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

Montréal, 13 to 18 October 2008

REPORT ON AGENDA ITEM 1.6

The Plenary, on 18 October 2008, approved the report on Agenda Item 1.6 (1.6 and 1.6.1).

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

(5 pages)

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) Final Report; and

b) safety recommendations;

1.6.2 **FINAL REPORT**

1.6.3 **Comments on draft Final Report**

1.6.3.1 The meeting considered a proposal to amend paragraph 6.3 in Annex 13 to extend the distribution of the draft Final Report to all States that participated in the investigation with the view of seeking their significant and substantiated comments.

1.6.3.2 The meeting considered another proposal to amend paragraph 6.3, to instil the notion that the draft Final Report would be distributed to all States that participated in the investigation and that would be affected by the findings of the report. It was also proposed that there could be instances when sending a draft Final Report to the States currently listed in paragraph 6.3, would serve no purpose and could unnecessarily delay the issuance of the Final Report. There was support in the meeting for the phrase “to any State affected by the findings of the draft Final Report”, but not for the rest of the proposal.

1.6.3.3 The meeting considered another proposal to move the text “the State that instituted the investigation and to all States that participated in the investigation,” from the body of paragraph 6.3 to the ensuing list of States. This proposal was aimed at further clarifying the intent in paragraph 6.3. The meeting agreed with this proposal.

1.6.3.4 Following additional discussions, one State indicated that the proposal as presented would be a more appropriate way to express the intention of the amendment. Some States supported a proposal to include in the list of paragraph 6.3 “any State affected by the findings of the draft Final Report”. The meeting agreed that this last proposal could not be accommodated.

1.6.3.5 The meeting considered another proposal by an international organization to include a recommendation in Annex 13 to encourage the State conducting an investigation to include intended safety recommendations in the draft Final Report. The meeting supported the intent of the proposal but agreed that the necessary reminder should be better expressed in the form of a “note” to paragraph 6.3, and that the Secretariat would propose the relevant text.

1.6.3.6 Accordingly, the meeting made the following recommendations:

RSPP **Recommendation 1.6/1 — Amendments to Annex 13, Chapter 6~~,~~**

Amend Chapter 6, paragraph 6.3 as follows:

. . .

RESPONSIBILITY OF THE STATE
CONDUCTING THE INVESTIGATION

Consultation

. . .

6.3 The State conducting the investigation shall send a copy of the draft Final Report to the following States ~~that instituted the investigation and to all States that participated in the investigation,~~ inviting their significant and substantiated comments on the report as soon as possible~~. The draft Final Report of the investigation shall be sent for comments to~~:

a) the State that instituted the investigation;

~~a~~b) the State of Registry;

~~b~~c) the State of the Operator;

~~c~~d) the State of Design; ~~and~~

~~d~~e) the State of Manufacture~~.~~; and

f) any State that participated in the investigation.

. . .

Recommendation 1.6/2 — Note to paragraph 6.3

That ICAO develop a new Note addressing the issue that the intended safety recommendations should be included in the draft Final Report when it is circulated for consultation as per the provisions of paragraph 6.3.

1.6.4 SAFETY RECOMMENDATIONS

1.6.4.1 The meeting considered a proposal to add paragraph 6.11 as a Recommended Practice so that a State issuing a safety recommendation would implement procedures to monitor the progress of the action taken in response to the safety recommendation. This was considered to be especially important in a situation where the accident investigation authority is independent from the State civil aviation authority or where a safety recommendation is addressed to an entity in another State.

1.6.4.2 While there was support for the proposal, a number of States raised concerns about how the proposal would be implemented, and if monitoring the progress of action taken should be the responsibility of the accident investigation authority. It was suggested that guidance material should be provided to assist States in implementing such procedures. Proposals were made to replace the word "monitor" with "record" and the word "progress" by "response" as they reflected better, in the view of the presenters, the responsibility of the State issuing the recommendation. These amendments were agreed to by the meeting. It was also agreed that ICAO would develop guidance material to assist States in implementing the provisions of paragraph 6.11.

1.6.4.3 One State noted that monitoring the progress of action taken in response to safety recommendations should not be the sole responsibility of the State issuing the safety recommendations, but also of the State receiving the safety recommendations. It was therefore proposed to the meeting that a Recommended Practice be developed to address the responsibilities of States receiving safety recommendations. The meeting agreed to this proposal..

1.6.4.4 Based on its consideration the meeting made the following recommendation:

RSPP **Recommendation 1.6/3 — Response to safety recommendations**

In Chapter 6, *insert* paragraphs 6.11 and 6.12 as follows:

. . .

RESPONSIBILITY OF A STATE RECEIVING SAFETY RECOMMENDATIONS

Action on safety recommendations

. . .

6.11 **Recommendation**.— *A State conducting the investigation or any other State issuing a safety recommendation should implement procedures to record the responses to the safety recommendation issued.*

6.12 **Recommendation**.— *A State that receives a safety recommendation should implement procedures to monitor the progress of the action taken in response to that safety recommendation.*

. . .

1.6.4.5 The meeting considered a proposal from an international organization addressing the need for States to forward to ICAO, for posting on an ICAO website, a copy of the safety recommendations issued by them, as well as any actions taken in response to these safety recommendations, or the reasons why actions were not taken. There was support for the intent of the proposal, but concerns were raised regarding the resources needed to implement the proposal. It was suggested that the scope of the proposal should be limited to safety recommendations of global concern. While there was widespread support for this suggestion, some States expressed that it would be difficult for States to determine what constitutes a safety recommendation of a global concern. The meeting agreed that ICAO would provide guidance to assist States in making such a determination.

1.6.4.6 Based on its consideration the meeting made the following recommendation:

Recommendation 1.6/4 — Safety recommendations of global concern

That ICAO establish a system to make accessible to all stakeholders and the public safety recommendations of global concern issued by States, and the responses to those safety recommendations. Furthermore, that ICAO develop guidelines on what constitutes a "safety recommendation of global concern".

1.6.4.7 The meeting considered a proposal by a group of States to incorporate guidelines on the identification, drafting and follow-up of safety recommendations in the *Manual of Aircraft Accident and Incident Investigation* (Doc 9756). These States also suggested that a common tool be developed to share and manage safety recommendations, and that a common taxonomy for safety recommendations be adopted as part of the overall ADREP taxonomy. These States also suggested that the work on the guideline and taxonomy could benefit from the preliminary work undertaken in Europe. There was general support for these proposals, but some States expressed concerns that it could force States to only use one tool for collecting and managing safety data. It was clarified that the intent was not to limit the use to one tool, but to ensure the inter-operability of States databases. After this clarification, the meeting agreed to these proposals. One State emphasized the need to have the ADREP taxonomy available in all ICAO working languages.

1.6.4.8 Based on its consideration the meeting made the following recommendations:

Recommendation 1.6/5 — Guidelines on the identification, drafting and follow-up of safety recommendations

That ICAO develop guidelines on the identification, drafting and follow-up of safety recommendations, making use of the relevant guidelines developed by forty-four European States, to be placed in Part IV of the *Manual of Aircraft Accident and Incident Investigation* (Doc 9756).

Recommendation 1.6/6 — Common tool and common taxonomy for safety recommendations

That a common tool to share and manage safety recommendations be developed and that a common taxonomy for safety recommendations be adopted as part of the overall ADREP taxonomy.

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