop a definition for “contributing factors”. The above decisions were taken on the condition that a note be inserted in the “3. Conclusions” part of the Appendix to Annex 13 to the effect that a State will have the choice of using either causes or contributing factors, or both.

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 terms “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 also agreed to a proposal by an international organization to amend the “4. Safety Recommendations” part of the Appendix to Annex 13, as amended in the discussion.

1.4.2.8 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 imply 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.

Note.— As stated in 6.1, the Final Report format in the Appendix may be adapted to the circumstances of the accident or incident. Thus, States may use either “causes” or “contributing factors”, or both, in the Conclusions.

4. SAFETY RECOMMENDATIONS

As appropriate, briefly state any recommendations made for the purpose of accident prevention and identify safety actions already implemented any resultant corrective action.

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Recommendation 1.4/2 — Development of a definition of contributing factors

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 terms “contributing factors” and “causes”.

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