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ICAO WORKSHOP ON SAFETY INFORMATION PROTECTION

Lima, Peru
13 – 15 December 2016





STRUCTURE

DAY 1

Opening and Introductions

Session 1
General, fundamentals of the investigation

Session 2
Independence of Accident Investigation Authorities

Session 3
Introducing the new SARPs on the protection of investigation records

DAY 2

Session 4
Introducing the new Appendix

Session 5
Interaction of A13 with A6 and A19

Session 6
Introducing Doc 10053

DAY 3

Session 7
Status of implementation of new provisions in the region

Session 8
Group Exercises

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Conclusion





STRUCTURE

DAY 3

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Group Exercises

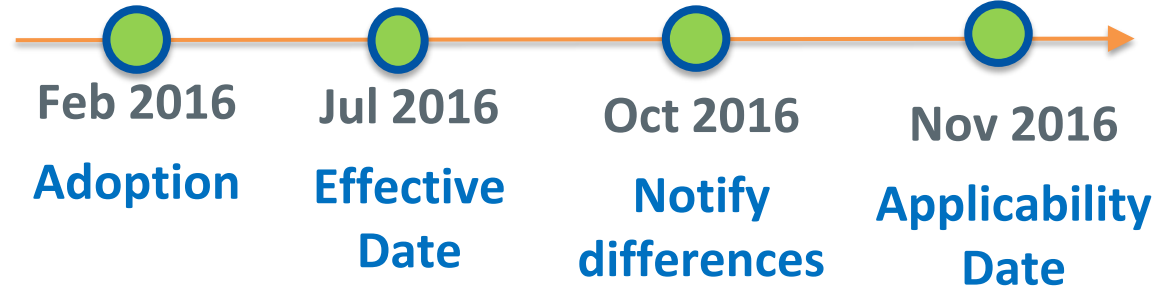
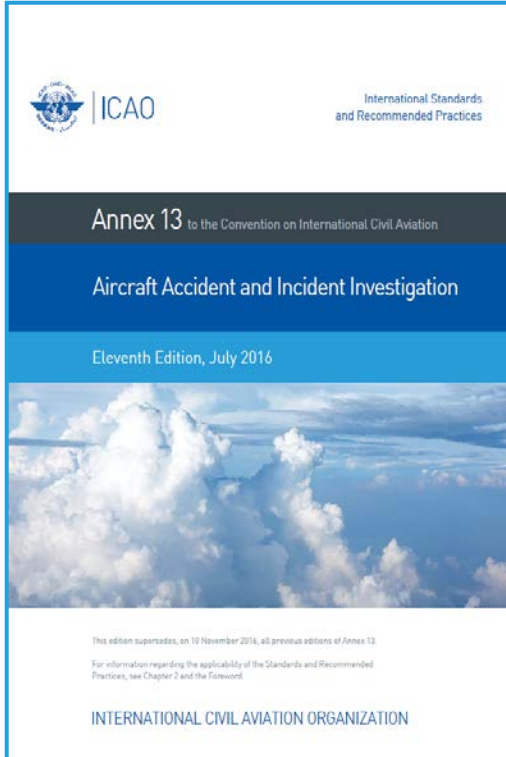
Session 9
Conclusion

What are the next steps?





Amendment 15 to Annex 13





ICAO USOAP audits

6.029: Does the legislation contain provisions to ensure the non-disclosure of CVR recordings for purposes other than accident or incident investigation?

49.5% EI
(globally)

38.46 % EI
(SAM Region)



SAM





ICAO USOAP audits

6.031: Does the legislation contain provisions to ensure the non-disclosure of investigation records (other than CVR and CVR recordings) for purposes other than aircraft accident or incident investigation?

41.85% EI
(globally)

38.46 % EI
(SAM Region)



SAM





Essential Steps to implement Amendment 15 to Annex 13

Establishment of an independent accident investigation authority

- development or modification of legislation or regulations addressing the role of the accident investigation authority, as necessary;
- for States lacking the required resources, consider the implementation of a regional accident and incident investigation organization (RAIO); and
- official adoption of developed or modified legislation or regulations, as applicable.



Essential Steps to implement Amendment 15 to Annex 13

Protection of accident and incident investigation records

- development or modification of legislation to incorporate the protection of investigation records listed in paragraph 5.12 of Annex 13;
- development or modification of regulations and policies to incorporate the designation of the “competent authority” and the concepts related to the “balancing test”; and
- official adoption of legislation, regulations and policies, as applicable.





ICAO's support for the implementation of Amendment 15 to Annex 13

- Manual of Aircraft Accident and Incident investigation (Doc 9756)
- Manual on Accident and Incident investigation Policies and Procedures (DOC 9962)
- Manual on the Protection of Safety Information, Part I (Doc 10053)
- Complementary website
 - Model Accident Investigation Authority Act
 - Model Aircraft Accident and Incident Investigation (AIG) Regulations
 - National laws, regulations and policies, and list of decisions of States Competent Authority
- Regional workshops

GUIDANCE MATERIAL
REGIONAL SYMPOSIA
SEMINARS



TOOLS
BEST PRACTICES
WEBSITE

SUPPORT



Notification of Differences

As per Article 38 of the Chicago Convention, States must notify ICAO if they :

- Do not comply with a Standard in all respects.
- Do not bring its regulations or practices into full accord with any Standard.
- Adopt regulations or practices differing in any particular respect from the Standard.

Assembly has urged Contracting States to also extend these requirements to Recommended Practices contained in Annexes to the Convention.



Methods for the Notification of Differences

NOTIFICATION OF COMPLIANCE WITH OR DIFFERENCES FROM ANNEX 13 (including all amendments up to and including Amendment 15)

To: The Secretary General
International Civil Aviation Organization
999 Robert-Bourassa Boulevard
Montréal, Québec
Canada H3C 5R7

1. No differences will exist on _____ between the national regulations and/or practices of (State) _____ and the provisions of Annex 13, including all amendments up to and including Amendment 15.

2. The following differences will exist on _____ between the regulations and/or practices of (State) _____ and the provisions of Annex 13, including Amendment 15 (Please see Note 2) below.)

a) Annex Provision (Please give exact paragraph reference)	b) Details of Difference (Please describe the difference clearly and concisely)	c) Remarks (Please indicate reasons for the difference)
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(Please use extra sheets as required)



English ICAO Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) Online Framework Logon Page

Pursuant to assembly resolution A37-5, this website has been developed to provide all Contracting States with access to CMA online framework for the:

1. completion/updates of the State Aviation Activity Questionnaire (SAAQ);
2. completion/updates of the Compliance Checklists (CCs) through the Electronic Filing of Differences (EFOD) System;
3. completion/updates of the USOAP CMA protocol questionnaires;
4. completion/updates of the State Corrective Action Plans (CAPs);
5. response to Mandatory Information Requests; and
6. access to all safety-related information generated by USOAP CMA activities.

Login

User ID or Email:

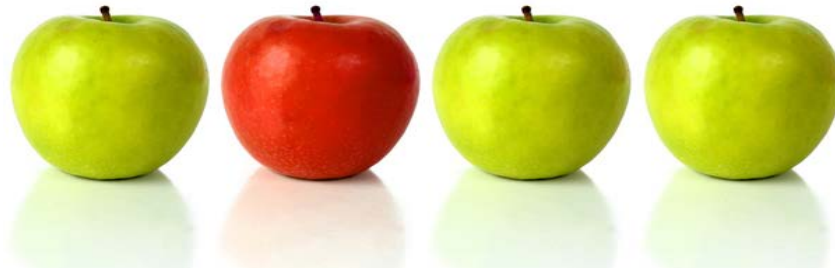
Password:

NOTE: The PQ, CAP, F&R, and State Dashboard Modules are now available.
CC/EFOD - The 2015 Annex amendments are now available.



Guidance for the notification of differences

- Note on the Notification of Difference
- Manual on Notification and Publication of Differences (Doc 10055) to be published soon
 - Further guidance on identification and notification of differences
 - Examples of well-defined differences
 - Examples of model processes and procedures for managing notification of differences

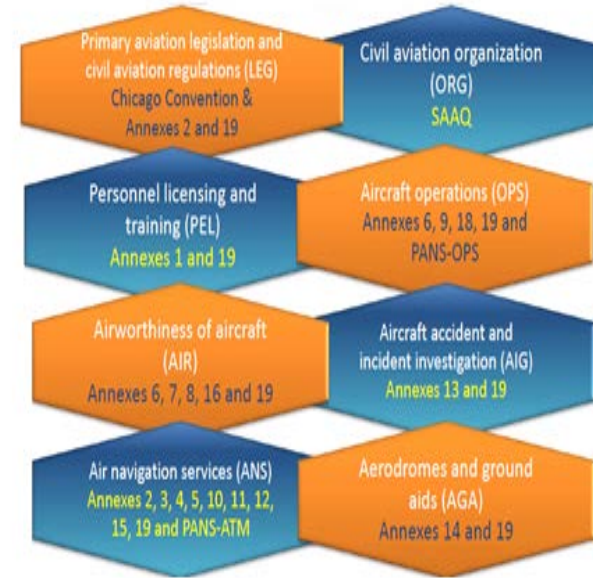




Protocol Questions in the USOAP activities

ICAO carries out audits and other monitoring activities to determine its Member States' safety oversight capabilities by:

- Assessing the effective implementation of the **8 CEs** in **8 audit areas** through Protocol Questions (PQs) structured as follows: **LEG, ORG, PEL, OPS, AIR, AIG, ANS** and **AGA**
- Verifying the status of implementation of:
 - Safety-related ICAO SARPs
 - Associated procedures
 - Guidance material





Questions ?





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Group Exercise 1

Flight 101 overshot its runway landing and crashed into a ravine in State A. Many passengers lost their lives, including prominent members of the government of State B. State A has instituted an investigation, to which State B has registered observers. Survivors and families of the victims have brought a lawsuit against the pilot and the ANSP for compensation. To prepare its defense, the ANSP, requests access to the CVR and certain statements taken by the Accident Investigation Authority (AIA) in the course of its investigation. The CAA of State A also seeks access to the CVR to take administrative action “in the interest of aviation safety”. The AIA and two pilots unions oppose these requests.



Group Exercise 1 continued...

- 1) Discuss what competent authority is best suited to assessing the competing interests at stake.
- 2) Identify all the competing interests raised by this case.
- 3) Identify factors that favour the disclosure of the records and the factors that favour protection.
- 4) Should the requests of the ANSP and the CAA be granted? Give reasons for your answer.
- 5) Other records, including private information regarding persons involved in the accident and opinions of the investigators are requested for use in the judicial proceedings. What are some of the practical ways that the AIA can continue to maintain protection?
- 6) Identify and discuss issues that may arise in the course of State A's cooperation with State B.



Group Exercise 2

In view of the regular interaction between accident investigation and judicial authorities in the course of aircraft accidents, discuss the elements that you would include in a Memorandum of Understanding between your State AIA and the relevant judicial authorities regarding the sharing of evidence/information collected in the course of an investigation.

In your discussions, you may wish to explain, for example, the purpose of an investigation, the importance of independence, the conditions under which witnesses give statements, involvement of investigators in liability or blame proceedings, the content of a Final Report, best practices, as well as any safeguards which may be used in the course of sharing or exchanging records.



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Group Exercise 3

State A would like to implement Amendment 15 to Annex 13. Please identify all elements State A needs to include in its laws, based on the latest amendment.



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(NACC) Office
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(SAM) Office
Lima

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Central African
(WACAF) Office
Dakar

European and
North Atlantic
(EUR/NAT) Office
Paris

Middle East
(MID) Office
Cairo

Eastern and
Southern African
(ESAF) Office
Nairobi

Asia and Pacific
(APAC) Sub-office
Beijing

Asia and Pacific
(APAC) Office
Bangkok



THANK YOU