



MINISTRY OF DEFENSE
COMMAND OF AERONAUTICS
AERONAUTICAL ACCIDENT INVESTIGATION AND PREVENTION CENTER (CENIPA)
SHIS QI 05 – ÁREA ESPECIAL 12 – VI COMAR
71.615.600 – BRASÍLIA – DF (BRAZIL)
Telephone: + 55 61 3364 8812 – E-mail: international.cenipa@fab.mil.br

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Brasília, March 15th 2018.

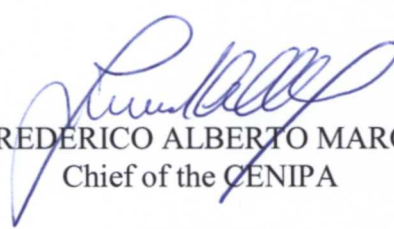
To Dr. FANG LIU
Secretary General of ICAO
International Civil Aviation Organization
999 Robert-Bourassa Boulevard,
Montréal, Quebec H3C 5H7, Canada

Subject: Safety Recommendation - Safety Study involving ICAO document - AP-002/CENIPA/2018.

Dear Dr. Liu,

1. In compliance with the provisions of the ICAO Annex 13, Brazil has established, since 1971, the CENIPA as its Aeronautical Accident Investigation Authority.
2. I hereby forward to you a copy of a Safety Study developed by the CENIPA, containing a Safety Recommendation to ICAO.
3. Therefore, with the objective of letting us keep track of the implementation of the Safety Recommendation mentioned above, I kindly would like to request that you inform this Center about the measures you may properly wish to adopt.

Sincerely yours,


Major General FREDERICO ALBERTO MARCONDES FELIPE
Chief of the CENIPA




MAR 22 2018

COMANDO DA AERONÁUTICA
CENTRO DE INVESTIGAÇÃO E PREVENÇÃO DE
ACIDENTES AERONÁUTICOS



SAFETY RECOMMENDATION
AP-002/CENIPA/2018

OCCURRENCE:	SAFETY STUDY
AIRCRAFT:	ALL
MODEL:	ALL
DATE:	07 MAR 2018

	SAFETY STUDY	
	Date: 07 MAR 2018	Registration: N/A
	Place: BRAZIL	Model: ALL
	Type: SAFETY STUDY	Operator: ALL

The Safety Recommendation is the proposal of an accident investigation authority based on information derived from an investigation made with the intention of preventing aviation occurrences and which, in no case, is intended to create a presumption of fault or liability. In addition to safety recommendations arising from investigations of aviation occurrences, safety recommendations may come from a variety of sources, including prevention activities.

In accordance with Law No. 7.565 / 1986, the recommendations are issued solely for the benefit of flight safety. These should be treated as established in NSCA 3-13. "Protocols for Aeronautical Occurrences' Investigation of the Civil Aviation Conducted by the Brazilian State."

1. FUNDAMENTATION

1.1. History

The Aeronautical Accident Investigation and Prevention Center (CENIPA) has noticed a trend of reduction in the number of notifications of Aeronautical Occurrences by aircraft operators in Brazil.

In several situations, the notification of an accident or incident is performed by people who witnessed the event, not by the aircraft operator involved.

The CENIPA carried out a study which concluded that the operators' fear of reporting an Aeronautical Occurrence was directly related to the negative consequences of initiating an Accident/Incident Investigation Process.

1.2. Support

According to Annex 13 to the Convention on International Civil Aviation (Chicago Convention), the State conducting an investigation should issue Safety Recommendations to the competent authorities, including those from other States, at any stage of the investigation whenever it is considered that preventive action should be immediately taken to improve aviation safety.

In addition to the accident and incident investigation process, the Safety Recommendations can also originate from preventive actions.

1.3 Study Elements

Brazil, as a State Member of ICAO, follows the international protocols for Accident Prevention and Investigation, as set out in Annex 13.

To do so, the Brazilian Investigation Authority (CENIPA) establishes an investigation for all events classified as accidents and for those occurrences classified as serious aircraft incidents, involving aircraft with maximum takeoff weight above 2,250 kg.

As a result of the investigation, the CENIPA ostensibly publishes a Final Report, which contains Factual Information, Analyzes, Contributing Factors and Safety Recommendations.

The Final Report is impersonal and has no identification of crew members or any other person involved in the Aeronautical event.

The sole objective of the CENIPA's Aeronautical accidents and incidents Investigation is to prevent the occurrence of new similar events. In no case shall the investigation and / or the Final Report be used for the presumption of blame or liability.

These protocols are established, at a State level, through the Aeronautical System Standard (NSCA) 3-13, widely known by the Brazilian Aeronautical community.

One of the research techniques used by the CENIPA is the interview with the crew involved in the Aeronautical Occurrence. In this context, during several interviews, there was a great concern by some of the pilots in relation to the classification that would be given to that respective occurrence.

The concern arises from the fact that some airlines have a procedure, which consists of, on the occasion of the hiring of pilots, they request the applicant to present documentation that proves the absence of antecedents of Aeronautical accidents or incidents in his career records in the aviation.

Although there is no identification of the crew in the Final Report issued by the CENIPA, the Brazilian Civil Aviation Authority (ANAC) has access to the crew data necessary for that Agency to carry out its activities under the State Safety Program (SSP).

In order to meet the requirements of those airlines that request a declaration of no accident / incident history, Brazilian pilots usually request such declaration to ANAC.

ANAC, in compliance with the National Law on access to information, can not refuse to provide such personal documentation to the respective applicant.

The CENIPA understands that the accidents / incidents are due to several contributing factors, among them, it is possible that there are some related to the operation of the aircraft.

However, in several events classified as accidents or serious incidents, already investigated, it was found that there was no contribution of operational factors associated with crew performance. Even in these cases, where there was no contribution of Operational factors, an investigation was conducted and a Final Report was produced.

In this way, crews involved in an Aeronautical occurrence that is classified as an accident or serious incident will have this record in their operational history.

Once these crew members apply for jobs in airlines that request a declaration that they have not had a history of accidents or incidents, they may be impaired in the selection process, regardless of whether or not they made errors associated with the Aeronautical occurrence they experienced.

This may be a preponderant factor for the non-hiring of a crew member by the airline.

1.4. Related Documentation

Item 5.12 of Annex 13 provides a list of records used in the investigation of Aeronautical accidents and incidents that should be protected.

Among these records, the document provides protection to the private information of the people involved in the accident or incident.

1.5. Potential Hazards

The sole objective of the accident and incident Investigation is to prevent the occurrence of new similar events. In no case shall the investigation have the presumption of blame or liability.

The moment an Airline ceases to hire a pilot because he's got involved, at any point of his life, in an Aeronautical accident or incident, this company indirectly starts to impose

a restriction to that crewmember, by virtue of an investigation process that, theoretically, shouldn't generate punitive implications.

This practice has brought significant damage to the Investigations. The loss is mainly reflected in the reduction of voluntary reporting of incidents.

It has been increasingly common for incidents not reported by crew members to be recognized only by the airline safety sector, through software, as well as monitoring and operations management systems such as FOQA (Flight Operational Quality Assurance), for instance.

In this context, occurrences that should be reported voluntarily by the crew have ceased to be reported. It is possible that the decrease of voluntary reports is related to the fear that the crew have of the event being classified as a serious incident.

Certainly, the fact that some airlines are requesting a declaration proving the absence of Aeronautical accidents or incidents, has negatively influenced the noncompliance of the voluntary reports by the crew, since the record of such occurrences in their history could hamper them in a future job selection process.

2. SAFETY RECOMMENDATION

To the International Air Transport Association (IATA):

AP-002/CENIPA/2018 - 01

Issued on: 09/03/2018

Act with the Air Transport Companies in order to establish mechanisms that inhibit the practice of defining, as a criterion for hiring pilots, the presentation of documentation proving that there is no history of accidents / incidents in their operational records.

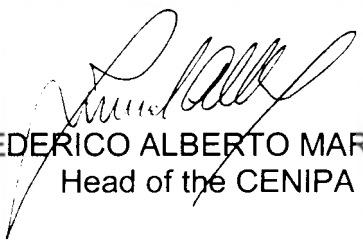
To the International Civil Aviation Organization (ICAO):

AP-002/CENIPA/2018 - 02

Issued on: 09/03/2018

Submit the matter to the discussion in the AIG Panel, in order to verify the pertinence of updating item 5.12, of Annex 13, dealing with the protection of the records of the Investigation of Aeronautical accidents and incidents.

On, March 09th, 2018


Maj Gen FREDERICO ALBERTO MARCONDES FELIPE
Head of the CENIPA