

AIG REGIONAL COOPERATION MECHANISM (ARCM) OF SOUTH AMERICA

THIRD MEETING OF AIG AUTHORITIES

(Lima, Peru, 07 to 09 March 2016)

Agenda Item 3: Revision of the AIG regulations

b) Proposals to amend the LAR 113

(Working paper presented by Argentina)

Summary

This working paper presents to the Third Meeting of AIG Authorities of South America (AIG-SAM/3) the proposal to amend the Latin American Aeronautical Regulations LAR 113.

References

- Report of the Second Meeting of AIG Authorities of the SAM Region (AIG-SAM/2), Buenos Aires, Argentina, 09 to 11 June 2015
- State AIG Regulations
- Annex 13 – Aircraft Accident and Incident Investigation
- Annex 19 – Safety Management
- Doc. 9756 (Part II) – Manual of Aircraft Accident and Incident Investigation
- Doc. 9859 – Safety Management Manual (SMM)

Specialists in charge of the task

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1. Introduction

1.1. According to the last outcomes achieved under the framework of the activities of the ICAO Universal Safety Oversight Audit Programme (USOAP), one of the audit areas with less effective implementation (EI) in relation to the safety oversight capabilities of the SAM States is still aircraft accident and incident investigation (AIG).

1.2. In this area, it is mainly observed that the subgroups of investigation policies and procedures; development, completion and release of the final report; organization, staffing and training of the accident investigation authority; development, issuance, and recording of safety recommendations and forwarding of Accident/Incident Data Reports (ADREP) procedures are the ones that have the highest number of unsatisfactory Protocol Questions (PQ) as the SAM States general average.

1.3. In this regard, the Second Meeting of AIG Authorities (AIG-SAM2) highlighted that the establishment of an AIG Regional Cooperation Mechanism (ARCM) in South America would significantly contribute to achieving the following main objectives:

- ✓ the standardization and implementation of requirements, recommendations, procedures, methods and the best practices of the industry in the AIG area;
- ✓ to comply with the Bogota Declaration that establishes the following regional goals:
 - *To achieve the 80% of effective implementation (EI) in the SAM Region;*
 - *To reduce the gap of the accident rate of the SAM Region in 50% in relation to the global accident rate; and*
 - *To reduce in 20% the runway excursion rate in relation to the average rate of the Region (2007 – 2012).*
- ✓ to create a formal framework for the cooperation among the investigation Authorities in the AIG area, that would benefit the States that have more difficulty in achieving the standards of the best practices applied to accident and incident investigation according to ICAO standards and recommended practices, through the AIG Authority; and
- ✓ to support and assist the SAM States in the solution of the verifications left by the Comprehensive Systems Approach (CSA) and by the activities under the new USOAP Continuous Monitoring Approach (CMA).

1.4. For the above mentioned, the Meeting unanimously adopted the following Conclusion AIG-SAM/02-01 – Establishment and management of the ARCM of South America:

- a) Establishing the AIG Regional Cooperation Mechanism (ARCM) of South America among the AIG Authorities participating of the SAM/2 Meeting, held in Buenos Aires, Argentina, 09 to 11 June 2015, whose main mission will be to support the States that request in the issues related to aircraft accident and incident investigation in a regional cooperation environment;

1.5. The ARCM has the mission of supporting the investigation organizations that request in the issues related to aircraft accident and incident investigation and technical assistance in a regional cooperation environment that allow the improvement of the effective implementation in the AIG area and the contribution to reduce the aircraft accident and incident rate of the SAM Region below the global rate in all aviation sections.

2. **Definition of the problem**

2.1 It is essential that at State level there is a common set of regulations that are consistent with the rest of the Latin American Aeronautical Regulations complying with Annex 13 - Aircraft

accident and incident investigation, and that they preserve the spirit of these regulations after prescribing only the requirements and obligations that the service providers must comply with:

- a) the immediate reporting upon the occurrence of an event that every aviation service provider must comply with; and
- b) the preservation of the aircraft, wreckage and all types of records that will be used for technical investigation.

2.2 In accordance with Paragraph 4.1 of Annex 13 Chapter 4, the State of Occurrence is required to report an **accident or serious incident** as soon as possible and through the most appropriate and fastest means to:

- a) the State of Registry;
- b) the State of the Operator;
- c) the State of Design;
- d) the State of Manufacture; and
- e) ICAO, when the aircraft involved has a maximum mass of over 2250 kg or is a turbojet aircraft.

2.3 Likewise, Paragraph 4.8 requires that when the State of Registry institute an **accident or serious incident** investigation, that State shall send a notification according to the provisions in 4.2 and 4.3 as soon as possible and through the most appropriate and fastest means to:

- a) the State of the Operator;
- b) the State of Design;
- c) the State of Manufacture;
- d) ICAO, when the aircraft involved has a maximum mass of over 2250 kg or is a turbojet aircraft.

2.4 Similarly, Paragraph 7.7, dealing with **incidents to an aircraft over 5700 kg**, requires that if a State conducts an investigation into an incident occurred to an aircraft with a maximum mass of over 5700 kg, such State shall send, as soon as practicable after the investigation, the aircraft incident data report to ICAO.

2.5 Regarding Paragraph 7.7, the protocol question AIG 6.437 requires that a State, as the State conducting the investigation, establishes and applies procedures in order to ensure that the data reports of **aircraft incidents occurred to an aircraft with a maximum mass of over 5700 kg** are sent to ICAO.

2.6 Besides, the protocol question (PQ) AIG 6.007 requires that the State promulgates regulations that demand that accidents and serious incidents occurring in the State **are immediately reported to the Authority in charge of the accident investigation**.

2.7 Likewise, PQ 6.355 requires that legislation stipulate the protection of the aircraft or its wreckage and the site of the accident in order to avoid the entrance of non-authorized people, theft or damages.

2.8 For the above mentioned and for the AIG Authority to be able to comply with the standards listed above and with the requirements of the PQs, the State is required, in the framework of Annex 13, to have regulations that ensure the immediate reporting of aircraft accidents, serious incidents and incidents occurring to an aircraft with a mass of over 5700 kg to the Authority in charge of the accident and incident investigation.

2.10 In analyzing this working paper, the comments of six (6) States were taken into account and evaluated by the ARCM Technical Committee. **Appendix A** contains the cross-reference tables of the comments in relation to LAR 113 First edition.

2.11 **Appendix B** contains the LAR 113 with the proposed amendments.

3 Conclusion

3.1 Considering that at this stage of creation of the ARCM it is necessary to comply with the standards of Annex 13 and with the requirements of the AIG PQs, a proposal to amend LAR 113 regulations is formulated and presented to the Meeting in Appendix B of this working paper, and shall allow the ARCM States:

- ✓ To have harmonized regulations, with responsibilities and requirements the air operators and aviation service providers must comply with in case of an **aircraft accident, serious incident and incident occurring to an aircraft with a weight (mass) of over 5700 kg.**
- ✓ That the aircraft operators and aviation service providers, regardless of the State of Occurrence, meet the same requirements and obligations relating to an **aircraft accident, serious incident and incident occurring to an aircraft with a weight (mass) of over 5700 kg.**
- ✓ That the ARCM States, whose legislation and regulations allow the notification to the AIG Authority of every incident regardless of the weight (mass) of over 5700 kg, may continue receiving such notifications.

3. Suggested actions

3.1 AIG Authorities of the Region are invited to:

- 5 -

- a) take note and comment on the information provided in this working paper and in Appendixes A and B;
- b) approve the amendment to the Latin American Aeronautical Regulations LAR 113; and
- c) that each ARCM AIG organization sets up workshops with the Aviation Authorities of their States with the aim of:
 - i) making progress and achieving in the mid-term Latin American Aeronautical Regulations complying with Annex 13 and 19 (SSP).
 - ii) developing a list of non-serious incidents that may occur to an aircraft of 5700 kg or less, with the authorities responsible for receiving the notification and with those in charge of the investigation, including air operators when they have the capacity to investigate.

- END -

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
<p>Chapter A Reference Pattern</p>	<p>Chapter A: General 113.001 Applicability (a) This regulation prescribes rules for the: (1) notification and reporting of accidents and incidents; (2) preservation of aircraft, aircraft contents, and aircraft records following an accident, serious incident and incident; and (3) preservation of records relating to an accident, facility malfunction incident, an airspace incident, or a promulgated information incident.</p>	<p>113.001 Applicability (a) (1) Include serious accidents</p>	<p>In the referred paragraph, regulations application establishes a requirement for the notification and reporting of accidents and incidents, and does not specify serious incidents.</p> <p>Annex 13 defines a serious incident as an incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.</p> <p>In Note 1 of this definition, it clarifies that the difference between an accident and a serious incident lies only in the result.</p> <p>In view of the definition, all serious incidents is an incident distinguished by the results and because of the need of a compulsory investigation as defined in Annex 13.</p> <p>In this regard, the application of the requirements for the notification and reporting are covered for all the accidents and incidents, not being necessary in this case to specify the serious incident.</p> <p>For harmonization purposes among ARCM States, it is suggested that the State consider the text of the ARCM AIG Regulation.</p>
<p>Chapter A Reference 113.001 Pattern</p>	<p>(b) This part does not apply to: (1) gyrogliders; (2) parasails, (3) captive unmanned free</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
	balloons; (4) kites; (5) unmanned rockets; (6) parachutes; and (7) hang gliders.		
Chapter A Reference Definitions	<p>113.005 Definitions</p> <p>(a) The following definitions apply to this regulation:</p> <p>(1) <u>Accident</u>.- An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:</p> <p>(i) a person is fatally or seriously injured as a result of:</p> <p style="padding-left: 40px;">A. being in the aircraft, or</p> <p style="padding-left: 40px;">B. direct contact</p>	<p>113.005 Definitions</p> <p>In order to harmonise the documents in which the ARCM operation will be based, and since some definitions may lead to confusion regarding accidents and incidents notification, which superpose with events to notify through the voluntary SSP notification systems (Annex 19), therefore it is suggested to eliminate from this chapter the following definitions: (21) (22) (23) (24) (25) y (26)</p>	<p>According to Annex 13 the AIG authority should institute an investigation of circumstances of the serious incident.</p> <p>The serious incident is defined as an incident involving circumstances indicating that there was a high probability of an accident.</p> <p>The list of incidents included in LAR 113, will facilitate air service operators to notify precisely and opportunely the relevant information related to accidents, serious incidents, incidents and hazards, being this a fundamental safety management activity.</p> <p>However, the definition of a cargo incident could be eliminated since aspects involved are related with illicit interference acts and, therefore, differ from safety aspects.</p> <p>The comments of the State have been considered by the TC and, in this regard, the elimination of this definition from LAR 113 is being proposed.</p> <p>In all the other incidents contemplated in LAR 113 list, in case of occurrences, these could contain circumstances that could classify them as serious incident committing an investigation from the independent board of investigation, for which it is suggested to maintain the LAR 113 incident list with the exception of the cargo incident.</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
	<p>with any part of the aircraft, including parts which have become detached from the aircraft, or</p> <p style="padding-left: 40px;">C. direct exposure to jet blast,</p> <p style="padding-left: 80px;"><i>except</i> when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew: or</p> <p style="padding-left: 40px;">(ii) the aircraft sustains damage or structural failure which:</p> <p style="padding-left: 80px;">A. adversely affects the structural strength, performance or flight characteristics of the aircraft; and</p> <p style="padding-left: 80px;">B. would normally require major repair or replacement of the affected component,</p> <p style="padding-left: 40px;"><i>except</i> for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories); to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, aircraft skin (such as small dents or</p>		

Appendix A

Differences Verification List - Argentina

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
	<p>puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome) or</p> <p>(iii) the aircraft is missing or is completely inaccessible.</p>		
<p>Chapter A Reference 113.005 Definitions</p>	<p>(2) <u>Human performance</u>.- Human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations.</p>		
<p>Chapter A Reference 113.005 Definitions</p>	<p>(3) <u>Aerodrome</u>. - A defined area on land or water (including any buildings, installations, and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft</p>		
<p>Chapter A Reference 113.005 Definitions</p>	<p>(4) <u>Aircraft</u>.- Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.</p>		
<p>Chapter A Reference</p>	<p>(5) <u>Flight data analysis</u>.- A process of analysing recorded flight data in order to improve the safety</p>		

Appendix A

Differences Verification List - Argentina

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
113.005 Definitions	of flight operations.		
Chapter A Reference 113.005 Definitions	(6) <u>Advisor</u> .- .- A person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.		
Chapter A Reference 113.005 Definitions	(7) <u>Plane (aeroplane)</u> .- A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.		
Chapter A Reference 113.005 Definitions	(8) <u>Large aeroplane</u> .- An aeroplane of a maximum certificated take-off mass of over 5 700 kg.		
Chapter A Reference 113.005 Definitions	(9) <u>Small aeroplane</u> .- An aeroplane of a maximum certificated take-off mass of 5 700 kg or less.		
Chapter A Reference 113.005 Definitions	(10) <u>AIG authority</u> .- Describes the organization responsible for the accident and incident investigation in the State.		

Appendix A

Differences Verification List - Argentina

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(11) <u>Causes</u> .- 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.		
Chapter A Reference 113.005 Definitions	(12) <u>State of Design</u> .- The State having jurisdiction over the organization responsible for the type design.		
Chapter A Reference 113.005 Definitions	(13) <u>State of Manufacture</u> .- The State having jurisdiction over the organization responsible for the final assembly of the aircraft.		
Chapter A Reference 113.005 Definitions	(14) <u>State of Registry</u> .- The State on whose register the aircraft is entered.		
Chapter A Reference 113.005 Definitions	(15) <u>State of the Operator</u> .- The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.		
Chapter A	(16) <u>State of Occurrence</u> .- The State in the territory of which an		

Appendix A

Differences Verification List - Argentina

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
Reference 113.005 Definitions	accident or incident occurs.		
Chapter A Reference 113.005 Definitions	(17) <u>Operator</u> .- A person, organization or enterprise engaged in or offering to engage in aircraft operation.		
Chapter A Reference 113.005 Definitions	(18) <u>Contributing factors</u> .- Actions, omissions, events, conditions, factors or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of the contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.		
Chapter A Reference 113.005 Definitions	(19) <u>Distress phase</u> .- A situation wherein there is a reasonable certainty that an aircraft and its occupants are threatened by grave and imminent danger or require immediate assistance.		
Chapter A	(20) <u>Incident</u> .- An occurrence, other than an accident, associated		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
Reference 113.005 Definitions	with the operation of an aircraft which affects or could affect the safety of operation.		
Chapter A Reference 113.005 Definitions	<p>(21) Cargo security incident.- Means an incident involving cargo or mail that is carried, or has been accepted by an air cargo agent or an air operator for carriage, by air on an aircraft conducting a regular air transport operation passenger service, and</p> <p>(i) there is evidence of tampering or suspected tampering with the cargo or mail which could be an act or an attempted act of unlawful interference; or</p> <p>a weapon, explosive, or other dangerous device, article or substance, that may be used to commit an act of unlawful interference is detected in the cargo or mail</p>	Eliminate	Same comments that Chapter A – 113.005
Chapter A Reference 113.005 Definitions	<p>(22) <u>Airspace incident</u>.- Means an incident involving deviation from, or shortcomings of, the procedures or rules for:</p> <p>(i) Avoiding a collision between aircraft; or</p> <p>(ii) Avoiding a collision</p>	Eliminate	Same comments that Chapter A – 113.005

Appendix A

Differences Verification List - Argentina

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
	between aircraft and other obstacles when an aircraft is being provided with an Air Traffic Service.		
Chapter A Reference 113.005 Definitions	(23) <u>Bird incident</u> .- Means an incident where: (i) there is a collision between an aircraft and one or more birds; or (ii) when one or more birds pass sufficiently close to an aircraft in flight to cause alarm to the pilot.	Eliminate	Same comments that Chapter A – 113.005
Chapter A Reference 113.005 Definitions	(24) <u>Defect incident</u> . - Means an incident that involves failure or malfunction of an aircraft or aircraft component, whether found in flight or on the ground.	Eliminate	Same comments that Chapter A – 113.005
Chapter A Reference 113.005 Definitions	(25) <u>Facility malfunction incident</u> . - Means an incident that involves an aeronautical facility.	Eliminate	Same comments that Chapter A – 113.005
Chapter A Reference 113.005 Definitions	(26) <u>Promulgated information incident</u> - Means an incident that involves significantly incorrect, inadequate, or misleading information or aeronautical data promulgated in an aeronautical	Eliminate	Same comments that Chapter A – 113.005

Appendix A

Differences Verification List - Argentina

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
	information publication (AIP), map, chart, or otherwise provided for the operation of an aircraft.		
Chapter A Reference 113.005 Definitions	(27) <u>Serious incident</u> .- An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down. In Attachment A of this regulation are formulated examples of serious incidents.		
Chapter A Reference 113.005 Definitions	(28) <u>Security incident</u> . - Means an incident that involves unlawful interference.		
Chapter A Reference	(29) <u>Preliminary report</u> . - The communication used for the prompt		

Appendix A

Differences Verification List - Argentina

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
113.005 Definitions	dissemination of data obtained during the early stages of the investigation.		
Chapter A Reference 113.005 Definitions	(30) <u>Investigation</u> . - A process conducted for the purpose of accident prevention which includes the gathering and analysis of the information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations.		
Chapter A Reference 113.005 Definitions	(31) <u>Investigator-in-charge</u> . - A person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation.		
Chapter A Reference 113.005 Definitions	(32) <u>Serious injury</u> .- An injury which is sustained by a person in an accident and which: (i) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or (ii) results in a fracture of any bone (except simple		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
	fractures of fingers, toes, or nose); or (iii) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or (iv) involves injury to any internal organ; or (v) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or (vi) involves verified exposure to infectious substances or injurious radiation.		
Chapter A Reference 113.005 Definitions	(33) <u>Maximum mass.</u> - Maximum certificated take-off mass.		
Chapter A Reference 113.005 Definitions	(34) <u>Dangerous goods.</u> - Articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions, or which are classified according to those Instructions.		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(35) <u>Maximum weight (mass)</u> .- Maximum certificated take-off weight (mass).	Review definition.	
Chapter A Reference 113.005 Definitions	(36) <u>State safety program (SSP)</u> . - An integrated set of regulations and activities aimed at improving safety.		
Chapter A Reference 113.005 Definitions	(37) <u>Safety recommendation</u> .- A proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which, in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies.		
Chapter A Reference 113.005 Definitions	(38) <u>Flight recorder</u> .- Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.		

Appendix A

Differences Verification List - Argentina

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(39) <u>Accredited representative</u> .- A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. Where the State has established an accident investigation authority, the designated accredited representative would normally be from that authority.		
Chapter A Reference Pattern	113.010 Authority to investigate (a) In accordance with the provisions of Annex 13 to the Convention on International Civil Aviation and AIG regulation of the State, the AIG Authority shall establish investigations to determine the circumstances of the accidents, serious incidents and incidents.		
Chapter A Reference 113.010 Pattern	(b) The State of Occurrence can partially or totally delegate the making of such investigation in another State, or in the AIG Regional Cooperation Mechanism (ARCM) of South America or in a		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
	Regional Accident Investigation Organization (RAIO), by mutual agreement and consent.		
Chapter A Reference 113.010 Pattern	(c) The AIG authority in charge of the investigation shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Annex 13 and State regulations. The investigation shall include the following: (1) the gathering, recording and analysis of all available relevant information on that accident or incident; (2) if appropriate, the issuance of safety recommendations; (3) if possible, the determination of the causes, contributing factors and/or latent conditions; and (4) the completion of the final report.		
Chapter A Reference 113.010 Pattern	(d) The authority in charge of the investigation can request to any State all relevant information related to the investigation.		
Chapter A	(e) When possible, the scene of		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
Reference 113.010 Pattern	the accident shall be visited, the wreckage examined and statements taken from witnesses. The AIG authority shall determine the reach of the investigation and the procedure to be followed for its conduct, according to the lessons expected to be obtained from the investigation to improve safety.		
Chapter B Reference Pattern	<p>Chapter B: Notification and reporting of occurrences</p> <p>113.105 Notification of accident</p> <p>(a) Each pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, or if the aircraft is missing, the operator or owner shall immediate and directly notify the AIG Authority of the accident.</p>	<p>113.105 Notification of an accident</p> <p>(a) In this paragraph it is suggested to add: passengers' cabin crew, dispatchers, air traffic controller, or every person considered first line operator of the aeronautical system.</p>	<p>A precise and appropriate notification of information related to accidents is an essential activity since in order to do a proper investigation it is necessary that investigators be present without delay in the place of the accident.</p> <p>Since accidents investigation methods vary from one State to the other, it is not possible to define in detail a uniform procedure for the notification of accidents.</p> <p>The first persons knowing about the accident are the crew survivors and witnesses. It is probable that the crew survivors know the immediate measures that should be taken, while witnesses and passengers survivors will generally inform the local police, airport authorities or military personnel, who will immediately notify the accidents investigation principal office.</p> <p>Sometimes it occurs that air traffic services personnel are the first to know about the accident, and to start the notification procedure.</p> <p>It is convenient that notification procedures be simple and effective, and that most suitable and quickest communication means available be used (telephone, fax or email). In all the installations of air traffic services, airport principal offices and police post should be available a list of government authorities to which the occurrence must be notified.</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
			<p>Though coordination in a State might be precise regarding notification procedures, involving certified/approved aviation organization, licenced/approved personnel (such as pilots, cabin crew members, air traffic controllers, maintenance personnel) and members of the public, the responsibility for the notification in an acceptable way for the AIR Authority is always the pilot-in-command and, in his absence, the operator or owner.</p> <p>Being this way, Annex 6 establishes that the pilot-in-command will have the obligation to notify the nearest corresponding authority, by the most suitable and quickest means available, any accident in relation with the aircraft, in which a person is killed or seriously injured, or the aircraft or property is importantly damaged.</p> <p>For the purpose of harmonization among ARCM States, it is suggested that the State consider LAR 113 text, since this complies with dispositions established in Annex 6.</p>
<p>Chapter B</p> <p>Reference 113.105 Pattern</p>	<p>(b) The notification under Paragraph (a) shall be in a manner acceptable to the AIG Authority and contain, where ascertainable, the:</p> <ul style="list-style-type: none"> (1) date and time of the accident; (2) nature of the accident; (3) type, nationality, and registration marks of the aircraft; (4) names of the aircraft owner and operator; (5) position or last known position of the aircraft with reference to an easily defined 		

Appendix A

Differences Verification List - Argentina

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
	geographical point; (6) name of the pilot-in-command of the aircraft; (7) type of operation; (8) last point of departure of the aircraft; (9) next point of intended landing of the aircraft; (10) description of the sky condition precipitation, wind velocity, and visibility; (11) number of persons on board the aircraft; (12) number of crew and passengers killed or seriously injured as a result of the accident; (13) number of persons killed or seriously injured as a result of the accident that were not crew or passengers; (14) presence of dangerous goods on board the aircraft and description thereof; and (15) details of damage to the aircraft. (16)		
Chapter B	113.110 Notification in the		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
Reference Pattern	distress phase Upon the occurrence of a distress phase, the rescue coordination centre shall notify the AIG Authority of the distress situation.		
Chapter B Reference Pattern	113.115 Notification of incident (a) The pilot-in-command of an aircraft involved in a serious incident or in an incident that poses an immediate hazard to the safety of an aircraft operation shall immediately notify to the AIG Authority of the incident.	It is suggested in this paragraph to clearly explain that, when referring to an incident, these are those occurrences that, according to Annex 13 and AIG State regulation, in order to avoid superposing functions with the SSP voluntary notification system (a) In this paragraph it is suggested to add cabin passengers crew, dispatchers, air traffic controllers or every person considered as first line operator in the aeronautical system. Eliminate the paragraph from:that constitutes an immediate danger for the aircraft safety. ...	Annex 13, Attachment C lists characteristic examples of incidents that could be serious. The list is not exhaustive and only provides orientation regarding the definition of serious incident, but does not explain all the incidents. A voluntary and confidential notification system of a State should, at least, define the objective of the notification system, the scope of Aviation sectors/areas boarding the system, who may write a voluntary report, when this should be done, how reports are processed and how to communicate with the administrator. Namely, the clue objective of the voluntary and confidential notification system is to improve aviation safety through compilation of the report of real or possible safety deficiencies that, on the contrary, could be not reported through other channels. This system does not eliminate the need to the compulsory notification of aircraft accidents and incidents to pertinent authorities, according the existing Aviation regulations. For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text. Precise and appropriate notification of information related to accidents is an essential activity since to do a proper investigation it is necessary that investigators be present in the place of the accident without delay. Since investigation methods vary from one State to the other, it

Appendix A

<p align="center">LAR 113 – ARCM Reference</p>	<p align="center">LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p align="center">Comments and differences from the State of Argentina</p>	<p align="center">ARCM CT Analysis and Evaluation</p>
			<p>is not possible to define in detail a uniform procedure for the notification of accidents.</p> <p>The first persons knowing about the accident are the crew survivors and witnesses.</p> <p>It is probable that the crew survivors know the immediate measures that should be taken, while witnesses and passengers survivors will generally inform the local police, airport authorities or military personnel, who will immediately notify the accidents investigation principal office.</p> <p>Sometimes it occurs that air traffic services personnel are the first to know about the accident, and to start the notification procedure.</p> <p>It is convenient that notification procedures be simple and effective, and that most suitable and quickest communication means available be used (telephone, fax or email).</p> <p>In all the installations of air traffic services, airport principal offices and police post should be available a list of government authorities to which the occurrence must be notified.</p> <p>Though coordination in a State might be precise regarding notification procedures, involving certified/approved aviation organization, licenced/approved personnel (such as pilots, cabin crew members, air traffic controllers, maintenance personnel) and members of the public, the responsibility for the notification in an acceptable way for the AIR Authority is always the pilot-in-command and, in his absence, the operator or owner.</p> <p>Being this way, Annex 6 establishes that the pilot-in-command will have the obligation to notify the nearest corresponding authority, by the most suitable and quickest means available, any accident in relation with the aircraft, in which a person is killed or seriously injured, or the aircraft or property is importantly damaged.</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
			<p>For the purpose of harmonization among ARCM States, it is suggested that the State consider LAR 113 text, since this complies with dispositions established in Annex 6.</p> <p>Hazard identification is a previous requirement for the process of safety risk management</p> <p>Generally, safety professional define hazard as a condition or object having the potential to kill, cause injure to personnel, damage the equipment or structures, loose material or reduce the capacity of performing prescribed functions..</p> <p>For safety risk management purposes, the term hazard should be focussed in those conditions that can cause or contribute with an unsafe operation of the aircraft or of the equipment, products and services related to aviation safety.</p> <p>The expression safety immediate hazard reinforces the insecure condition of the incident.</p> <p>For harmonization purposes among the ARCM States, it is suggested that the State consider LAR 113 text..</p>
<p>Chapter B Reference 113.115 Pattern</p>	<p>(b) If the AIG Authority of the State where the incident occurs requires, the pilot-in-command of the aircraft shall submit, as soon as possible, a report on the incident. In this case, the pilot-in-command shall also submit a copy of the report to the AIG Authority of the State of the operator. Such reports shall be submitted as soon as possible and generally within 10 days.</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
<p>Chapter B Reference 113.115 Pattern</p>	<p>(c) If a person that operates, carries out maintenance and services or does any other act in respect of an aircraft, aeronautical product, or aviation related service, is involved in an incident that is a serious incident or poses an immediate hazard to the safety, must notify the AIG Authority of the incident as soon as practicable.</p>	<p>(c) in order to cover all the variety of possibilities, it is suggested to add in this paragraph the following: ... or related aviation, is involved or knows about an incident... ...</p>	<p>Effective safety notification – The precise and timely notification of important information related to hazards, incidents or accidents is a fundamental activity of safety management.</p> <p>Data used to back up safety analysis are reported using multiple sources.</p> <p>One of the best data source is the direct notification of first line personnel, since these observe hazards as part of their daily activities.</p> <p>A work place where training and constant encouragement are provided to personnel to inform about errors and experience is a previous requirement to achieve an effective safety notification.</p> <p>For an effective safety notification the observer should be involved in the accident.</p> <p>For harmonisation purpose among ARCM States, it is suggested that the State consider LAR 114 text.</p>
<p>Chapter B Reference 113.115 Pattern</p>	<p>(d) A pilot-in-command of an aircraft that is involved in an airspace incident or a bird incident must notify the AIG Authority of the incident as soon as practicable if the incident is a serious incident or an immediate hazard to the safety of an aircraft operation.</p>	<p>(d) Eliminate the following in the paragraph: ... or an incident with birds, --- - AIG Authority,</p>	<p>The list of incidents included in LAR 113, including incidents with birds, will facilitate air services operators to report in a precise and timely manner the relevant information related with to accidents, incidents or hazards, considering safety management as the fundamental activity.</p> <p>It is suggested to consider that protocol question AIG 6.501 requires that a State establishes and applies (through the necessary legislation, procedures and orientation to the industry) a compulsory notification system of incidents to facilitate the compilation of information on real or possible safety deficiencies.</p> <p>Furthermore that the State has the policy that every person, operator or national authority could report occurrences, the AIG authority should clarify in the regulations that services providers have the obligation to do it.</p> <p>For harmonisation purposes among ARCM States, it is</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
			suggested that the States consider LAR 113 text.
Chapter B Reference 113.115 Pattern	<p>(e) The notification of an incident required by Paragraphs (a), (b), (c) and (d) must be conveyed by a means acceptable to the AIG Authority and contain, where ascertainable, information in accordance with the following:</p> <p>(1) for an airspace incident, Appendix 1 (a);</p> <p>(2) for a defect incident, Appendix 1 (b);</p> <p>(3) for a facility malfunction incident, Appendix 1 (c);</p> <p>(4) for an aircraft incident, Appendix 1 (d);</p> <p>(5) for a security incident, Appendix 1 (e);</p> <p>(6) for a promulgated information incident, Appendix 1 (f);</p> <p>(7) for an aerodrome incident, Appendix 1 (g);</p> <p>(8) for a cargo security incident, Appendix 1 (h);</p> <p>(9) for a dangerous goods incident, bird incident, or any other incident, Appendix 1 (i);</p> <p>(10)</p>	<p>In order that all occurrences to be notified are uniform, it is suggested to eliminate the following paragraphs: (e) (1), (3), (6), (7) and (8).</p>	<p>The list of incidents included in LAR 113, including incidents with birds, will facilitate air services operators to report in a precise and timely manner the relevant information related with to accidents, incidents or hazards, considering safety management as the fundamental activity.</p> <p>It is suggested to consider that protocol question AIG 6.501 requires that a State establishes and applies (through the necessary legislation, procedures and orientation to the industry) a compulsory notification system of incidents to facilitate the compilation of information on real or possible safety deficiencies.</p> <p>Furthermore that the State has the policy that every person, operator or national authority could report occurrences, the AIG authority should clarify in the regulations that services providers have the obligation to do it.</p> <p>For harmonisation purposes among ARCM States, it is suggested that the States consider LAR 113 text.</p>

Appendix A

<p align="center">LAR 113 – ARCM Reference</p>	<p align="center">LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p align="center">Comments and differences from the State of Argentina</p>	<p align="center">ARCM CT Analysis and Evaluation</p>
<p>Chapter B Reference 113.115 Pattern</p>	<p>(f) Despite Paragraph (a) of this section, an operator:</p> <p>(1) certified according to LAR 119, must notify the AIG Authority of an aircraft incident or defect incident within 72 hours of the incident occurring if the incident is associated with an aircraft that is performing or is used to perform an extended diversion time operations (EDTO) and the incident involves:</p> <p>(i) an in-flight shutdown of a propulsion system; or</p> <p>(ii) a diversion or a turn back; or</p> <p>(iii) an in-flight, inadvertent fuel loss or unavailability of fuel or an un-correctable fuel imbalance; or</p> <p>(iv) a malfunction of an EDTO significant system; or</p> <p>(v) any other occurrence which affects the safety of an EDTO; and</p> <p>(2) an aircraft maintenance organization certificate under the LAR 145 must notify the AIG Authority of a defect incident within 72 hours of the accident occurring if the incident is associated with an aircraft that is used to perform an EDTO; and</p>	<p>In order that all occurrences to be notified are uniform, it is suggested to eliminate the following paragraphs: (f) (1) and (2)</p>	<p>The list of incidents included in LAR 113, including incidents with birds, will facilitate air services operators to report in a precise and timely manner the relevant information related with to accidents, incidents or hazards, considering safety management as the fundamental activity.</p> <p>It is suggested to consider that protocol question AIG 6.501 requires that a State establishes and applies (through the necessary legislation, procedures and orientation to the industry) a compulsory notification system of incidents to facilitate the compilation of information on real or possible safety deficiencies.</p> <p>Furthermore that the State has the policy that every person, operator or national authority could report occurrences, the AIG authority should clarify in the regulations that services providers have the obligation to do it.</p> <p>For harmonisation purposes among ARCM States, it is suggested that the States consider LAR 113 text.</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
	(i) the incident involves a malfunction of an EDTO significant system; or (ii) any other defect that could affect the safety of an aircraft performing an EDTO. (iii)		
Chapter C Reference Pattern	Chapter C: Preservation of aircraft, its contents, and records 113.205 Access to aircraft involved in an accident (a) In order to protect the aircraft and its contents after an accident, no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorized to do so by the AIG Authority.		
Chapter C Reference 113.205 Pattern	(b) For the purpose of the investigation, the AIG Authority may access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.		
Chapter C Reference 113.205 Pattern	(c) A person may, subject to Paragraph (d): (1) remove persons or livestock from the aircraft or		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
	wreckage; or (2) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or (3) disconnect or deactivate any cockpit voice recorder (CVR), flight data recorder (FDR), or emergency location transmitter (ELT); or (4) prevent obstruction to the public or to air navigation where no practical alternative is available; (5)		
Chapter C Reference 113.205 Pattern	(d) Any aircraft wreckage, mail, or cargo removed under Paragraph (c) shall: (1) be moved only so far as necessary to ensure its safety; (2) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and (3) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
Chapter C Reference Pattern	<p>113.210 Preservation of records</p> <p>(a) The operator of an aircraft that is involved in a serious incident or incident must preserve all records, including all recording media maintained for the operation and maintenance of the aircraft, for at least 14 days after the serious incident or incident unless otherwise notified to the AIG Authority.</p>		
Chapter C Reference 113.210 Pattern	<p>(b) An operator that is involved in:</p> <p>(1) a facility malfunction incident or an accident; or</p> <p>(2) an airspace incident or an accident; or</p> <p>(3) a promulgated information incident or an accident;</p> <p>must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified to the AIG</p>		

Appendix A

Differences Verification List - Argentina

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Argentina	ARCM CT Analysis and Evaluation
	Authority.		
Chapter C Reference 113.210 Pattern	(c) A person who is involved in a promulgated information accident or an accident involving responsibilities with the instrumental flight procedures must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified to the AIG Authority. (d)		
Chapter C Reference Pattern	113.215 Retention of defective products and components The holder of a certificate of an approval of aircraft maintenance organization, design organization, or manufacture organization must submit a defect incident report to the AIG Authority and retain the defective product for a period of at least 14 days after submitting the report unless otherwise notified to the AIG Authority.		

Appendix A

<p>LAR 113 – ARCM Reference</p>	<p align="center">LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p align="center">Comments and differences from the State of Brazil</p>	<p align="center">ARCM CT Analysis and Evaluation</p>
<p>Chapter A Reference Pattern</p>	<p>Chapter A: General 113.001 Applicability (a) This regulation prescribes rules for the: (1) notification and reporting of accidents and incidents; (2) preservation of aircraft, aircraft contents, and aircraft records following an accident, serious incident and incident; and (3) preservation of records relating to an accident, facility malfunction incident, an airspace incident, or a promulgated information incident.</p>		
<p>Chapter A Reference 113.001 Pattern</p>	<p>(b) This part does not apply to: (1) gyro gliders; (2) parasails, (3) captive unmanned free balloons; (4) kites; (5) unmanned rockets; (6) parachutes; and (7) hang gliders.</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
<p>Chapter A</p> <p>Reference</p> <p>Definitions</p>	<p>113.005 Definitions</p> <p>(a) The following definitions apply to this regulation:</p> <p>(1) <u>Accident</u>.- An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:</p> <p>(i) a person is fatally or seriously injured as a result of:</p> <p style="padding-left: 40px;">A. being in the aircraft, or</p> <p style="padding-left: 40px;">B. direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or</p> <p style="padding-left: 40px;">C. direct exposure to jet blast,</p> <p style="padding-left: 40px;"><i>except</i> when the injuries are from natural causes, self-inflicted or inflicted by other</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
	<p>persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew: or</p> <p>(ii) the aircraft sustains damage or structural failure which:</p> <p>A. adversely affects the structural strength, performance or flight characteristics of the aircraft; and</p> <p>B. would normally require major repair or replacement of the affected component,</p> <p><i>except</i> for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories); to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome) or</p> <p>(iii) the aircraft is missing or is completely inaccessible.</p>		

Appendix A

Differences Verification List - Brazil

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(2) <u>Human performance</u> .- Human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations.		
Chapter A Reference 113.005 Definitions	(3) <u>Aerodrome</u> . - A defined area on land or water (including any buildings, installations, and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.		
Chapter A Reference 113.005 Definitions	(4) <u>Aircraft</u> .- Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.		
Chapter A Reference 113.005 Definitions	(5) <u>Flight data analysis</u> .- A process of analysing recorded flight data in order to improve the safety of flight operations.		
Chapter A Reference 113.005 Definitions	(6) <u>Advisor</u> .- .- A person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(7) Plane (aeroplane). - A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight. Aircraft. Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface. Annex 13	The classification used in Brazil for characterising aircraft size is traced from classification based on turbulence, namely, LIGHT – up to 7.000 kg, AVERAGE – up to 136.000 kg and HEAVY – above 136.000 kg;	Though Annex 13 does not indicate these definitions, in Annex 6 these are defined in the following manner: large aeroplane , an aeroplane of a maximum certificated take-off mass of over 5700 kg and small aeroplane , an aeroplane of a maximum certificated take-off mass of 5700 kg or less. These definitions are indicated as more appropriate to the use of Annex 13 recommended standards and methods, to which LAR 113 is referred in most of its application. State's comments do not have a technical backup, and the TC does not qualify them as appropriate to produce an amendment to the regulations.
Chapter A Reference 113.005 Definitions	(8) Large aeroplane. - An aeroplane of a maximum certificated take-off mass of over 5 700 kg.	Does not apply to this definition	
Chapter A Reference 113.005 Definitions	(9) Small aeroplane. - An aeroplane of a maximum certificated take-off mass of 5 700 kg or less.	Does not apply to this definition	
Chapter A Reference 113.005 Definitions	(10) AIG authority. - Describes the organization responsible for the accident and incident investigation in the State.	Does not apply to this definition	
Chapter A Reference 113.005 Definitions	(11) Causes. - Actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident. The identification of causes does not		

Appendix A

Differences Verification List - Brazil

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
	imply the assignment of fault or the determination of administrative, civil or criminal liability.		
Chapter A Reference 113.005 Definitions	(12) <u>State of Design</u> .- The State having jurisdiction over the organization responsible for the type design.		
Chapter A Reference 113.005 Definitions	(13) <u>State of Manufacture</u> .- The State having jurisdiction over the organization responsible for the final assembly of the aircraft.		
Chapter A Reference 113.005 Definitions	(14) <u>State of Registry</u> .- The State on whose register the aircraft is entered.		
Chapter A Reference 113.005 Definitions	(15) <u>State of the Operator</u> .- The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.		
Chapter A Reference 113.005 Definitions	(16) <u>State of Occurrence</u> .- The State in the territory of which an accident or incident occurs.		
Chapter A	(17) <u>Operator</u> .- .- A person, organization or enterprise engaged		

Appendix A

Differences Verification List - Brazil

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
Reference 113.005 Definitions	in or offering to engage in aircraft operation.		
Chapter A Reference 113.005 Definitions	(18) <u>Contributing factors</u> .- Actions, omissions, events, conditions, factors or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of the contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.		
Chapter A Reference 113.005 Definitions	(19) <u>Distress phase</u> .- A situation wherein there is a reasonable certainty that an aircraft and its occupants are threatened by grave and imminent danger or require immediate assistance.		
Chapter A Reference 113.005 Definitions	(20) <u>Incident</u> .- An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.		
Chapter A	(21) <u>Cargo security incident</u> .-	CENIPA does not define incident based on the occurrence area (cargo, airspace,	The serious incident is defined as an incident in which intervening circumstances indicate that there was a high

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
Reference 113.005 Definitions	<p>Means an incident involving cargo or mail that is carried, or has been accepted by an air cargo agent or an air operator for carriage, by air on an aircraft conducting a regular air transport operation passenger service, and</p> <p>(i) there is evidence of tampering or suspected tampering with the cargo or mail which could be an act or an attempted act of unlawful interference; or</p> <p>(ii) a weapon, explosive, or other dangerous device, article or substance, that may be used to commit an act of unlawful interference is detected in the cargo or mail</p>	<p>defect and etc).</p> <p>Occurrences work is developed under the idea of involved factors, namely, it does not have an occurrence type classification. This is classified by accident, serious incident, incident and abnormal occurrence.</p>	<p>possibility that the accident occur.</p> <p>The existence of the incidents list defined in LAR 113 will facilitate that air services operators notify in a precise and opportune manner the relevant information related to accidents, serious incidents, incidents and hazards, being this a fundamental activity of safety management.</p> <p>However, cargo incident definition could be eliminated since involved aspects are related to illicit interference acts, therefore, these differ from safety aspects.</p> <p>State comments have been considered by the TC. In this regard the elimination of this definition from LAR 113 is being proposed.</p> <p>In all the other incidents contemplated in LAR 113 list, in case these occur, they could contain circumstances that would make them classified as a serious incident committing an investigation from the part of an independent investigation board, reason why it is suggested to maintain the LAR 113 incidents list, excepting the cargo security incident.</p>
Chapter A Reference 113.005 Definitions	<p>(22) <u>Airspace incident</u>.- Means an incident involving deviation from, or shortcomings of, the procedures or rules for:</p> <p>(iii) Avoiding a collision between aircraft; or</p> <p>(iv) Avoiding a collision between aircraft and other obstacles when an aircraft is being provided with an Air Traffic Service.</p>	<p>Definition does not apply</p>	<p>Same comments as those for paragraph (a) (21).</p>
Chapter A Reference	<p>(23) <u>Bird incident</u>.- Means an incident where:</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
113.005 Definitions	(v) there is a collision between an aircraft and one or more birds; or (vi) when one or more birds pass sufficiently close to an aircraft in flight to cause alarm to the pilot.		
Chapter A Reference 113.005 Definitions	(24) <u>Defect incident</u> . - Means an incident that involves failure or malfunction of an aircraft or aircraft component, whether found in flight or on the ground.	Definition does not apply	Same comments as those for paragraph (a) (21).
Chapter A Reference 113.005 Definitions	(25) <u>Facility _____ malfunction incident</u> . - Means an incident that involves an aeronautical facility.	Definition does not apply	Same comments as those for paragraph (a) (21).
Chapter A Reference 113.005 Definitions	(26) <u>Promulgated information incident</u> - Means an incident that involves significantly incorrect, inadequate, or misleading information or aeronautical data promulgated in an aeronautical information publication (AIP), map, chart, or otherwise provided for the operation of an aircraft.	Definition does not apply	Same comments as those for paragraph (a) (21).
Chapter A Reference	(27) <u>Serious incident</u> .- An incident involving circumstances indicating that there was a high		

Appendix A

Differences Verification List - Brazil

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
<p>113.005 Definitions</p>	<p>probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down. In Attachment A of this regulation are formulated examples of serious incidents.</p>		
<p>Chapter A Reference 113.005 Definitions</p>	<p>(28) <u>Security incident</u>. - Means an incident that involves unlawful interference.</p>	<p>Definition does not apply</p>	<p>Same comments as those for paragraph (a) (21).</p>
<p>Chapter A Reference 113.005 Definitions</p>	<p>(29) <u>Preliminary report</u>. - The communication used for the prompt dissemination of data obtained during the early stages of the investigation.</p>		
<p>Chapter A Reference 113.005 Definitions</p>	<p>(30) <u>Investigation</u>. - A process conducted for the purpose of accident prevention which includes the gathering and analysis of the</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
	information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations.		
Chapter A Reference 113.005 Definitions	(31) <u>Investigator-in-charge</u> . - A person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation.		
Chapter A Reference 113.005 Definitions	(32) <u>Serious injury</u> .- An injury which is sustained by a person in an accident and which: (i) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or (ii) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); or (iii) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or (iv) involves injury to		

Appendix A

Differences Verification List - Brazil

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
	any internal organ; or (v) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or (vi) involves verified exposure to infectious substances or injurious radiation.		
Chapter A Reference 113.005 Definitions	(33) <u>Maximum mass.</u> - Maximum certificated take-off mass.		
Chapter A Reference 113.005 Definitions	(34) <u>Dangerous goods.</u> - Articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions, or which are classified according to those Instructions.		
Chapter A Reference 113.005 Definitions	(35) <u>Maximum weight (mass).</u> - Maximum certificated take-off weight (mass).		
Chapter A Reference	(36) <u>State safety program (SSP).</u> - An integrated set of regulations and activities aimed at		

Appendix A

Differences Verification List - Brazil

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
113.005 Definitions	improving safety.		
Chapter A Reference 113.005 Definitions	(37) <u>Safety recommendation</u> .- A proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which, in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies.		
Chapter A Reference 113.005 Definitions	(38) <u>Flight recorder</u> .- Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.		
Chapter A Reference 113.005 Definitions	(39) <u>Accredited representative</u> .- A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. Where the State has established an accident		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
	investigation authority, the designated accredited representative would normally be from that authority.		
Chapter A Reference Pattern	113.010 Authority to investigate (a) In accordance with the provisions of Annex 13 to the Convention on International Civil Aviation and AIG regulation of the State, the AIG Authority shall establish investigations to determine the circumstances of the accidents, serious incidents and incidents.		
Chapter A Reference 113.010 Pattern	(b) The State of Occurrence can partially or totally delegate the making of such investigation in another State, or in the AIG Regional Cooperation Mechanism (ARCM) of South America or in a Regional Accident Investigation Organization (RAIO), by mutual agreement and consent.		
Chapter A Reference 113.010 Pattern	(c) The AIG authority in charge of the investigation shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
	<p>Annex 13 and State regulations. The investigation shall include the following:</p> <p>(1) the gathering, recording and analysis of all available relevant information on that accident or incident;</p> <p>(2) if appropriate, the issuance of safety recommendations;</p> <p>(3) if possible, the determination of the causes, contributing factors and/or latent conditions; and</p> <p>(4) the completion of the final report.</p>		
Chapter A Reference 113.010 Pattern	(d) The authority in charge of the investigation can request to any State all relevant information related to the investigation.		
Chapter A Reference 113.010 Pattern	(e) When possible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses. The AIG authority shall determine the reach of the investigation and the procedure to be followed for its conduct, according to the lessons expected to be obtained from the investigation to improve safety.		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
Chapter B Reference Pattern	<p>Chapter B: Notification and reporting of occurrences</p> <p>113.105 Notification of accident</p> <p>(a) Each pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, or if the aircraft is missing, the operator or owner shall immediate and directly notify the AIG Authority of the accident.</p>		
Chapter B Reference 113.105 Pattern	<p>(b) The notification under Paragraph (a) shall be in a manner acceptable to the AIG Authority and contain, where ascertainable, the:</p> <ul style="list-style-type: none"> (1) date and time of the accident; (2) nature of the accident; (3) type, nationality, and registration marks of the aircraft; (4) names of the aircraft owner and operator; (5) position or last known position of the aircraft with reference to an easily defined geographical point; (6) name of the pilot-in-command of the aircraft; 		

Appendix A

Differences Verification List - Brazil

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
	<p>(7) type of operation;</p> <p>(8) last point of departure of the aircraft;</p> <p>(9) next point of intended landing of the aircraft;</p> <p>(10) description of the sky condition precipitation, wind velocity, and visibility;</p> <p>(11) number of persons on board the aircraft;</p> <p>(12) number of crew and passengers killed or seriously injured as a result of the accident;</p> <p>(13) number of persons killed or seriously injured as a result of the accident that were not crew or passengers;</p> <p>(14) presence of dangerous goods on board the aircraft and description thereof; and</p> <p>(15) details of damage to the aircraft.</p>		
<p>Chapter B Reference Pattern</p>	<p>113.110 Notification in the distress phase</p> <p>Upon the occurrence of a distress phase, the rescue coordination centre shall notify the AIG Authority</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
	of the distress situation.		
Chapter B Reference Pattern	<p>113.115 Notification of incident</p> <p>(a) The pilot-in-command of an aircraft involved in a serious incident or in an incident that poses an immediate hazard to the safety of an aircraft operation shall immediately notify to the AIG Authority of the incident and to the organism in charge of the State SSP through the notification system implemented by the same, who will determine in coordination the occurrence classification and the intervention modus operandi.</p>		
Chapter B Reference 113.115 Pattern	<p>(b) If the AIG Authority of the State where the incident occurs requires, the pilot-in-command of the aircraft shall submit, as soon as possible, a report on the incident. In this case, the pilot-in-command shall also submit a copy of the report to the AIG Authority of the State of the operator. Such reports shall be submitted as soon as possible and generally within 10 days.</p>		
Chapter B	(c) If a person that operates,		

Appendix A

<p>LAR 113 – ARCM Reference</p>	<p>LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p>Comments and differences from the State of Brazil</p>	<p>ARCM CT Analysis and Evaluation</p>
<p>Reference 113.115 Pattern</p>	<p>carries out maintenance and services or does any other act in respect of an aircraft, aeronautical product, or aviation related service, is involved in an incident that is a serious incident or poses an immediate hazard to the safety, must notify the AIG Authority of the incident and to the organism in charge of the State SSP through the notification system implemented by the same, who will determine in coordination the occurrence classification and the intervention modus operandi as soon as practicable.</p>		
<p>Chapter B Reference 113.115 Pattern</p>	<p>(d) A pilot-in-command of an aircraft that is involved in an airspace incident or a bird incident must notify the AIG Authority of the incident and to the organism in charge of the State SSP through the notification system implemented by the same, who will determine in coordination the occurrence classification and the intervention modus operandi as soon as practicable if the incident is a serious incident or an immediate hazard to the safety of an aircraft operation.</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
<p>Chapter B</p> <p>Reference 113.115 Pattern</p>	<p>(e) The notification of an incident required by Paragraphs (a), (b), (c) and (d) must be conveyed by a means acceptable to the AIG Authority and contain, where ascertainable, information in accordance with the following:</p> <p>(1) for an airspace incident, Appendix 1 (a);</p> <p>(2) for a defect incident, Appendix 1 (b);</p> <p>(3) for a facility malfunction incident, Appendix 1 (c);</p> <p>(4) for an aircraft incident, Appendix 1 (d);</p> <p>(5) for a security incident, Appendix 1 (e);</p> <p>(6) for a promulgated information incident, Appendix 1 (f);</p> <p>(7) for an aerodrome incident, Appendix 1 (g);</p> <p>(8) for a cargo security incident, Appendix 1 (h);</p> <p>(9) for a dangerous goods incident, bird incident, or any other incident, Appendix 1 (i);</p> <p>(10)</p>	<p>The classification of the following sub paragraphs: (e) (2), (3), (4) and (5) does not apply.</p> <p>The initial incidents notification is not done according to classification of Appendix 1.</p> <p>The State does not classify incidents notification; it only defines the incident as serious or not serious.</p> <p>The accident or incident classification is done only with the purpose of the investigation; however the separation is not done.</p>	<p>The existence of incidents list within LAR 113 will facilitate the notification of incidents by services providers, without considering if these are serious or not. Once the State received the incident notification, it will proceed to classify it after the investigation is done, in the same way that the State indicates.</p> <p>Even with bird incidents, the list will facilitate air service operators to notify in a precise and opportune manner the relevant information related to these incidents.</p> <p>For what has been explained above, it is suggested that the State consider the inclusion of the incident list in their regulations.</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
<p>Chapter B Reference 113.115 Pattern</p>	<p>(f) Despite Paragraph (a) of this section, an operator:</p> <p>(1) certified according to LAR 119, must notify the AIG Authority of an aircraft incident or defect incident within 72 hours of the incident occurring if the incident is associated with an aircraft that is performing or is used to perform an extended diversion time operations (EDTO) and the incident involves:</p> <p>(i) an in-flight shutdown of a propulsion system; or</p> <p>(ii) a diversion or a turn back; or</p> <p>(iii) an in-flight, inadvertent fuel loss or unavailability of fuel or an un-correctable fuel imbalance; or</p> <p>(iv) a malfunction of an EDTO significant system; or</p> <p>(v) any other occurrence which affects the safety of an EDTO; and</p> <p>(2) an aircraft maintenance organization certificate under the LAR 145 must notify the AIG Authority of a defect incident within 72 hours of the accident occurring if the incident is associated with an aircraft that is</p>		

Appendix A

Differences Verification List - Brazil

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
	used to perform an EDTO; and (i) the incident involves a malfunction of an EDTO significant system; or (ii) any other defect that could affect the safety of an aircraft performing an EDTO.		
Chapter C Reference Pattern	Chapter C: Preservation of aircraft, its contents, and records 113.205 Access to aircraft involved in an accident (a) In order to protect the aircraft and its contents after an accident, no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorized to do so by the AIG Authority.		
Chapter C Reference 113.205 Pattern	(b) For the purpose of the investigation, the AIG Authority may access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.		
Chapter C Reference 113.205 Pattern	(c) A person may, subject to Paragraph (d): (1) remove persons or livestock from the aircraft or		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
	wreckage; or (2) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or (3) disconnect or deactivate any cockpit voice recorder (CVR), flight data recorder (FDR), or emergency location transmitter (ELT); or (4) prevent obstruction to the public or to air navigation where no practical alternative is available;		
Chapter C Reference 113.205 Pattern	(d) Any aircraft wreckage, mail, or cargo removed under Paragraph (c) shall: (1) be moved only so far as necessary to ensure its safety; (2) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and (3) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.		
Chapter C Reference	113.210 Preservation of records (a) The operator of an aircraft		

Appendix A

<p>LAR 113 – ARCM Reference</p>	<p>LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p>Comments and differences from the State of Brazil</p>	<p>ARCM CT Analysis and Evaluation</p>
<p>Pattern</p>	<p>that is involved in a serious incident or incident must preserve all records, including all recording media maintained for the operation and maintenance of the aircraft, for at least 14 days after the serious incident or incident unless otherwise notified to the AIG Authority.</p>		
<p>Chapter C Reference 113.210 Pattern</p>	<p>(b) An operator that is involved in: (1) a facility malfunction incident or an accident; or (2) an airspace incident or an accident; or (3) a promulgated information incident or an accident; must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified to the AIG Authority.</p>		
<p>Chapter C Reference 113.210 Pattern</p>	<p>(c) A person who is involved in a promulgated information accident or an accident involving responsibilities with the instrumental flight procedures must preserve all records, including log entries,</p>		

Appendix A

Differences Verification List - Brazil

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Brazil	ARCM CT Analysis and Evaluation
	electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified to the AIG Authority.		
Chapter C Reference Pattern	<p>113.215 Retention of defective products and components</p> <p>The holder of a certificate of an approval of aircraft maintenance organization, design organization, or manufacture organization must submit a defect incident report to the AIG Authority and retain the defective product for a period of at least 14 days after submitting the report unless otherwise notified to the AIG Authority.</p>		

Appendix A

Differences Verification List - Chile

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
Chapter A Reference Pattern	<p>Chapter A: General</p> <p>113.001 Applicability</p> <p>(a) This regulation prescribes rules for the:</p> <p>(1) notification and reporting of accidents and incidents;</p> <p>(2) preservation of aircraft, aircraft contents, and aircraft records following an accident, serious incident and incident; and</p> <p>(3) preservation of records relating to an accident, facility malfunction incident, an airspace incident, or a promulgated information incident.</p> <p>(4)</p>		
Chapter A Reference 113.001 Pattern	<p>(b) This part does not apply to:</p> <p>(1) gyro gliders;</p> <p>(2) parasails,</p> <p>(3) captive unmanned free balloons;</p> <p>(4) kites;</p> <p>(5) unmanned rockets;</p> <p>(6) parachutes; and</p> <p>(7) hang gliders.</p>	<p>Implemented. This applies to ultra-light vehicles considered aircrafts.</p>	

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
<p>Chapter A</p> <p>Reference</p> <p>Definitions</p>	<p>113.005 Definitions</p> <p>(a) The following definitions apply to this regulation:</p> <p>(1) <u>Accident</u>.- An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:</p> <p>(i) a person is fatally or seriously injured as a result of:</p> <p style="padding-left: 40px;">A. being in the aircraft, or</p> <p style="padding-left: 40px;">B. direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or</p> <p style="padding-left: 40px;">C. direct exposure to jet blast,</p> <p style="padding-left: 40px;"><i>except</i> when the</p>	<p>Since it is a new text, its incorporation to regulations will be evaluated.</p> <p><i>“or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down”</i></p> <p><i>“or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome)”</i></p>	<p>For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text since this complies with the definitions established in Annex 13.</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
	<p>injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew: or</p> <p>(ii) the aircraft sustains damage or structural failure which:</p> <p>A. adversely affects the structural strength, performance or flight characteristics of the aircraft; and</p> <p>B. would normally require major repair or replacement of the affected component,</p> <p><i>except</i> for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories); to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome) or</p> <p>(iii) the aircraft is missing or is completely</p>		

Appendix A

Differences Verification List - Chile

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
	inaccessible.		
Chapter A Reference 113.005 Definitions	(2) Human performance.- Human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations.	Not implemented. Since it is a new text, its incorporation to regulations will be evaluated.	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.
Chapter A Reference 113.005 Definitions	(3) <u>Aerodrome</u> . - A defined area on land or water (including any buildings, installations, and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.		
Chapter A Reference 113.005 Definitions	(4) <u>Aircraft</u> .- Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.		
Chapter A Reference 113.005 Definitions	(5) <u>Flight data analysis</u> .- A process of analysing recorded flight data in order to improve the safety of flight operations.	Not implemented. Its incorporation to regulations will be evaluated.	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.
Chapter A Reference 113.005 Defintions	(6) <u>Advisor</u> .- .- A person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(7) <u>Plane (aeroplane)</u> .- A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.	Not implemented. Its incorporation to regulations will be evaluated.	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.
Chapter A Reference 113.005 Definitions	(8) <u>Large aeroplane</u> .- An aeroplane of a maximum certificated take-off mass of over 5 700 kg.	Not implemented. Its incorporation to regulations will be evaluated.	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text since this complies with the definitions established in Annex 13.
Chapter A Reference 113.005 Definitions	(9) <u>Small aeroplane</u> .- An aeroplane of a maximum certificated take-off mass of 5 700 kg or less.	Not implemented. Its incorporation to regulations will be evaluated.	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.
Chapter A Reference 113.005 Definitions	(10) <u>AIG authority</u> .- Describes the organization responsible for the accident and incident investigation in the State.		
Chapter A Reference 113.005 Definitions	(11) <u>Causes</u> .- 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.	The definition of causes does not incorporate the concept of fault and liability. <i>“does not imply the assignment of fault or the determination of administrative, civil or criminal liability.”</i>	In Annex 13, causes is defined as “Actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident. The identification of the causes does not imply assignment of guilt nor determination of administrative, civil or criminal liability. For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text since this complies with the definitions established in Annex 13.

Appendix A

Differences Verification List - Chile

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(12) <u>State of Design</u> .- The State having jurisdiction over the organization responsible for the type design.		
Chapter A Reference 113.005 Definitions	(13) <u>State of Manufacture</u> .- The State having jurisdiction over the organization responsible for the final assembly of the aircraft.		
Chapter A Reference 113.005 Definitions	(14) <u>State of Registry</u> .- The State on whose register the aircraft is entered.		
Chapter A Reference 113.005 Definitions	(15) <u>State of the Operator</u> .- The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.	Not implemented. Its incorporation to regulations will be evaluated.	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text since this complies with the definitions established in Annex 13.
Chapter A Reference 113.005 Definitions	(16) <u>State of Occurrence</u> .- The State in the territory of which an accident or incident occurs.		
Chapter A Reference 113.005 Definitions	(17) <u>Operator</u> .- .- A person, organization or enterprise engaged in or offering to engage in aircraft operation.		

Appendix A

Differences Verification List - Chile

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(18) <u>Contributing factors</u> .- Actions, omissions, events, conditions, factors or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of the contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.	Not implemented. Its incorporation to regulations will be evaluated. The definition of Contribution Factors does not incorporate the concept of fault or liability. <i>“The identification of the contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.”</i>	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text since this complies with the definitions established in Annex 13.
Chapter A Reference 113.005 Definitions	(19) <u>Distress phase</u> .- A situation wherein there is a reasonable certainty that an aircraft and its occupants are threatened by grave and imminent danger or require immediate assistance.		
Chapter A Reference 113.005 Definitions	(20) <u>Incident</u> .- An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.		
Chapter A Reference 113.005 Definitions	(21) <u>Cargo security incident</u>. Means an incident involving cargo or mail that is carried, or has been accepted by an air cargo agent or an air operator for carriage, by air on an aircraft conducting a regular	Not implemented. This concept does not correspond to the accidents investigation field since it constitutes an illicit act, and falls into a juridical scope (crime).	The definition of cargo security incident could be eliminated since involved aspects are related to acts of illicit interference; therefore, differ from safety aspects. For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.

Appendix A

Differences Verification List - Chile

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
	<p>air transport operation passenger service, and</p> <p>(i) there is evidence of tampering or suspected tampering with the cargo or mail which could be an act or an attempted act of unlawful interference; or</p> <p>(ii) a _____ weapon, explosive, or other dangerous device, article or substance, that may be used to commit an act of unlawful interference is detected in the cargo or mail</p>		
<p>Chapter A</p> <p>Reference 113.005</p> <p>Definitions</p>	<p>(22) <u>Airspace incident</u>.- Means an incident involving deviation from, or shortcomings of, the procedures or rules for:</p> <p>(i) Avoiding a collision between aircraft; or</p> <p>(ii) Avoiding a collision between aircraft and other obstacles when an aircraft is being provided with an Air Traffic Service.</p>		
<p>Chapter A</p> <p>Reference 113.005</p> <p>Definitions</p>	<p>(23) <u>Bird incident</u>.- Means an incident where:</p> <p>(i) there is a collision between an aircraft and one or more birds; or</p> <p>(ii) when one or more</p>	<p>Not implemented. Its incorporation to regulations will be evaluated.</p>	<p>For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.</p>

Appendix A

Differences Verification List - Chile

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
	birds pass sufficiently close to an aircraft in flight to cause alarm to the pilot.		
Chapter A Reference 113.005 Definitions	(24) <u>Defect incident</u> . - Means an incident that involves failure or malfunction of an aircraft or aircraft component, whether found in flight or on the ground.	Not implemented. Its incorporation to regulations will be evaluated.	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.
Chapter A Reference 113.005 Definitions	(25) <u>Facility malfunction incident</u> . - Means an incident that involves an aeronautical facility.	Not implemented. Its incorporation to regulations will be evaluated.	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.
Chapter A Reference 113.005 Definitions	(26) <u>Promulgated information incident</u> - Means an incident that involves significantly incorrect, inadequate, or misleading information or aeronautical data promulgated in an aeronautical information publication (AIP), map, chart, or otherwise provided for the operation of an aircraft.	Not implemented. Its incorporation to regulations will be evaluated.	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.
Chapter A Reference 113.005 Definitions	(27) <u>Serious incident</u> .- An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention	Not implemented. Its incorporation to regulations will be evaluated.	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text since this complies with the definitions established in Annex 13.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
	of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down. In Attachment A of this regulation are formulated examples of serious incidents.		
Chapter A Reference 113.005 Definitions	(28) <u>Security incident.</u> Means an incident that involves unlawful interference.	Not implemented. This concept does not correspond to the accidents investigation field since it constitutes an illicit act, and falls into a juridical scope (crime).	The definition of cargo security incident could be eliminated since involved aspects are related to acts of illicit interference; therefore, differ from safety aspects. State's comments have been considered by the TC.
Chapter A Reference 113.005 Definitions	(29) <u>Preliminary report.</u> - The communication used for the prompt dissemination of data obtained during the early stages of the investigation.		
Chapter A Reference 113.005 Definitions	(30) <u>Investigation.</u> - A process conducted for the purpose of accident prevention which includes the gathering and analysis of the information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations.		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(31) <u>Investigator-in-charge</u> . - A person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation.		
Chapter A Reference 113.005 Definitions	(32) <u>Serious injury</u> .- An injury which is sustained by a person in an accident and which: (i) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or (ii) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); or (iii) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or (iv) involves injury to any internal organ; or (v) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or (vi) involves verified exposure to infectious substances		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
	or injurious radiation.		
Chapter A Reference 113.005 Definitions	(33) <u>Maximum mass</u> . - Maximum certificated take-off mass.		
Chapter A Reference 113.005 Definitions	(34) <u>Dangerous goods</u> .- Articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions, or which are classified according to those Instructions.	Not implemented. Its incorporation to regulations will be evaluated.	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.
Chapter A Reference 113.005 Definitions	(35) <u>Maximum weight (mass)</u> .- Maximum certificated take-off weight (mass).		
Chapter A Reference 113.005 Definitions	(36) <u>State safety program (SSP)</u> . - An integrated set of regulations and activities aimed at improving safety.		
Chapter A Reference 113.005 Definitions	(37) <u>Safety recommendation</u> .- A proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which, in no case has the purpose of creating a	The definition of Safety recommendation does not incorporate the concept of fault and liability. <i>“and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident.”</i>	In Annex 13, Safety recommendation is defined as a proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident. For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text since this complies with the definitions established in Annex 13.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
	presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies.		
Chapter A Reference 113.005 Definitions	(38) <u>Flight recorder</u> .- Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.		
Chapter A Reference 113.005 Definitions	(39) <u>Accredited representative</u> .- A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. Where the State has established an accident investigation authority, the designated accredited representative would normally be from that authority.		
Chapter A Reference Pattern	113.010 Authority to investigate (a) In accordance with the provisions of Annex 13 to the Convention on International Civil Aviation and AIG regulation of the State, the AIG Authority shall		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
	establish investigations to determine the circumstances of the accidents, serious incidents and incidents.		
Chapter A Reference 113.010 Pattern	(b) The State of Occurrence can partially or totally delegate the making of such investigation in another State, or in the AIG Regional Cooperation Mechanism (ARCM) of South America or in a Regional Accident Investigation Organization (RAIO), by mutual agreement and consent.	Not implemented. According to Law 18.916 (Aeronautical Code), the DGAC does not delegate the function to investigate.	The TC takes note of Law 18916 of the Aeronautical Code of Chile.
Chapter A Reference 113.010 Pattern	(c) The AIG authority in charge of the investigation shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Annex 13 and State regulations. The investigation shall include the following: (1) the gathering, recording and analysis of all available relevant information on that accident or incident; (2) if appropriate, the issuance of safety recommendations; (3) if possible, the determination of the causes,		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
	contributing factors and/or latent conditions; and (4) the completion of the final report.		
Chapter A Reference 113.010 Pattern	(d) The authority in charge of the investigation can request to any State all relevant information related to the investigation.		
Chapter A Reference 113.010 Pattern	(e) When possible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses. The AIG authority shall determine the reach of the investigation and the procedure to be followed for its conduct, according to the lessons expected to be obtained from the investigation to improve safety.		
Chapter B Reference Pattern	Chapter B: Notification and reporting of occurrences 113.105 Notification of accident (a) Each pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, or if the aircraft is missing, the operator or owner shall immediate and directly notify the AIG Authority of the accident.		

Appendix A

<p align="center">LAR 113 – ARCM Reference</p>	<p align="center">LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p align="center">Comments and differences from the State of Chile</p>	<p align="center">ARCM CT Analysis and Evaluation</p>
<p>Chapter B Reference 113.105 Pattern</p>	<p>(b) The notification under Paragraph (a) shall be in a manner acceptable to the AIG Authority and contain, where ascertainable, the:</p> <ul style="list-style-type: none"> (1) date and time of the accident; (2) nature of the accident; (3) type, nationality, and registration marks of the aircraft; (4) names of the aircraft owner and operator; (5) position or last known position of the aircraft with reference to an easily defined geographical point; (6) name of the pilot-in-command of the aircraft; (7) type of operation; (8) last point of departure of the aircraft; (9) next point of intended landing of the aircraft; (10) description of the sky condition precipitation, wind velocity, and visibility; (11) number of persons on board the aircraft; (12) number of crew and 		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
	<p>passengers killed or seriously injured as a result of the accident;</p> <p>(13) number of persons killed or seriously injured as a result of the accident that were not crew or passengers;</p> <p>(14) presence of dangerous goods on board the aircraft and description thereof; and</p> <p>(15) details of damage to the aircraft.</p>		
<p>Chapter B Reference Pattern</p>	<p>113.110 Notification in the distress phase</p> <p>Upon the occurrence of a distress phase, the rescue coordination centre shall notify the AIG Authority of the distress situation.</p>		
<p>Chapter B Reference Pattern</p>	<p>113.115 Notification of incident</p> <p>(a) The pilot-in-command of an aircraft involved in a serious incident or in an incident that poses an immediate hazard to the safety of an aircraft operation shall immediately notify to the AIG Authority of the incident.</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
Chapter B Reference 113.115 Pattern	(b) If the AIG Authority of the State where the incident occurs requires, the pilot-in-command of the aircraft shall submit, as soon as possible, a report on the incident. In this case, the pilot-in-command shall also submit a copy of the report to the AIG Authority of the State of the operator. Such reports shall be submitted as soon as possible and generally within 10 days.	Implemented. It does not consider informing the operator State. Also, it indicates that the notification should be done as soon as possible and by the quickest mean.	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text since this complies with the definitions established in Annex 13. Point 113.115 (b) details that “If the AIG Authority of the State where the incident occurs requires, the pilot-in-command of the aircraft shall submit, as soon as possible, a report on the incident. In this case, the pilot-in-command shall also submit a copy of the report to the AIG Authority of the State of the operator. Such reports shall be submitted as soon as possible and generally within 10 days.” This requirement is contemplated within the ICAO Annex 6 Part 1 Chapter 3, Paragraph 3.1.6.
Chapter B Reference 113.115 Pattern	(c) If a person that operates, carries out maintenance and services or does any other act in respect of an aircraft, aeronautical product, or aviation related service, is involved in an incident that is a serious incident or poses an immediate hazard to the safety, must notify the AIG Authority of the incident as soon as practicable.	Not implemented. Its incorporation to regulations will be evaluated.	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.
Chapter B Reference 113.115 Pattern	(d) A pilot-in-command of an aircraft that is involved in an airspace incident or a bird incident must notify the AIG Authority of the incident as soon as practicable if the incident is a serious incident or an immediate hazard to the safety of an aircraft operation.		

Appendix A

<p align="center">LAR 113 – ARCM Reference</p>	<p align="center">LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p align="center">Comments and differences from the State of Chile</p>	<p align="center">ARCM CT Analysis and Evaluation</p>
<p>Chapter B Reference 113.115 Pattern</p>	<p>(e) The notification of an incident required by Paragraphs (a), (b), (c) and (d) must be conveyed by a means acceptable to the AIG Authority and contain, where ascertainable, information in accordance with the following:</p> <p>(1) for an airspace incident, Appendix 1 (a);</p> <p>(2) for a defect incident, Appendix 1 (b);</p> <p>(3) for a facility malfunction incident, Appendix 1 (c);</p> <p>(4) for an aircraft incident, Appendix 1 (d);</p> <p>(5) for a security incident, Appendix 1 (e);</p> <p>(6) for a promulgated information incident, Appendix 1 (f);</p> <p>(7) for an aerodrome incident, Appendix 1 (g);</p> <p>(8) for a cargo security incident, Appendix 1 (h);</p> <p>(9) for a dangerous goods incident, bird incident, or any other incident, Appendix 1 (i);</p>	<p>Not implemented. Its incorporation to regulations will be evaluated.</p>	<p>For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.</p>

Appendix A

<p>LAR 113 – ARCM Reference</p>	<p>LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p>Comments and differences from the State of Chile</p>	<p>ARCM CT Analysis and Evaluation</p>
<p>Chapter B Reference 113.115 Pattern</p>	<p>(f) Despite Paragraph (a) of this section, an operator:</p> <p>(1) certified according to LAR 119, must notify the AIG Authority of an aircraft incident or defect incident within 72 hours of the incident occurring if the incident is associated with an aircraft that is performing or is used to perform an extended diversion time operations (EDTO) and the incident involves:</p> <p>(i) an in-flight shutdown of a propulsion system; or</p> <p>(ii) a diversion or a turn back; or</p> <p>(iii) an in-flight, inadvertent fuel loss or unavailability of fuel or an un-correctable fuel imbalance; or</p> <p>(iv) a malfunction of an EDTO significant system; or</p> <p>(v) any other occurrence which affects the safety of an EDTO; and</p> <p>(2) an aircraft maintenance organization certificate under the LAR 145 must notify the AIG Authority of a defect incident within 72 hours of the accident occurring if the incident is associated with an aircraft that is used to perform an EDTO; and</p>	<p>Implemented. Our regulations demand the notification of all aviation occurrence (incident or accident).</p>	

Appendix A

Differences Verification List - Chile

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
	(i) the incident involves a malfunction of an EDTO significant system; or (ii) any other defect that could affect the safety of an aircraft performing an EDTO.		
Chapter C Reference Pattern	Chapter C: Preservation of aircraft, its contents, and records 113.205 Access to aircraft involved in an accident (a) In order to protect the aircraft and its contents after an accident, no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorized to do so by the AIG Authority.		
Chapter C Reference 113.205 Pattern	(b) For the purpose of the investigation, the AIG Authority may access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.		
Chapter C Reference 113.205 Pattern	(c) A person may, subject to Paragraph (d): (1) remove persons or livestock from the aircraft or wreckage; or	Not implemented. This should be further analysed since it provides the freedom to any people to intervene the occurrence site.	According to Paragraph (a) of Section 113.205, the access to aircraft involved in an accident should only be granted to a persona authorised by the AAC. Paragraph (c) of Section 113.205 establishes that: A person may, subject to Paragraph (d):

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
	<p>(2) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or</p> <p>(3) disconnect or deactivate any cockpit voice recorder (CVR), flight data recorder (FDR), or emergency location transmitter (ELT); or</p> <p>(4) prevent obstruction to the public or to air navigation where no practical alternative is available;</p>		<p>(1) remove persons or livestock from the aircraft or wreckage; or</p> <p>(2) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or</p> <p>(3) disconnect or deactivate any cockpit voice recorder (CVR), flight data recorder (FDR), or emergency location transmitter (ELT); or</p> <p>(4) prevent obstruction to the public or to air navigation where no practical alternative is available.</p> <p>Also, Paragraph (d) of section 13.205 establishes that:</p> <p>Any aircraft wreckage, mail, or cargo removed under Paragraph (c) shall:</p> <p>(1) be moved only so far as necessary to ensure its safety;</p> <p>(2) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and</p> <p>(3) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.</p> <p>And considering that Annex 13 in Chapter 3 establishes that.</p> <p>3.3 If a request is received from the State of Registry, the State of the Operator, the State of Design or the State of Manufacture that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, the State of Occurrence shall take all necessary steps to comply with such request, so far as this is reasonably practicable and compatible with the proper conduct of the investigation; provided that the</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
			<p>aircraft may be moved to the extent necessary to extricate persons, animals, mail and valuables, to prevent destruction by fire or other causes, or to eliminate any danger or obstruction to air navigation, to other transport or to the public, and provided that it does not result in undue delay in returning the aircraft to service where this is practicable.</p> <p>It is suggested that the State harmonises his regulations with LAR 113.</p>
<p>Chapter C Reference 113.205 Pattern</p>	<p>(d) Any aircraft wreckage, mail, or cargo removed under Paragraph (c) shall:</p> <p>(4) be moved only so far as necessary to ensure its safety;</p> <p>(5) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and</p> <p>(6) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.</p>	<p>Not implemented. It should be further analysed since it provides the freedom to any people to intervene the occurrence site.</p>	<p>Same comments as in paragraph (c).</p>
<p>Chapter C Reference Pattern</p>	<p>113.210 Preservation of records (a) The operator of an aircraft that is involved in a serious incident or incident must preserve all records, including all recording media maintained for the operation and maintenance of the aircraft, for at least 14 days after the serious</p>	<p>Implemented. Our regulations do not establish deadlines, and is more ample regarding information requirements.</p> <p>“...all the available background that is necessary to carry out the investigation of an aviation accident or incident should be put to disposition of the AIG.”</p>	<p>The TC agrees with this comment from the State and considers that it does not interfere with Paragraph (a).</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
	incident or incident unless otherwise notified to the AIG Authority.		
Chapter C Reference 113.210 Pattern	(b) An operator that is involved in: (1) a facility malfunction incident or an accident; or (2) an airspace incident or an accident; or (3) a promulgated information incident or an accident; must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified to the AIG Authority.	Not implemented. It should be further analysed since: - it incorporates the operator and establishes a deadline to preserve evidences. - this responsibility is liberated if the AIG authority is involved.	Regarding records, Annex 13 establishes that the investigator-in-charge shall have unhampered access to the wreckage and all relevant material, including flight recorders and ATS records, and shall have unrestricted control over it to ensure that a detailed examination can be made without delay by authorized personnel participating in the investigation. It is suggested that the State present a proposal for amendment to Paragraph (b) of Section 113.210 once the corresponding analysis has been done.
Chapter C Reference 113.210 Pattern	(c) A person who is involved in a promulgated information accident or an accident involving responsibilities with the instrumental flight procedures must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified to the AIG Authority.	Not implemented Should be further analysed since it incorporates new concepts.	Regarding registrations, Annex 13 establishes that the investigator in charge will have access without restrictions to airplanes wreckages, as well as to all pertinent material, including flight recorders and ATC registers, and will have absolute control over the same in order to guarantee that the authorized personnel participating in the investigation proceeds, without delay, to make a detailed examination. It is suggested that the State present a proposal for amendment to Paragraph (c) of Section 113.210 once the corresponding analysis has been concluded.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Chile	ARCM CT Analysis and Evaluation
<p>Chapter C Reference Pattern</p>	<p>113.215 Retention of defective products and components The holder of a certificate of an approval of aircraft maintenance organization, design organization, or manufacture organization must submit a defect incident report to the AIG Authority and retain the defective product for a period of at least 14 days after submitting the report unless otherwise notified to the AIG Authority.</p>	<p>Not implemented Should be further analysed since it incorporates new concepts, and it is not part of an investigation.</p>	<p>Regarding evidence, Annex 13 establishes that the State of Occurrence shall take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of an investigation. Protection of evidence shall include the preservation, by photographic or other means, of any evidence which might be removed, effaced, lost or destroyed.</p> <p>Safe custody shall include protection against further damage, access by unauthorized persons, pilfering and deterioration.</p> <p>However, the investigator-in-charge shall have unhampered access to the wreckage and all relevant material, including flight recorders and ATS records, and shall have unrestricted control over it to ensure that a detailed examination can be made without delay by authorized personnel participating in the investigation.</p> <p>It is not indicated in Annex 13 how the State should control the evidence, which in this situation is referred to defective products and components.</p> <p>It is suggested that the State present a proposal for amendment to Paragraph (b) of Section 113.210, once the corresponding analysis has been concluded.</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
Chapter A Reference Pattern	<p>Chapter A: General</p> <p>113.001 Applicability</p> <p>(a) This regulation prescribes rules for the:</p> <p>(1) notification and reporting of accidents and incidents;</p> <p>(2) preservation of aircraft, aircraft contents, and aircraft records following an accident, serious incident and incident; and</p> <p>(3) preservation of records relating to an accident, facility malfunction incident, an airspace incident, or a promulgated information incident.</p>		
Chapter A Reference 113.001 Pattern	<p>(b) This part does not apply to:</p> <p>(1) gyro gliders;</p> <p>(2) parasails,</p> <p>(3) captive unmanned free balloons;</p> <p>(4) kites;</p> <p>(5) unmanned rockets;</p> <p>(6) parachutes; and</p> <p>(7) hang gliders.</p>	<p>Aircrafts with expired Airworthiness Certificates.</p> <p>Foreigner aircrafts not having the corresponding authorization (permanency permit).</p>	<p>State's comments do not refer to aircraft time but to aircraft certificates conditions and permanency permits.</p> <p>The objective of an accident and incident investigation should be focused in the prevention of future accidents and incidents of all aircrafts operating in Paraguayan territory, having or not airworthiness certificates, and having national or foreigner registration. This because of the possibility that an aircraft may operate with an expired airworthiness certificate, or the a foreigner aircraft enter Paraguayan territory without the corresponding authorization.</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
<p>Chapter A</p> <p>Reference</p> <p>Definitions</p>	<p>113.005 Definitions</p> <p>(a) The following definitions apply to this regulation:</p> <p>(1) <u>Accident</u>.- An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:</p> <p>(i) a person is fatally or seriously injured as a result of:</p> <p>A. being in the aircraft, or</p> <p>B. direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or</p> <p>C. direct exposure to jet blast,</p> <p><i>except</i> when the injuries are from natural causes, self-inflicted or inflicted by other</p>	<p>All occurrence related to the utilization of an aircraft, which happens within the time lapse between the moment when a person boards an aircraft with the intention of effecting a flight and the moment when all the persons in the flight have disembarked, during which: Any person is seriously injured as a consequence of:</p> <p>A) being on board of the aircraft, or</p> <p>B) by having direct contact with any part of the aircraft, including those parts that have been separated from the aircraft, or</p> <p>C) by direct exposure to the reactor, excepting when damage obeys to natural causes, or is self-injured, or caused by a third party, or is referred to illegal passengers hidden out of the normal areas for passengers and the crew., or the aircraft has structural damage or it is broken:</p> <p>A) .adversely affecting its structural resistance, performance or flight characteristics; and</p> <p>B) Demanding an important repair or the replacement of the affected component,</p> <p>Excepting due to motor fault or damage, when the damage is limited to a sole motor (including its capot or accessories); propeller, wings tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft, or if the aircraft disappears or is totally inaccessible.</p>	

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	<p>persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew: or</p> <p>(ii) the aircraft sustains damage or structural failure which:</p> <p>A. adversely affects the structural strength, performance or flight characteristics of the aircraft; and</p> <p>B. would normally require major repair or replacement of the affected component,</p> <p><i>except</i> for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories); to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome) or</p> <p>(iii) the aircraft is missing or is completely inaccessible.</p>		

Appendix A

Differences Verification List – Paraguay

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(2) <u>Human performance</u> .- Human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(3) <u>Aerodrome</u> . - A defined area on land or water (including any buildings, installations, and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(4) <u>Aircraft</u> .- Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.		
Chapter A Reference 113.005 Definitions	(5) <u>Flight data analysis</u> .- A process of analysing recorded flight data in order to improve the safety of flight operations.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(6) <u>Adviser</u> .- A person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.	Every person appointed by a State, on the basis of his/her qualifications, to advise CIPAA during the investigation process.	The definition provided by the State does not cover all what is established by Annex 13, where an advisor is defined as a person nominated by the a State due to his or her qualifications, or the purpose of assisting its accredited representative in an investigation. For harmonization purposes among ARCM States, the States is suggested to consider LAR 113 text since this complies with the definitions established in Annex 13.

Appendix A

Differences Verification List – Paraguay

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(7) <u>Plane (aeroplane)</u> .- A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(8) <u>Large aeroplane</u> .- An aeroplane of a maximum certificated take-off mass of over 5 700 kg.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(9) <u>Small aeroplane</u> .- An aeroplane of a maximum certificated take-off mass of 5 700 kg or less.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(10) <u>AIG authority</u> .- Describes the organization responsible for the accident and incident investigation in the State.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(11) <u>Causes</u> .- 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.	Causes identification does not imply blame nor administrative, civil or criminal liabilities.	The definition provided by the State does not cover all what is established in Annex 13, where causes are 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 For harmonization purposes among ARCM States, the States is suggested to consider LAR 113 text since this complies with the definitions established in Annex 13.

Appendix A

Differences Verification List – Paraguay

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(12) <u>State of Design</u> .- The State having jurisdiction over the organization responsible for the type design.		
Chapter A Reference 113.005 Definitions	(13) <u>State of Manufacture</u> .- The State having jurisdiction over the organization responsible for the final assembly of the aircraft.		
Chapter A Reference 113.005 Definitions	(14) <u>State of Registry</u> .- The State on whose register the aircraft is entered.		
Chapter A Reference 113.005 Definitions	(15) <u>State of the Operator</u> .- The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.		
Chapter A Reference 113.005 Definitions	(16) <u>State of Occurrence</u> .- The State in the territory of which an accident or incident occurs.		
Chapter A Reference 113.005 Definitions	(17) <u>Operator</u> .- .- A person, organization or enterprise engaged in or offering to engage in aircraft operation.		

Appendix A

Differences Verification List – Paraguay

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(18) <u>Contributing factors</u> .- Actions, omissions, events, conditions, factors or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of the contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(19) <u>Distress phase</u> .- A situation wherein there is a reasonable certainty that an aircraft and its occupants are threatened by grave and imminent danger or require immediate assistance.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(20) <u>Incident</u> .- An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.		
Chapter A Reference 113.005 Definitions	(21) <u>Cargo security incident</u> .- Means an incident involving cargo or mail that is carried, or has been accepted by an air cargo agent or an air operator for carriage, by air	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	<p>on an aircraft conducting a regular air transport operation passenger service, and</p> <p>(i) there is evidence of tampering or suspected tampering with the cargo or mail which could be an act or an attempted act of unlawful interference; or</p> <p>(ii) a weapon, explosive, or other dangerous device, article or substance, that may be used to commit an act of unlawful interference is detected in the cargo or mail</p>		
<p>Chapter A</p> <p>Reference 113.005</p> <p>Definitions</p>	<p>(22) <u>Airspace incident</u>.- Means an incident involving deviation from, or shortcomings of, the procedures or rules for:</p> <p>(i) Avoiding a collision between aircraft; or</p> <p>(ii) Avoiding a collision between aircraft and other obstacles when an aircraft is being provided with an Air Traffic Service.</p>	<p>Not implemented.</p>	<p>The State is suggested to harmonise its regulations with LAR 113.</p>
<p>Chapter A</p> <p>Reference 113.005</p> <p>Definitions</p>	<p>(23) <u>Bird incident</u>.- Means an incident where:</p> <p>(i) there is a collision between an aircraft and one or more birds; or</p>	<p>Not implemented.</p>	<p>The State is suggested to harmonise its regulations with LAR 113.</p>

Appendix A

Differences Verification List – Paraguay

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	(ii) when one or more birds pass sufficiently close to an aircraft in flight to cause alarm to the pilot.		
Chapter A Reference 113.005 Definitions	(24) <u>Defect incident</u> . - Means an incident that involves failure or malfunction of an aircraft or aircraft component, whether found in flight or on the ground.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(25) <u>Facility malfunction incident</u> . - Means an incident that involves an aeronautical facility.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(26) <u>Promulgated information incident</u> - Means an incident that involves significantly incorrect, inadequate, or misleading information or aeronautical data promulgated in an aeronautical information publication (AIP), map, chart, or otherwise provided for the operation of an aircraft.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(27) <u>Serious incident</u> .- An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a	Incident where circumstances indicate that an accident almost occur. The difference between accident and serious incident dwells only in the result. Some examples of serious incidents are visualised below, which provide orientation regarding the definition of serious incident.	The definition provided by the State does not cover all what is established by Annex 13 where a serious incident is defined as an incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	<p>manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down. In Attachment A of this regulation are formulated examples of serious incidents.</p>		<p>between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.</p>
<p>Chapter A Reference 113.005 Definitions</p>	<p>(28) <u>Security incident</u>. - Means an incident that involves unlawful interference.</p>	<p>Not implemented.</p>	<p>The State is suggested to harmonise its regulations with LAR 113.</p>
<p>Chapter A Reference 113.005 Definitions</p>	<p>(29) <u>Preliminary report</u>. - The communication used for the prompt dissemination of data obtained during the early stages of the investigation.</p>		
<p>Chapter A Reference 113.005 Definitions</p>	<p>(30) <u>Investigation</u>. - A process conducted for the purpose of accident prevention which includes the gathering and analysis of the information, the drawing of conclusions, including the determination of causes and/or</p>	<p>Process carried out with the purpose of preventing accidents, involving information gathering and analysis, conclusions, including determination of causes, and, when necessary, the formulation of safety recommendations.</p>	<p>The definition provided by the State does not consider safety as established by Annex 13 requirements.</p> <p>For harmonization purposes among ARCM States, the States is suggested to consider LAR 113 text since this complies with the definitions established in Annex 13.</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	contributing factors and, when appropriate, the making of safety recommendations.		
Chapter A Reference 113.005 Definitions	(31) <u>Investigator-in-charge</u> . - A person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation.	Person responsible, due to his or her qualifications, of the organization, implementation and control of an investigation. This responsibility can also be assigned to a commission or a committee, depending on the type of accident.	The definition provided by the State contains the note included in Annex 13 definition: "Note.— Nothing in the above definition is intended to preclude the functions of an investigator-in-charge being assigned to a commission or other body". The State's comments have technical backup, and the TC qualifies them as appropriate for proposing and amendment of the regulations .
Chapter A Reference 113.005 Definitions	(32) <u>Serious injury</u> .- An injury which is sustained by a person in an accident and which: (i) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or (ii) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); or (iii) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or (iv) involves injury to any internal organ; or (v) involves second or third degree burns, or any burns		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	affecting more than 5 per cent of the body surface; or (vi) involves verified exposure to infectious substances or injurious radiation.		
Chapter A Reference 113.005 Definitions	(33) <u>Maximum mass.</u> - Maximum certificated take-off mass.		
Chapter A Reference 113.005 Definitions	(34) <u>Dangerous goods.</u> - Articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions, or which are classified according to those Instructions.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(35) <u>Maximum weight (mass).</u> - Maximum certificated take-off weight (mass).	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.005 Definitions	(36) <u>State safety program (SSP).</u> - An integrated set of regulations and activities aimed at improving safety.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(37) <u>Safety recommendation</u> .- A proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which, in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies.	A proposal from the authorities in charge of the accidents/incidents investigation, based on the information obtained from the investigation, and formulated with the intention of preventing future accidents or incidents.	The definition provided by the State does not imply in any case that the recommendation has the purpose to give place to a presumption of guilt or liability regarding the accident r incident. Besides from safety recommendation arising from the accidents or incidents investigations, safety recommendations can come from several sources, including studies on safety, as established in Annex 13. For harmonization purposes among ARCM States, the States is suggested to consider LAR 113 text since this complies with the definitions established in Annex 13.
Chapter A Reference 113.005 Definitions	(38) <u>Flight recorder</u> .- Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.		
Chapter A Reference 113.005 Definitions	(39) <u>Accredited representative</u> .- A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. Where the State has established an accident investigation authority, the	Person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State	Comments from the State are incomplete and do not consider that, when the State has designated an authority in charge of accidents investigation, the assigned accredited representative would normally come from this authority, in disagreement with Annex 13. For harmonization purposes among ARCM States, the States is suggested to consider LAR 113 text since this complies with the definitions established in Annex 13.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	designated accredited representative would normally be from that authority.		
Chapter A Reference Pattern	113.010 Authority to investigate (a) In accordance with the provisions of Annex 13 to the Convention on International Civil Aviation and AIG regulation of the State, the AIG Authority shall establish investigations to determine the circumstances of the accidents, serious incidents and incidents.	CIPAA would be in charge of the aeronautic accidents and incidents investigations, and will have absolute independence and authority to carry out the investigation. Likewise, it will have unhampered access to the wreckage and shall have unrestricted control over it to ensure that a detailed examination can be made without delay by authorized personnel participating in the investigation.	The State does not establish the requirement as establish in Annex 13 where the AIG Authority shall establish investigations to determine the circumstances of the accidents, serious incidents and incidents. The State does not make reference to the fact that the State of Occurrence may delegate the whole or any part of the conducting of such investigation to another State or, to the South American AIG Regional Cooperation (ARCM) o in a regional accident investigation organization (RAIO) by mutual arrangement and consent.
Chapter A Reference 113.010 Pattern	(b) The State of Occurrence can partially or totally delegate the making of such investigation in another State, or in the AIG Regional Cooperation Mechanism (ARCM) of South America or in a Regional Accident Investigation Organization (RAIO), by mutual agreement and consent.	The referred investigation will comprise the gathering, registration and analysis of all pertinent information available and, if possible, the cause or causes will be determined, corresponding report will be issued, and when necessary, safety re commendations will be formulated as soon as possible	For harmonization purposes among ARCM States, the States is suggested to consider LAR 113 text since this complies with the definitions established in Annex 13.
Chapter A Reference 113.010 Pattern	(c) The AIG authority in charge of the investigation shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Annex 13 and State regulations.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	<p>The investigation shall include the following:</p> <p>(1) the gathering, recording and analysis of all available relevant information on that accident or incident;</p> <p>(2) if appropriate, the issuance of safety recommendations;</p> <p>(3) if possible, the determination of the causes, contributing factors and/or latent conditions; and</p> <p>(4) the completion of the final report.</p>		
Chapter A Reference 113.010 Pattern	(d) The authority in charge of the investigation can request to any State all relevant information related to the investigation.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter A Reference 113.010 Pattern	(e) When possible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses. The AIG authority shall determine the reach of the investigation and the procedure to be followed for its conduct, according to the lessons expected to be obtained from the investigation to improve safety.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
Chapter B Reference Pattern	<p>Chapter B: Notification and reporting of occurrences</p> <p>113.105 Notification of accident</p> <p>(a) Each pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, or if the aircraft is missing, the operator or owner shall immediate and directly notify the AIG Authority of the accident.</p>	<p>Every person having knowledge about an aviation accident or incident is committed to inform about it to the nearest Civil Aviation Authority in order that the information is known in the quickest form by CIPAA for pertinent action.</p> <p>It is the obligation of any officer from the Civil Aviation Authority knowing about an aeronautic accident or incident to inform as soon as possible of the occurrence to to the CIPAA (Centro de Investigación y Prevención de Accidentes Aeronáuticos).</p>	<p>The State does not specify that the pilot-in-command will have the obligation to notify the nearest corresponding authority, by the quickest mean, any accident related to the aircraft where any people may result dead or with serious injure, or serious aircraft damages or to the property as stated in requirements of Annex 6.</p> <p>For harmonization purposes among ARCM States, the States is suggested to consider LAR 113 text since this complies with the definitions established in Annex 13.</p>
Chapter B Reference 113.105 Pattern	<p>(b) The notification under Paragraph (a) shall be in a manner acceptable to the AIG Authority and contain, where ascertainable, the:</p> <ul style="list-style-type: none"> (1) date and time of the accident; (2) nature of the accident; (3) type, nationality, and registration marks of the aircraft; (4) names of the aircraft owner and operator; (5) position or last known position of the aircraft with reference to an easily defined geographical point; (6) name of the pilot-in- 		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	command of the aircraft; (7) type of operation; (8) last point of departure of the aircraft; (9) next point of intended landing of the aircraft; (10) description of the sky condition precipitation, wind velocity, and visibility; (11) number of persons on board the aircraft; (12) number of crew and passengers killed or seriously injured as a result of the accident; (13) number of persons killed or seriously injured as a result of the accident that were not crew or passengers; (14) presence of dangerous goods on board the aircraft and description thereof; and (15) details of damage to the aircraft.		
Chapter B Reference Pattern	113.110 Notification in the distress phase Upon the occurrence of a distress phase, the rescue coordination	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	centre shall notify the AIG Authority of the distress situation.		
Chapter B Reference Pattern	<p>113.115 Notification of incident</p> <p>(a) The pilot-in-command of an aircraft involved in a serious incident or in an incident that poses an immediate hazard to the safety of an aircraft operation shall immediately notify to the AIG Authority of the incident.</p>	Every professional having a license issued by the Civil Aviation Authority is obliged to communicate every accident and/or incident he or she knows about to the Civil Aviation Authority as soon as practicable	<p>The State does not establish the requirement of Annex 6 prescribing the following: if an emergency situation that endangers people or aircraft security demands to take measures infringing local regulations and procedures, the pilot-in-command of the aircraft will notify without any delay this fact to the local authorities.</p> <p>If the Occurrence States demands it, the pilot-in-command of the aircraft will present, as soon as practicable, a report on the infraction to the corresponding authority of this State. In this case, the pilot-in-command will present a copy of the report to the State of the Operator. Such reports will be presented as soon as practicable and, generally, within a 10-day period.</p> <p>For harmonization purposes among ARCM States, the States is suggested to consider LAR 113 text since this complies with the definitions established in Annex 13.</p>
Chapter B Reference 113.115 Pattern	<p>(b) If the AIG Authority of the State where the incident occurs requires, the pilot-in-command of the aircraft shall submit, as soon as possible, a report on the incident. In this case, the pilot-in-command shall also submit a copy of the report to the AIG Authority of the State of the operator. Such reports shall be submitted as soon as possible and generally within 10 days.</p>	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
Chapter B Reference 113.115 Pattern	(c) If a person that operates, carries out maintenance and services or does any other act in respect of an aircraft, aeronautical product, or aviation related service, is involved in an incident that is a serious incident or poses an immediate hazard to the safety, must notify the AIG Authority of the incident as soon as practicable.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter B Reference 113.115 Pattern	(d) A pilot-in-command of an aircraft that is involved in an airspace incident or a bird incident must notify the AIG Authority of the incident as soon as practicable if the incident is a serious incident or an immediate hazard to the safety of an aircraft operation.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter B Reference 113.115 Pattern	(e) The notification of an incident required by Paragraphs (a), (b), (c) and (d) must be conveyed by a means acceptable to the AIG Authority and contain, where ascertainable, information in accordance with the following: (1) for an airspace incident, Appendix 1 (a); (2) for a defect incident,	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	Appendix 1 (b); (3) for a facility malfunction incident, Appendix 1 (c); (4) for an aircraft incident, Appendix 1 (d); (5) for a security incident, Appendix 1 (e); (6) for a promulgated information incident, Appendix 1 (f); (7) for an aerodrome incident, Appendix 1 (g); (8) for a cargo security incident, Appendix 1 (h); (9) for a dangerous goods incident, bird incident, or any other incident, Appendix 1 (i);		
Chapter B Reference 113.115 Pattern	(f) Despite Paragraph (a) of this section, an operator: (1) certified according to LAR 119, must notify the AIG Authority of an aircraft incident or defect incident within 72 hours of the incident occurring if the incident is associated with an aircraft that is performing or is used to perform an extended diversion time operations (EDTO) and the incident involves: (i) an in-flight shutdown of a	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	<p>propulsion system; or</p> <p>(ii) a diversion or a turn back; or</p> <p>(iii) an in-flight, inadvertent fuel loss or unavailability of fuel or an un-correctable fuel imbalance; or</p> <p>(iv) a malfunction of an EDTO significant system; or</p> <p>(v) any other occurrence which affects the safety of an EDTO; and</p> <p>(2) an aircraft maintenance organization certificate under the LAR 145 must notify the AIG Authority of a defect incident within 72 hours of the accident occurring if the incident is associated with an aircraft that is used to perform an EDTO; and</p> <p>(i) the incident involves a malfunction of an EDTO significant system; or</p> <p>(ii) any other defect that could affect the safety of an aircraft performing an EDTO.</p>		
<p>Chapter C Reference Pattern</p>	<p>Chapter C: Preservation of aircraft, its contents, and records</p> <p>113.205 Access to aircraft involved in an accident</p>	<p>Partially implemented.</p>	<p>The State is suggested to harmonise its regulations with LAR 113.</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	(a) In order to protect the aircraft and its contents after an accident, no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorized to do so by the AIG Authority.		
Chapter C Reference 113.205 Pattern	(b) For the purpose of the investigation, the AIG Authority may access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.	Partially implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter C Reference 113.205 Pattern	(c) A person may, subject to Paragraph (d): (1) remove persons or livestock from the aircraft or wreckage; or (2) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or (3) disconnect or deactivate any cockpit voice recorder (CVR), flight data recorder (FDR), or emergency location transmitter (ELT); or (4) prevent obstruction to the public or to air navigation where no practical alternative is available;	Partially implemented.	The State is suggested to harmonise its regulations with LAR 113.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
Chapter C Reference 113.205 Pattern	(d) Any aircraft wreckage, mail, or cargo removed under Paragraph (c) shall: (1) be moved only so far as necessary to ensure its safety; (2) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and (3) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.	Partially implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter C Reference Pattern	113.210 Preservation of records (a) The operator of an aircraft that is involved in a serious incident or incident must preserve all records, including all recording media maintained for the operation and maintenance of the aircraft, for at least 14 days after the serious incident or incident unless otherwise notified to the AIG Authority.	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter C Reference 113.210	(b) An operator that is involved in: (1) a facility malfunction	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
Pattern	incident or an accident; or (2) an airspace incident or an accident; or (3) a promulgated information incident or an accident; must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified to the AIG Authority.		
Chapter C Reference 113.210 Pattern	(c) A person who is involved in a promulgated information accident or an accident involving responsibilities with the instrumental flight procedures must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified to the AIG Authority. (d)	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.
Chapter C Reference Pattern	113.215 Retention of defective products and components	Not implemented.	The State is suggested to harmonise its regulations with LAR 113.

Appendix A

Differences Verification List – Paraguay

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Paraguay	ARCM CT Analysis and Evaluation
	The holder of a certificate of an approval of aircraft maintenance organization, design organization, or manufacture organization must submit a defect incident report to the AIG Authority and retain the defective product for a period of at least 14 days after submitting the report unless otherwise notified to the AIG Authority.		

Appendix A

Differences Verification List - Peru

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

<p>LAR 113 – ARCM Reference</p>	<p align="center">LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p align="center">Comments and differences from the State of Peru</p>	<p align="center">ARCM CT Analysis and Evaluation</p>
<p>Chapter A Reference Pattern</p>	<p>Chapter A: General 113.001 Applicability (a) This regulation prescribes rules for the: (1) notification and reporting of accidents and incidents; (2) preservation of aircraft, aircraft contents, and aircraft records following an accident, serious incident and incident; and (3) preservation of records relating to an accident, facility malfunction incident, an airspace incident, or a promulgated information incident.</p>		
<p>Chapter A Reference 113.001 Pattern</p>	<p>(b) This part does not apply to: (1) gyrogliders; (2) parasails, (3) captive unmanned free balloons; (4) kites; (5) unmanned rockets; (6) parachutes; and (7) hang gliders.</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
<p>Chapter A</p> <p>Reference</p> <p>Definitions</p>	<p>113.005 Definitions</p> <p>(a) The following definitions apply to this regulation:</p> <p>(1) <u>Accident</u>.- An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:</p> <p>(i) a person is fatally or seriously injured as a result of:</p> <p style="padding-left: 40px;">A. being in the aircraft, or</p> <p style="padding-left: 40px;">B. direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or</p> <p style="padding-left: 40px;">C. direct exposure to jet blast,</p> <p style="padding-left: 40px;"><i>except</i> when the injuries are from natural causes, self-inflicted or inflicted by other</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
	<p>persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew: or</p> <p>(ii) the aircraft sustains damage or structural failure which:</p> <p>A. adversely affects the structural strength, performance or flight characteristics of the aircraft; and</p> <p>B. would normally require major repair or replacement of the affected component,</p> <p><i>except</i> for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories); to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome) or</p> <p>(iii) the aircraft is missing or is completely inaccessible.</p>		

Appendix A

Differences Verification List - Peru

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(2) <u>Human performance</u> .- Human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations.		
Chapter A Reference 113.005 Definitions	(3) <u>Aerodrome</u> . - A defined area on land or water (including any buildings, installations, and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft		
Chapter A Reference 113.005 Definitions	(4) <u>Aircraft</u> .- Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.		
Chapter A Reference 113.005 Definitions	(5) <u>Flight data analysis</u> .- A process of analysing recorded flight data in order to improve the safety of flight operations.		
Chapter A Reference 113.005 Defintions	(6) <u>Advisor</u> .- .- A person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(7) <u>Plane (aeroplane)</u> .- A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.		
Chapter A Reference 113.005 Definitions	(8) <u>Large aeroplane</u> .- An aeroplane of a maximum certificated take-off mass of over 5 700 kg.		
Chapter A Reference 113.005 Definitions	(9) <u>Small aeroplane</u> .- An aeroplane of a maximum certificated take-off mass of 5 700 kg or less.		
Chapter A Reference 113.005 Definitions	(10) <u>AIG authority</u> .- Describes the organization responsible for the accident and incident investigation in the State.	Chapter A – Definitions – 113.005: (a) (10) AIG Authority – appoints the organism responsible for the State’s accidents and serious incidents investigations. AIG authority in Peru investigates accidents and serious incidents. Doc. 9859 SMM 2013 chapter.4 appendix 3.	In LAR 113 definition, the AIG authority appoints the organism responsible for the State accidents and incidents investigations. LAR 113 definition was considered for the following reasons ✓ Annex 13 Paragraph 5.1 indicates that the State of Occurrence shall institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation. ✓ Annex 13 Paragraph 5.1.2 indicates that The State of Occurrence shall institute an investigation into the circumstances of a serious incident when the aircraft is of a maximum mass of over 2 250 kg. ✓ Paragraph 6.7 states that when the State that has conducted an investigation into an accident or an

Appendix A

Differences Verification List - Peru

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
			<p>incident involving an aircraft of a maximum mass of over 5 700 kg has released a Final Report, that State shall send to the International Civil Aviation Organization a copy of the Final Report.</p> <p>For the above stated, in Paragraphs 5.1, 5.1.2 and 6.7, the State of Occurrence and the State conducting the investigation have the responsibility to institute an investigation of accidents, serious incidents and incidents unless that in the case of the incidents it delegates the investigation to other organizations, such as air services operators.</p> <p>It is suggested that the State analyses its regulations and LAR 113 based in Annex 13 and Doc 9756 instead of Doc 9859, since this document establishes orientation material related to safety management and not specifically of aviation accidents and incidents investigation.</p> <p>For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.</p>
Chapter A Reference 113.005 Definitions	(11) <u>Causes</u> .- 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.		
Chapter A Reference 113.005 Definitions	(12) <u>State of Design</u> .- The State having jurisdiction over the organization responsible for the type design.		
Chapter A	(13) <u>State of Manufacture</u> .-		

Appendix A

Differences Verification List - Peru

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
Reference 113.005 Definitions	The State having jurisdiction over the organization responsible for the final assembly of the aircraft.		
Chapter A Reference 113.005 Definitions	(14) <u>State of Registry</u> .- The State on whose register the aircraft is entered.		
Chapter A Reference 113.005 Definitions	(15) <u>State of the Operator</u> .- The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.		
Chapter A Reference 113.005 Definitions	(16) <u>State of Occurrence</u> .- The State in the territory of which an accident or incident occurs.		
Chapter A Reference 113.005 Definitions	(17) <u>Operator</u> .- .- A person, organization or enterprise engaged in or offering to engage in aircraft operation.		
Chapter A Reference 113.005 Definitions	(18) <u>Contributing factors</u> .- Actions, omissions, events, conditions, factors or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the		

Appendix A

Differences Verification List - Peru

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
	accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of the contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.		
Chapter A Reference 113.005 Definitions	(19) <u>Distress phase</u> .- A situation wherein there is a reasonable certainty that an aircraft and its occupants are threatened by grave and imminent danger or require immediate assistance.		
Chapter A Reference 113.005 Definitions	(20) <u>Incident</u> .- An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.		
Chapter A Reference 113.005 Definitions	(21) <u>Cargo security incident</u> .- Means an incident involving cargo or mail that is carried, or has been accepted by an air cargo agent or an air operator for carriage, by air on an aircraft conducting a regular air transport operation passenger service, and (i) there is evidence of tampering or suspected tampering with the cargo or mail which could		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
	be an act or an attempted act of unlawful interference; or (ii) a weapon, explosive, or other dangerous device, article or substance, that may be used to commit an act of unlawful interference is detected in the cargo or mail		
Chapter A Reference 113.005 Definitions	(22) <u>Airspace incident</u> .- Means an incident involving deviation from, or shortcomings of, the procedures or rules for: (i) Avoiding a collision between aircraft; or (ii) Avoiding a collision between aircraft and other obstacles when an aircraft is being provided with an Air Traffic Service.		
Chapter A Reference 113.005 Definitions	(23) <u>Bird incident</u> .- Means an incident where: (i) there is a collision between an aircraft and one or more birds; or (ii) when one or more birds pass sufficiently close to an aircraft in flight to cause alarm to the pilot.		

Appendix A

Differences Verification List - Peru

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(24) <u>Defect incident</u> . - Means an incident that involves failure or malfunction of an aircraft or aircraft component, whether found in flight or on the ground.		
Chapter A Reference 113.005 Definitions	(25) <u>Facility malfunction incident</u> . - Means an incident that involves an aeronautical facility.		
Chapter A Reference 113.005 Definitions	(26) <u>Promulgated information incident</u> - Means an incident that involves significantly incorrect, inadequate, or misleading information or aeronautical data promulgated in an aeronautical information publication (AIP), map, chart, or otherwise provided for the operation of an aircraft.		
Chapter A Reference 113.005 Definitions	(27) <u>Serious incident</u> .- An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in		

Appendix A

Differences Verification List - Peru

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
	<p>the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down. In Attachment A of this regulation are formulated examples of serious incidents.</p>		
<p>Chapter A Reference 113.005 Definitions</p>	<p>(28) <u>Security incident</u>. - Means an incident that involves unlawful interference.</p>		
<p>Chapter A Reference 113.005 Definitions</p>	<p>(29) <u>Preliminary report</u>. - The communication used for the prompt dissemination of data obtained during the early stages of the investigation.</p>		
<p>Chapter A Reference 113.005 Definitions</p>	<p>(30) <u>Investigation</u>. - A process conducted for the purpose of accident prevention which includes the gathering and analysis of the information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations.</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(31) <u>Investigator-in-charge</u> . - A person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation.		
Chapter A Reference 113.005 Definitions	(32) <u>Serious injury</u> .- An injury which is sustained by a person in an accident and which: (i) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or (ii) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); or (iii) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or (iv) involves injury to any internal organ; or (v) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or (vi) involves verified exposure to infectious substances		

Appendix A

Differences Verification List - Peru

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
	or injurious radiation.		
Chapter A Reference 113.005 Definitions	(33) <u>Maximum mass.</u> - Maximum certificated take-off mass.		
Chapter A Reference 113.005 Definitions	(34) <u>Dangerous goods.</u> - Articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions, or which are classified according to those Instructions.		
Chapter A Reference 113.005 Definitions	(35) <u>Maximum weight (mass).</u> - Maximum certificated take-off weight (mass).		
Chapter A Reference 113.005 Definitions	(36) <u>State safety program (SSP).</u> - An integrated set of regulations and activities aimed at improving safety.		
Chapter A Reference 113.005 Definitions	(37) <u>Safety recommendation.</u> - A proposal of an accident investigation authority based on information derived from an investigation, made with the		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
	intention of preventing accidents or incidents and which, in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies.		
Chapter A Reference 113.005 Definitions	(38) <u>Flight recorder</u> .- Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.		
Chapter A Reference 113.005 Definitions	(39) <u>Accredited representative</u> .- A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. Where the State has established an accident investigation authority, the designated accredited representative would normally be from that authority.		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
<p>Chapter A Reference Pattern</p>	<p>113.010 Authority to investigate</p> <p>(a) In accordance with the provisions of Annex 13 to the Convention on International Civil Aviation and AIG regulation of the State, the AIG Authority shall establish investigations to determine the circumstances of the accidents, serious incidents and incidents.</p>	<p>Chapter A – 113.010 Authority to investigate</p> <p>In the Technical Annex and the CIAA Policies and Procedures Manual it is being considered in accordance with Doc 9859 that the AIG authority investigates aviation. As indicated in Doc 9859, the CIAA Policies and Procedures Manual and the NTC DGAC 2015, the civil aviation authority/services operator with the intervention of AIG specialists, investigate incidents and hazards detected and reported in notification system that is compulsory.</p>	<p>It is suggested that the State analyses its regulations and LAR 113 based in Annex 13 and Doc 9756 instead of Doc 9859, since this document establishes orientation material related to safety management and not specifically of aviation accidents and incidents investigation.</p> <p>ARCM LAR 113 indicates that abiding Annex 13 dispositions, the International Civil Aviation Convention, and AIG State regulations, the AIG authority will institute investigations to determine accidents, serious incidents and incidents circumstances.</p> <p>LAR 113 requirement was considered for the following reasons:</p> <ul style="list-style-type: none"> ✓ Annex 13 Paragraph 5.1 indicates that the State of Occurrence shall institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation. ✓ Annex 13 Paragraph 5.1.2 indicates that The State of Occurrence shall institute an investigation into the circumstances of a serious incident when the aircraft is of a maximum mass of over 2 250 kg. ✓ Paragraph 6.7 states that when the State that has conducted an investigation into an accident or an incident involving an aircraft of a maximum mass of over 5 700 kg has released a Final Report, that State shall send to the International Civil Aviation Organization a copy of the Final Report. <p>For the above stated, in Paragraphs 5.1, 5.1.2 and 6.7, the State of Occurrence and the State conducting the investigation have the responsibility to institute an investigation of accidents, serious incidents and incidents unless that in the case of the incidents it delegates the investigation to other organizations, such as air services operators.</p> <p>For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
Chapter A Reference 113.010 Pattern	(b) The State of Occurrence can partially or totally delegate the making of such investigation in another State, or in the AIG Regional Cooperation Mechanism (ARCM) of South America or in a Regional Accident Investigation Organization (RAIO), by mutual agreement and consent.		
Chapter A Reference 113.010 Pattern	(c) The AIG authority in charge of the investigation shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Annex 13 and State regulations. The investigation shall include the following: (1) the gathering, recording and analysis of all available relevant information on that accident or incident; (2) if appropriate, the issuance of safety recommendations; (3) if possible, the determination of the causes, contributing factors and/or latent conditions; and		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
	(4) the completion of the final report.		
Chapter A Reference 113.010 Pattern	(d) The authority in charge of the investigation can request to any State all relevant information related to the investigation.		
Chapter A Reference 113.010 Pattern	(e) When possible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses. The AIG authority shall determine the reach of the investigation and the procedure to be followed for its conduct, according to the lessons expected to be obtained from the investigation to improve safety.		
Chapter B Reference Pattern	<p>Chapter B: Notification and reporting of occurrences</p> <p>113.105 Notification of accident</p> <p>(a) Each pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, or if the aircraft is missing, the operator or owner shall immediate and directly notify the AIG Authority of the accident.</p>	<p>Chapter B – Accident notification– 113.105 (a)</p> <p>According to CIAA Policies and Procedures Manual, every person, operator or national authority, may report occurrences using the AIG/CAA unique form available at the web page or through telephone report to AIG authority and CAA. According to Law N° 27261, ICAO documentation, and national AIG/CAA authorities, the occurrences information on accidents, serious incidents and incidents will be received through the Compulsory Notification System (NTC DGAC 2015), using the same unique form AIG/CAA or by telephone reporting.</p>	<p>Precise and appropriate notification of information related to accidents is an essential activity since, in order to make an appropriate investigation it is necessary the investigators be present in the place of occurrence with promptness.</p> <p>Since accidents investigation methods vary from one State to the other, it is not possible to define in detail a uniform procedure for accidents notification.</p> <p>The first persons to know about the accident are survivors and witnesses.</p> <p>It is possible that the crew survivors know about immediate measures to be taken, while witnesses or surviving passengers will communicate the occurrence normally to the local police, airport authorities or military personnel, who will immediately notify the chief of accidents investigation.</p> <p>Sometimes it happens that personnel of air traffic services are the first to know about the accident, and are the ones to start the</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
			<p>notification procedure.</p> <p>It is convenient that notification procedures are simple and effective, and that the most quick communications means are used (telephone, fax or email) to inform about it.</p> <p>In all air traffic services installations, airport central offices and police posts it should be available a list of government authorities to whom the occurrence should be notified.</p> <p>Though there are States that coordinate in a precise way all the notification procedures and involve in the procedures all certified/approved aviation organizations, the independent licensed/authorized personnel (for example pilots, crew members, air traffic controllers, maintenance personnel) and members of the public, the responsibility of a notification according to AIG Authority should be from the pilot-in-command and, in his/her absence, from the operator or the owner.</p> <p>Therefore, Annex 6 establishes that the pilot-in-command should have the obligation to notify to the nearest corresponding authority, using the quickest available mean, any accident regarding the aircraft, in which a person was killed or seriously injured, or important damages are caused to the aircraft or property.</p> <p>For harmonization purposes among ARCM States, it is suggested that the LAR 113 text be considered, in view that this complies with the dispositions established in Annex 6.</p>
<p>Chapter B</p> <p>Reference 113.105 Pattern</p>	<p>(b) The notification under Paragraph (a) shall be in a manner acceptable to the AIG Authority and contain, where ascertainable, the:</p> <p>(1) date and time of the accident;</p>	<p>“(b) the notification according to Paragraph (a) would be in a manner acceptable to the CAA/AIG Authority and would contain, up to where it can be proved:”</p> <p>According to Law N° 27261, ICAO documentation, and CAA (DGAC) and AIG (CIAA) it must be reported through the Compulsory Notification System,</p>	<p>The TC takes note of Law N° 27261.</p> <p>For harmonization purposes among ARCM States, it is suggested that the LAR 113 text be considered.</p>

Appendix A

<p align="center">LAR 113 – ARCM Reference</p>	<p align="center">LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p align="center">Comments and differences from the State of Peru</p>	<p align="center">ARCM CT Analysis and Evaluation</p>
	<p>(2) nature of the accident;</p> <p>(3) type, nationality, and registration marks of the aircraft;</p> <p>(4) names of the aircraft owner and operator;</p> <p>(5) position or last known position of the aircraft with reference to an easily defined geographical point;</p> <p>(6) name of the pilot-in-command of the aircraft;</p> <p>(7) type of operation;</p> <p>(8) last point of departure of the aircraft;</p> <p>(9) next point of intended landing of the aircraft;</p> <p>(10) description of the sky condition precipitation, wind velocity, and visibility;</p> <p>(11) number of persons on board the aircraft;</p> <p>(12) number of crew and passengers killed or seriously injured as a result of the accident;</p> <p>(13) number of persons killed or seriously injured as a result of the accident that were not crew or passengers;</p>	<p>through which the information about the accidents, serious incidents and incidents occurrences would be received.</p>	

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
	<p>(14) presence of dangerous goods on board the aircraft and description thereof; and</p> <p>(15) details of damage to the aircraft.</p>		
<p>Chapter B Reference Pattern</p>	<p>113.110 Notification in the distress phase</p> <p>Upon the occurrence of a distress phase, the rescue coordination centre shall notify the AIG Authority of the distress situation.</p>	<p>Chapter B – Notification in distress phase – 113.110</p> <p>According to CIAA Policies and Procedures Manual, every person, operator or national authority, may report occurrences using the AIG/CAA unique form available at the web page or through telephone report to AIG authority and CAA. According to Law N° 27261, ICAO documentation, and national AIG/CAA authorities, the occurrences information on accidents, serious incidents and incidents will be received through the Compulsory Notification System (NTC DGAC 2015), using the same unique form AIG/CAA or by telephone reporting.</p>	<p>LAR 113 of the ARCM indicates that when a distress phase occurs, the rescue coordination centre will report the AIG Authority about the situation of an aircraft in danger.</p> <p>This procedure is established in Annex 12, Chapter 5 paragraph 5.2.3 i), when a distress phase occurs the rescue coordination centre notifies the competent investigation authorities.</p> <p>For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text, since it complies with dispositions established in Annex 12.</p>
<p>Chapter B Reference Pattern</p>	<p>113.115 Notification of incident</p> <p>(a) The pilot-in-command of an aircraft involved in a serious incident or in an incident that poses an immediate hazard to the safety of an aircraft operation shall immediately notify to the AIG Authority of the incident.</p>	<p>Chapter B – Notification of incident - 113.115 (a)</p> <p>According to CIAA Policies and Procedures Manual, every person, operator or national authority, may report occurrences using the AIG/CAA unique form available at the web page or through telephone report to AIG authority and CAA. According to Law N° 27261, ICAO documentation, and national AIG/CAA authorities, the occurrences information</p>	<p>Annex 6 establishes that, in an emergency situation jeopardising the security of the persons or the aircraft, which requires to take measure infringing regulations and local procedures, the pilot-in-command will notify the occurrence to local authorities without delay.</p> <p>If the occurrence State requests it, the pilot-in-command will present, as soon as practicable, a report on the infraction to the corresponding authority of that State. In this case, the pilot-in-command will also present copy of the report to the State of the operator.</p>

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
		on accidents, serious incidents and incidents will be received through the Compulsory Notification System (NTC DGAC 2015), using the same unique form AIG/CAA or by telephone reporting.	Such reports will be presented as soon as practicable and within a 10-day period. For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text, since it complies with dispositions established in Annex 6.
Chapter B Reference 113.115 Pattern	(b) If the AIG Authority of the State where the incident occurs requires, the pilot-in-command of the aircraft shall submit, as soon as possible, a report on the incident. In this case, the pilot-in-command shall also submit a copy of the report to the AIG Authority of the State of the operator. Such reports shall be submitted as soon as possible and generally within 10 days.		
Chapter B Reference 113.115 Pattern	(c) If a person that operates, carries out maintenance and services or does any other act in respect of an aircraft, aeronautical product, or aviation related service, is involved in an incident that is a serious incident or poses an immediate hazard to the safety, must notify the AIG Authority of the incident as soon as practicable.	Chapter B – Notification of incidents - 113.115 (c) According to CIAA Policies and Procedures Manual, every person, operator or national authority, may report occurrences using the AIG/CAA unique form available at the web page or through telephone report to AIG authority and CAA. According to Law N° 27261, ICAO documentation, and national AIG/CAA authorities, the occurrences information on accidents, serious incidents and incidents will be received through the Compulsory Notification System (NTC DGAC 2015), using the same unique form	Taking into account that protocol question 6.501 requires that, if the State has established and applied (through the necessary legislation, procedures and orientation to the industry) a compulsory notification system of incidents to facilitate the compilation of information on real or possible safety deficiencies. Likewise, if the State has a policy that indicates that every person, operator or national authority may report occurrences, the AIG authority should make clear in the regulations that Service operators have the obligation of reporting occurrences. For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
		AIG/CAA or by telephone reporting.	
Chapter B Reference 113.115 Pattern	(d) A pilot-in-command of an aircraft that is involved in an airspace incident or a bird incident must notify the AIG Authority of the incident as soon as practicable if the incident is a serious incident or an immediate hazard to the safety of an aircraft operation.	Chapter B – Notification of incidents – 113.115 (d) According to CIAA Policies and Procedures Manual, every person, operator or national authority, may report occurrences using the AIG/CAA unique form available at the web page or through telephone report to AIG authority and CAA. According to Law N° 27261, ICAO documentation, and national AIG/CAA authorities, the occurrences information on accidents, serious incidents and incidents will be received through the Compulsory Notification System (NTC DGAC 2015), using the same unique form AIG/CAA or by telephone reporting.	
Chapter B Reference 113.115 Pattern	(e) The notification of an incident required by Paragraphs (a), (b), (c) and (d) must be conveyed by a means acceptable to the AIG Authority and contain, where ascertainable, information in accordance with the following: (1) for an airspace incident, Appendix 1 (a); (2) for a defect incident, Appendix 1 (b); (3) for a facility malfunction incident, Appendix 1 (c); (4) for an aircraft incident, Appendix 1 (d);	Chapter B – Notification of incidents – 113.115 (e) According to CIAA Policies and Procedures Manual, every person, operator or national authority, may report occurrences using the AIG/CAA unique form available at the web page or through telephone report to AIG authority and CAA. According to Law N° 27261, ICAO documentation, and national AIG/CAA authorities, the occurrences information on accidents, serious incidents and incidents will be received through the Compulsory Notification System (NTC DGAC 2015), using the same unique form AIG/CAA or by telephone reporting.	The list of incidents included in LAR 113, including incidents with birds, will facilitate air services operators to report in a precise and timely manner the relevant information related with to accidents, incidents or hazards, considering safety management as the fundamental activity. It is suggested to consider that protocol question AIG 6.501 requires that a State establishes and applies (through the necessary legislation, procedures and orientation to the industry) a compulsory notification system of incidents to facilitate the compilation of information on real or possible safety deficiencies. Likewise, if the State has a policy that indicates that every person, operator or national authority may report occurrences, the AIG authority should make clear in the regulations that Service operators have the obligation of reporting occurrences. For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
	<p>(5) for a security incident, Appendix 1 (e);</p> <p>(6) for a promulgated information incident, Appendix 1 (f);</p> <p>(7) for an aerodrome incident, Appendix 1 (g);</p> <p>(8) for a cargo security incident, Appendix 1 (h);</p> <p>(9) for a dangerous goods incident, bird incident, or any other incident, Appendix 1 (i);</p>		
<p>Chapter B</p> <p>Reference 113.115 Pattern</p>	<p>(f) Despite Paragraph (a) of this section, an operator:</p> <p>(1) certified according to LAR 119, must notify the AIG Authority of an aircraft incident or defect incident within 72 hours of the incident occurring if the incident is associated with an aircraft that is performing or is used to perform an extended diversion time operations (EDTO) and the incident involves:</p> <p>(i) an in-flight shutdown of a propulsion system; or</p> <p>(ii) a diversion or a turn back; or</p> <p>(iii) an in-flight, inadvertent fuel loss or unavailability of fuel or an un-correctable fuel imbalance; or</p>	<p>Chapter B – Notification of incidents – 113.115 (f)</p> <p>According to CIAA Policies and Procedures Manual, a certified operator according to LAR 113 must notify an aircraft incident or defect incident within 72 hours of the incident occurring if the incident is associated with an aircraft that is performing or is used to perform an extended diversion time operations (EDTO) and the incident involves:</p> <p>(i) an in-flight shutdown of a propulsion system; or</p> <p>(ii) a diversion or a turn back; or</p> <p>(iii) an in-flight, inadvertent fuel loss or unavailability of fuel or an un-correctable fuel imbalance; or</p> <p>(iv) a malfunction of an EDTO significant system; or</p>	

Appendix A

<p align="center">LAR 113 – ARCM Reference</p>	<p align="center">LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p align="center">Comments and differences from the State of Peru</p>	<p align="center">ARCM CT Analysis and Evaluation</p>
	<p>(iv) a malfunction of an EDTO significant system; or</p> <p>(v) any other occurrence which affects the safety of an EDTO; and</p> <p>(2) an aircraft maintenance organization certificate under the LAR 145 must notify the AIG Authority of a defect incident within 72 hours of the accident occurring if the incident is associated with an aircraft that is used to perform an EDTO; and</p> <p>(i) the incident involves a malfunction of an EDTO significant system; or</p> <p>(ii) any other defect that could affect the safety of an aircraft performing an EDTO.</p>	<p>(v) any other occurrence which affects the safety of an EDTO; and</p> <p>(2) an aircraft maintenance organization certificate under the LAR 145 must notify the AIG Authority of a defect incident within 72 hours of the accident occurring, using a unique AIG/CAA form available at the web page or by the telephone to the AIG authority of CAA, if the incident is associated with an aircraft that is used to perform an EDTO; and</p> <p>(i) the incident involves a malfunction of an EDTO significant system; or</p> <p>(ii) any other defect that could affect the safety of an aircraft performing an EDTO</p> <p>According to Law N° 27261, ICAO documentation, and national AIG/CAA authorities, the occurrences information on accidents, serious incidents and incidents will be received through the Compulsory Notification System (NTC DGAC 2015), using the same unique form AIG/CAA or by telephone reporting.</p>	
<p>Chapter C Reference</p>	<p>Chapter C: Preservation of aircraft, its contents, and records</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
Pattern	<p>113.205 Access to aircraft involved in an accident</p> <p>(a) In order to protect the aircraft and its contents after an accident, no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorized to do so by the AIG Authority.</p>		
Chapter C Reference 113.205 Pattern	<p>(b) For the purpose of the investigation, the AIG Authority may access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.</p>		
Chapter C Reference 113.205 Pattern	<p>(c) A person may, subject to Paragraph (d):</p> <p>(1) remove persons or livestock from the aircraft or wreckage; or</p> <p>(2) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or</p> <p>(3) disconnect or deactivate any cockpit voice recorder (CVR), flight data recorder (FDR), or emergency location transmitter (ELT); or</p> <p>(4) prevent obstruction to the public or to air navigation where no</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
	practical alternative is available; (5)		
Chapter C Reference 113.205 Pattern	(d) Any aircraft wreckage, mail, or cargo removed under Paragraph (c) shall: (1) be moved only so far as necessary to ensure its safety; (2) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and (3) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.		
Chapter C Reference Pattern	113.210 Preservation of records (a) The operator of an aircraft that is involved in a serious incident or incident must preserve all records, including all recording media maintained for the operation and maintenance of the aircraft, for at least 14 days after the serious incident or incident unless otherwise notified to the AIG Authority.		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
<p>Chapter C</p> <p>Reference 113.210</p> <p>Pattern</p>	<p>(b) An operator that is involved in:</p> <p>(1) a facility malfunction incident or an accident; or</p> <p>(2) an airspace incident or an accident; or</p> <p>(3) a promulgated information incident or an accident;</p> <p>must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified to the AIG Authority.</p>		
<p>Chapter C</p> <p>Reference 113.210</p> <p>Pattern</p>	<p>(c) A person who is involved in a promulgated information accident or an accident involving responsibilities with the instrumental flight procedures must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified to the AIG Authority.</p>		

Appendix A

Differences Verification List - Peru

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Peru	ARCM CT Analysis and Evaluation
	(d)		
Chapter C Reference Pattern	<p>113.215 Retention of defective products and components</p> <p>The holder of a certificate of an approval of aircraft maintenance organization, design organization, or manufacture organization must submit a defect incident report to the AIG Authority and retain the defective product for a period of at least 14 days after submitting the report unless otherwise notified to the AIG Authority.</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
Chapter A Reference Pattern	<p>Chapter A: General</p> <p>113.001 Applicability</p> <p>(a) This regulation prescribes rules for the:</p> <p>(1) notification and reporting of accidents and incidents;</p> <p>(2) preservation of aircraft, aircraft contents, and aircraft records following an accident, serious incident and incident; and</p> <p>(3) preservation of records relating to an accident, facility malfunction incident, an airspace incident, or a promulgated information incident.</p>		
Chapter A Reference 113.001 Pattern	<p>(b) This part does not apply to:</p> <p>(1) gyro gliders;</p> <p>(2) parasails,</p> <p>(3) captive unmanned free balloons;</p> <p>(4) kites;</p> <p>(5) unmanned rockets;</p> <p>(6) parachutes; and</p> <p>(7) hang gliders.</p>	<p>These exceptions are not established.</p> <p>It is established that occurrences with use of parachutes will be investigated.</p>	<p>Annex 13 defines accident as any occurrence associated with the utilization of an aircraft, which in the case of a manned aircraft takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:</p> <p>a) a person is fatally or seriously injured as a result of:</p> <ul style="list-style-type: none"> — being in the aircraft, or — direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or — direct exposure to jet blast,

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
			<p>except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or</p> <p>b) the aircraft sustains damage or structural failure which:</p> <ul style="list-style-type: none"> — adversely affects the structural strength, performance or flight characteristics of the aircraft, and — would normally require major repair or replacement of the affected component, <p>except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windcreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the randome); or</p> <p>c) the aircraft is missing or is completely inaccessible</p> <p>Based on this definition of accident and in the definition of incident, occurrences using parachutes will be applied to LAR 113 requirements only when these are involved according Annex 13 definition</p> <p>For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.</p>
<p>Chapter A</p> <p>Reference</p> <p>Definitions</p>	<p>113.005 Definitions</p> <p>(a) The following definitions apply to this regulation:</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
	<p>(1) <u>Accident</u>.- An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:</p> <p>(i) a person is fatally or seriously injured as a result of:</p> <p style="padding-left: 40px;">A. being in the aircraft, or</p> <p style="padding-left: 40px;">B. direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or</p> <p style="padding-left: 40px;">C. direct exposure to jet blast,</p> <p style="padding-left: 40px;"><i>except</i> when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew: or</p>		

Appendix A

<p align="center">LAR 113 – ARCM Reference</p>	<p align="center">LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p align="center">Comments and differences from the State of Venezuela</p>	<p align="center">ARCM CT Analysis and Evaluation</p>
	<p>(ii) the aircraft sustains damage or structural failure which:</p> <p style="padding-left: 40px;">A. adversely affects the structural strength, performance or flight characteristics of the aircraft; and</p> <p style="padding-left: 40px;">B. would normally require major repair or replacement of the affected component,</p> <p style="padding-left: 40px;"><i>except</i> for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories); to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome) or</p> <p>(iii) the aircraft is missing or is completely inaccessible.</p>		
<p>Chapter A Reference 113.005</p>	<p>(2) Human performance.- Human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations.</p>	<p>Not contemplated</p>	<p>For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.</p>

Appendix A

Differences Verification List - Venezuela

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
Definitions			
Chapter A Reference 113.005 Definitions	(3) <u>Aerodrome</u> . - A defined area on land or water (including any buildings, installations, and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.	Not contemplated	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.
Chapter A Reference 113.005 Definitions	(4) <u>Aircraft</u> .- Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.	... and be apt for transportation of persons or things.]	This complement as defined by the State is not defined in Annex 13. For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text..
Chapter A Reference 113.005 Definitions	(5) <u>Flight data analysis</u> .- A process of analysing recorded flight data in order to improve the safety of flight operations.	Not contemplated	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.
Chapter A Reference 113.005 Definitions	(6) <u>Advisor</u> .- .- A person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.		
Chapter A Reference 113.005 Definitions	(7) <u>Plane (aeroplane)</u> .- A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.		

Appendix A

Differences Verification List - Venezuela

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(8) <u>Large aeroplane</u> .- An aeroplane of a maximum certificated take-off mass of over 5 700 kg.		
Chapter A Reference 113.005 Definitions	(9) <u>Small aeroplane</u> .- An aeroplane of a maximum certificated take-off mass of 5 700 kg or less.		
Chapter A Reference 113.005 Definitions	(10) <u>AIG authority</u> .- Describes the organization responsible for the accident and incident investigation in the State.	Not defined as a concept	For harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.
Chapter A Reference 113.005 Definitions	(11) <u>Causes</u> .- 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.		
Chapter A Reference 113.005 Definitions	(12) <u>State of Design</u> .- The State having jurisdiction over the organization responsible for the type design.		

Appendix A

Differences Verification List - Venezuela

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(13) <u>State of Manufacture</u> .- The State having jurisdiction over the organization responsible for the final assembly of the aircraft.		
Chapter A Reference 113.005 Definitions	(14) <u>State of Registry</u> .- The State on whose register the aircraft is entered.		
Chapter A Reference 113.005 Definitions	(15) <u>State of the Operator</u> .- The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.		
Chapter A Reference 113.005 Definitions	(16) <u>State of Occurrence</u> .- The State in the territory of which an accident or incident occurs.		
Chapter A Reference 113.005 Definitions	(17) <u>Operator</u> .- .- A person, organization or enterprise engaged in or offering to engage in aircraft operation.		
Chapter A Reference 113.005 Definitions	(18) <u>Contributing factors</u> .- Actions, omissions, events, conditions, factors or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or		

Appendix A

Differences Verification List - Venezuela

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
	mitigated the severity of the consequences of the accident or incident. The identification of the contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.		
Chapter A Reference 113.005 Definitions	(19) <u>Distress phase</u> .- A situation wherein there is a reasonable certainty that an aircraft and its occupants are threatened by grave and imminent danger or require immediate assistance.		
Chapter A Reference 113.005 Definitions	(20) <u>Incident</u> .- An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.		
Chapter A Reference 113.005 Definitions	(21) <u>Cargo security incident</u> .- Means an incident involving cargo or mail that is carried, or has been accepted by an air cargo agent or an air operator for carriage, by air on an aircraft conducting a regular air transport operation passenger service, and (i) there is evidence of tampering or suspected tampering with the cargo or mail which could be an act or an attempted act of		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
	unlawful interference; or (ii) a weapon, explosive, or other dangerous device, article or substance, that may be used to commit an act of unlawful interference is detected in the cargo or mail		
Chapter A Reference 113.005 Definitions	(22) <u>Airspace incident</u> .- Means an incident involving deviation from, or shortcomings of, the procedures or rules for: (i) Avoiding a collision between aircraft; or (ii) Avoiding a collision between aircraft and other obstacles when an aircraft is being provided with an Air Traffic Service.		
Chapter A Reference 113.005 Definitions	(23) <u>Bird incident</u> .- Means an incident where: (i) there is a collision between an aircraft and one or more birds; or (ii) when one or more birds pass sufficiently close to an aircraft in flight to cause alarm to the pilot.		
Chapter A Reference	(24) <u>Defect incident</u> . - Means an incident that involves failure or malfunction of an aircraft or aircraft		

Appendix A

Differences Verification List - Venezuela

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
113.005 Definitions	component, whether found in flight or on the ground.		
Chapter A Reference 113.005 Definitions	(25) <u>Facility malfunction incident.</u> - Means an incident that involves an aeronautical facility.		
Chapter A Reference 113.005 Definitions	(26) <u>Promulgated information incident-</u> Means an incident that involves significantly incorrect, inadequate, or misleading information or aeronautical data promulgated in an aeronautical information publication (AIP), map, chart, or otherwise provided for the operation of an aircraft.		
Chapter A Reference 113.005 Definitions	(27) <u>Serious incident.</u> - An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight		

Appendix A

Differences Verification List - Venezuela

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
	and the primary propulsion system is shut down. In Attachment A of this regulation are formulated examples of serious incidents.		
Chapter A Reference 113.005 Definitions	(28) <u>Security incident</u> . - Means an incident that involves unlawful interference.		
Chapter A Reference 113.005 Definitions	(29) <u>Preliminary report</u> . - The communication used for the prompt dissemination of data obtained during the early stages of the investigation.		
Chapter A Reference 113.005 Definitions	(30) <u>Investigation</u> . - A process conducted for the purpose of accident prevention which includes the gathering and analysis of the information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations.		
Chapter A Reference 113.005 Definitions	(31) <u>Investigator-in-charge</u> . - A person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation.		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	<p>(32) <u>Serious injury</u>.- An injury which is sustained by a person in an accident and which:</p> <p>(i) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or</p> <p>(ii) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); or</p> <p>(iii) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or</p> <p>(iv) involves injury to any internal organ; or</p> <p>(v) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or</p> <p>(vi) involves verified exposure to infectious substances or injurious radiation.</p>		
Chapter A Reference 113.005 Definitions	<p>(33) <u>Maximum mass</u>. - Maximum certificated take-off mass.</p>		

Appendix A

Differences Verification List - Venezuela

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
Chapter A Reference 113.005 Definitions	(34) <u>Dangerous goods</u> .- Articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions, or which are classified according to those Instructions.		
Chapter A Reference 113.005 Definitions	(35) <u>Maximum weight (mass)</u> .- Maximum certificated take-off weight (mass).		
Chapter A Reference 113.005 Definitions	(36) <u>State safety program (SSP)</u> . - An integrated set of regulations and activities aimed at improving safety.		
Chapter A Reference 113.005 Definitions	(37) <u>Safety recommendation</u> .- A proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which, in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety		

Appendix A

Differences Verification List - Venezuela

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
	studies.		
Chapter A Reference 113.005 Definitions	(38) <u>Flight recorder</u> .- Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.		
Chapter A Reference 113.005 Definitions	(39) <u>Accredited representative</u> .- A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. Where the State has established an accident investigation authority, the designated accredited representative would normally be from that authority.		
Chapter A Reference Pattern	113.010 Authority to investigate (a) In accordance with the provisions of Annex 13 to the Convention on International Civil Aviation and AIG regulation of the State, the AIG Authority shall establish investigations to determine the circumstances of the accidents, serious incidents and incidents.		
Chapter A	(b) The State of Occurrence can partially or totally delegate the		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
Reference 113.010 Pattern	making of such investigation in another State, or in the AIG Regional Cooperation Mechanism (ARCM) of South America or in a Regional Accident Investigation Organization (RAIO), by mutual agreement and consent.		
Chapter A Reference 113.010 Pattern	<p>(c) The AIG authority in charge of the investigation shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Annex 13 and State regulations. The investigation shall include the following:</p> <p>(1) the gathering, recording and analysis of all available relevant information on that accident or incident;</p> <p>(2) if appropriate, the issuance of safety recommendations;</p> <p>(3) if possible, the determination of the causes, contributing factors and/or latent conditions; and</p> <p>(4) the completion of the final report.</p>		
Chapter A	(d) The authority in charge of the investigation can request to any		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
Reference 113.010 Pattern	State all relevant information related to the investigation.		
Chapter A Reference 113.010 Pattern	(e) When possible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses. The AIG authority shall determine the reach of the investigation and the procedure to be followed for its conduct, according to the lessons expected to be obtained from the investigation to improve safety.		
Chapter B Reference Pattern	Chapter B: Notification and reporting of occurrences 113.105 Notification of accident (a) Each pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, or if the aircraft is missing, the operator or owner shall immediate and directly notify the AIG Authority of the accident.		
Chapter B Reference 113.105 Pattern	(b) The notification under Paragraph (a) shall be in a manner acceptable to the AIG Authority and contain, where ascertainable, the: (1) date and time of the accident;		

Appendix A

<p align="center">LAR 113 – ARCM Reference</p>	<p align="center">LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p align="center">Comments and differences from the State of Venezuela</p>	<p align="center">ARCM CT Analysis and Evaluation</p>
	<p>(2) nature of the accident;</p> <p>(3) type, nationality, and registration marks of the aircraft;</p> <p>(4) names of the aircraft owner and operator;</p> <p>(5) position or last known position of the aircraft with reference to an easily defined geographical point;</p> <p>(6) name of the pilot-in-command of the aircraft;</p> <p>(7) type of operation;</p> <p>(8) last point of departure of the aircraft;</p> <p>(9) next point of intended landing of the aircraft;</p> <p>(10) description of the sky condition precipitation, wind velocity, and visibility;</p> <p>(11) number of persons on board the aircraft;</p> <p>(12) number of crew and passengers killed or seriously injured as a result of the accident;</p> <p>(13) number of persons killed or seriously injured as a result of the accident that were not crew or passengers;</p>		

Appendix A

Differences Verification List - Venezuela

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
	(14) presence of dangerous goods on board the aircraft and description thereof; and (15) details of damage to the aircraft.		
Chapter B Reference Pattern	113.110 Notification in the distress phase Upon the occurrence of a distress phase, the rescue coordination centre shall notify the AIG Authority of the distress situation.		
Chapter B Reference Pattern	113.115 Notification of incident (a) The pilot-in-command of an aircraft involved in a serious incident or in an incident that poses an immediate hazard to the safety of an aircraft operation shall immediately notify to the AIG Authority of the incident.		
Chapter B Reference 113.115 Pattern	(b) If the AIG Authority of the State where the incident occurs requires, the pilot-in-command of the aircraft shall submit, as soon as possible, a report on the incident. In this case, the pilot-in-command shall also submit a copy of the report to the AIG Authority of the State of the operator. Such reports shall be submitted as soon as		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
	possible and generally within 10 days.		
Chapter B Reference 113.115 Pattern	(c) If a person that operates, carries out maintenance and services or does any other act in respect of an aircraft, aeronautical product, or aviation related service, is involved in an incident that is a serious incident or poses an immediate hazard to the safety, must notify the AIG Authority of the incident as soon as practicable.		
Chapter B Reference 113.115 Pattern	(d) A pilot-in-command of an aircraft that is involved in an airspace incident or a bird incident must notify the AIG Authority of the incident as soon as practicable if the incident is a serious incident or an immediate hazard to the safety of an aircraft operation.		
Chapter B Reference 113.115 Pattern	(e) The notification of an incident required by Paragraphs (a), (b), (c) and (d) must be conveyed by a means acceptable to the AIG Authority and contain, where ascertainable, information in accordance with the following: (1) for an airspace incident, Appendix 1 (a); (2) for a defect incident,		

Appendix A

<p align="center">LAR 113 – ARCM Reference</p>	<p align="center">LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements</p>	<p align="center">Comments and differences from the State of Venezuela</p>	<p align="center">ARCM CT Analysis and Evaluation</p>
	<p>Appendix 1 (b);</p> <p>(3) for a facility malfunction incident, Appendix 1 (c);</p> <p>(4) for an aircraft incident, Appendix 1 (d);</p> <p>(5) for a security incident, Appendix 1 (e);</p> <p>(6) for a promulgated information incident, Appendix 1 (f);</p> <p>(7) for an aerodrome incident, Appendix 1 (g);</p> <p>(8) for a cargo security incident, Appendix 1 (h);</p> <p>(9) for a dangerous goods incident, bird incident, or any other incident, Appendix 1 (i);</p>		
<p>Chapter B</p> <p>Reference 113.115 Pattern</p>	<p>(f) Despite Paragraph (a) of this section, an operator:</p> <p>(1) certified according to LAR 119, must notify the AIG Authority of an aircraft incident or defect incident within 72 hours of the incident occurring if the incident is associated with an aircraft that is performing or is used to perform an extended diversion time operations (EDTO) and the incident involves:</p> <p>(i) an in-flight shutdown of a</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
	<p>propulsion system; or</p> <p>(ii) a diversion or a turn back; or</p> <p>(iii) an in-flight, inadvertent fuel loss or unavailability of fuel or an un-correctable fuel imbalance; or</p> <p>(iv) a malfunction of an EDTO significant system; or</p> <p>(v) any other occurrence which affects the safety of an EDTO; and</p> <p>(2) an aircraft maintenance organization certificate under the LAR 145 must notify the AIG Authority of a defect incident within 72 hours of the accident occurring if the incident is associated with an aircraft that is used to perform an EDTO; and</p> <p>(i) the incident involves a malfunction of an EDTO significant system; or</p> <p>(ii) any other defect that could affect the safety of an aircraft performing an EDTO.</p>		
<p>Chapter C Reference</p> <p>Pattern</p>	<p>Chapter C: Preservation of aircraft, its contents, and records</p> <p>113.205 Access to aircraft involved in an accident</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
	<p>(a) In order to protect the aircraft and its contents after an accident, no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorized to do so by the AIG Authority.</p>		
<p>Chapter C Reference 113.205 Pattern</p>	<p>(b) For the purpose of the investigation, the AIG Authority may access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.</p>		
<p>Chapter C Reference 113.205 Pattern</p>	<p>(c) A person may, subject to Paragraph (d):</p> <p>(1) remove persons or livestock from the aircraft or wreckage; or</p> <p>(2) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or</p> <p>(3) disconnect or deactivate any cockpit voice recorder (CVR), flight data recorder (FDR), or emergency location transmitter (ELT); or</p> <p>(4) prevent obstruction to the public or to air navigation where no practical alternative is available;</p>		

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
Chapter C Reference 113.205 Pattern	(d) Any aircraft wreckage, mail, or cargo removed under Paragraph (c) shall: (1) be moved only so far as necessary to ensure its safety; (2) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and (3) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.		
Chapter C Reference Pattern	113.210 Preservation of records (a) The operator of an aircraft that is involved in a serious incident or incident must preserve all records, including all recording media maintained for the operation and maintenance of the aircraft, for at least 14 days after the serious incident or incident unless otherwise notified to the AIG Authority.		
Chapter C Reference 113.210 Pattern	(b) An operator that is involved in: (1) a facility malfunction incident or an accident; or	Not stipulated The action is supported by art. 124, and the Civil Aeronautic Law	The CT takes note of the Civil Aeronautic Law and does not have comments in this respect; however, for harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.

Appendix A

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
	<p>(2) an airspace incident or an accident; or</p> <p>(3) a promulgated information incident or an accident;</p> <p>must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified to the AIG Authority.</p>		
Chapter C Reference 113.210 Pattern	(c) A person who is involved in a promulgated information accident or an accident involving responsibilities with the instrumental flight procedures must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 14 days after the incident or accident unless otherwise notified to the AIG Authority.	Not stipulated The action is supported by art. 124, and the Civil Aeronautic Law	The CT takes note of the Civil Aeronautic Law and does not have comments in this respect; however, for harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.
Chapter C Reference Pattern	113.215 Retention of defective products and components The holder of a certificate of an approval of aircraft maintenance organization, design organization, or manufacture organization must submit a defect incident report to	Not stipulated The action is supported by art. 124, and the Civil Aeronautic Law	The CT takes note of the Civil Aeronautic Law and does not have comments in this respect; however, for harmonization purposes among ARCM States, it is suggested that the State consider LAR 113 text.

Appendix A

Differences Verification List - Venezuela

OCTOBER 2015

Report on complete LAR 113

Appendix A – Task AIG-SAM/3-2

LAR 113 – ARCM Reference	LATIN AMERICAN AERONAUTICAL REGULATION Aviation accidents and incidents report and notification requirements	Comments and differences from the State of Venezuela	ARCM CT Analysis and Evaluation
	the AIG Authority and retain the defective product for a period of at least 14 days after submitting the report unless otherwise notified to the AIG Authority.		

**International Civil Aviation Organization
South American AIG Regional Cooperation Mechanism (ARCM)**

Latin American Aeronautical Regulation

LAR 113

**Aviation accidents and incidents report and
notification requirements**

**Original First edition
June 2015**

LAR 113

Aviation accidents and incidents report and notification requirements

LAR 113 amendments			
Amendment	Origin	Subjects	Approved by the ARCM Executive Committee
First edition	Second Meeting of AIG Authorities of South America (AIG-SAM/2), Buenos Aires, Argentina, Lima, Peru, 09 to 11 June 2015	LAR 113 Aviation accidents and incidents report and notification requirements This regulation includes Annex 13 Amendment 14 – Ten edition, July 201013	11 June 2015 AIG-SAM/02

LAR 113

Aviation accidents and incidents report and notification requirements

List of effective pages

List of effective pages			
Detail	Pages	Amendment	Dates
Foreword	vii to viii	Original	June 2015
Chapter A General	113-A-1 to 113-A-5	Original	June 2015
Chapter B Occurrences report and notification	113-B-1 to 113-B-2	Original	June 2015
Chapter C Preservation of the aircraft, its contents and records	113-C-1	Original	June 2015
Appendix 1 Required information for initial notification of incidents	113- AP-1-1 to 113- AP-1-3	Original	June 2015
Attachment A List of examples of serious incidents	113- AD-A-1	Original	June 2015

TABLE OF CONTENTS

	PAGE
CHAPTER A GENERAL	
113.001 Applicability	113-A-1
113.005 Definitions	113-A-1
113.010 Authority to investigate	113-A-5
CHAPTER B NOTIFICATION AND REPORTING OF OCCURRENCES	
113.105 Notification of accident	113-B-1
113.110 Notification in the distress phase	113-B-1
113.115 Notification of incident113-B-1	
CHAPTER C PRESERVATION OF THE AIRCRAFT, ITS CONTENTS AND RECORDS	
113.205 Access to an aircraft involved in an accident	113-C-1
113.210 Preservation of records	113-C-1
113.215 Retention of defective products and components.....	113-C-1
Appendix 1 Information required for initial notification of incidents.....	113-AP1-1
Attachment A List of examples of serious incidents	113-Att-A-1

LAR 113

FOREWORD

Historical background

The ICAO Assembly, through Resolution A29-3 – *Global Rule Harmonization*, urges States and groups of States that still have not done it, to take positive action to promote global harmonization of national rules for application of standards of Annexes to the Convention on International Civil Aviation.

On the other hand, Article 26 of the Convention on International Civil Aviation states that it is incumbent on the State in which an aircraft accident occurs to institute an inquiry into the circumstances of the accident. This obligation can only be complied with when an appropriate organization for the aviation accident investigation exists. In Annex 13 to the Convention, standards and recommended practices (SARPS) for the States to conduct aviation accidents and incidents investigations are specified to comply with their obligations in accordance with the provisions of the referred Article 26 of the Convention.

The results of the audits conducted under the comprehensive systems approach (CSA) valid until 2011 and the activities under the new ICAO Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) indicate that several States have not been able to develop an effective system for aviation activities including aircraft accident and incident investigation. The results have been related, in general, to the lack of resources (human and financial) and, specifically, to the lack of appropriate legislation and regulations; accident and incident investigation organization; personnel training system; equipment to conduct the investigations; and policies, procedures and guidelines for the accident and incident investigation.

Through an AIG regional cooperation mechanism, economies of scale can be obtained since the necessary resources will be allowed to be shared. Besides, working together, the Contracting States of a region or sub region can more effectively exert their influence over the global context and can contribute to the creation of more favourable conditions in order

to achieve an operationally safe and effective international air transport system.

The Civil Aviation Authorities of the SAM Region in their thirteenth meeting held in Bogota, Colombia, from 4 to 6 December 2013, convened by the ICAO South American Regional Office, and counting with the participation of high level officials representing 13 States and 8 international organizations and industry agreed on, through **the Declaration of Bogota**, their compromise on achieving the following regional goals related to safety in 2016:

- ✓ **Accidents:** *Reduce the GAP of the accident rate of the SAM Region in 50% in relation to the global accident rate.*
- ✓ **Runway Excursions:** *Reduce runway excursions rate in 20% in relation to the average rate of the Region (2007 – 2012).*

In the South American Region, according to the last outcomes achieved under the framework of the activities of the USOAP, one of the audit areas with less effective implementation (EI) in relation to the safety oversight capabilities of the SAM States is still aircraft accident and incident investigation (AIG).

In this area, it is mainly observed that the subgroups of investigation policies and procedures; development, completion and release of the final report; organization, staffing and training of the accident investigation authority; development, issuance, and recording of safety recommendations and forwarding of Accident/Incident Data Reports (ADREP) procedures are the ones that have the highest number of unsatisfactory Protocol Questions (PQ) as the SAM States general average.

In order to analyse the AIG situation and agree on a strategic plan with the aim of making the first steps in the creation of one of the forms of a Regional Accident and Incident Investigation Organization (RAIO), the SAM Region held the First Meeting of AIG Authorities (AIG-SAM/1) in Lima, Peru, from 18 to 20 March 2014.

In this meeting was discussed the concept of a RAIO and the fact that it can be implemented in different ways: in a very simple one such as the training of a regional group of investigators as well as a more complex one such as a

completely implemented, independent and institutionalized RAIO. In this regard, the meeting was invited to perform an analysis of the regional needs to be able to determine what form of a RAIO could be implemented in the SAM Region.

Following, the guidelines for the development of an AIG regional cooperation strategic plan were introduced and three groups of work among the States representatives and the industry for the development of a strategic plan of the SAM Region were formed. These three groups presented their proposals for the strategic plan; the adoption of an implementation process in phases was agreed upon and concrete objectives for these phases were identified.

To begin with the first phase of the project, the Civil Aviation Accident Investigation Board (JIAAC) of Argentina transferred the services of an AIG specialist to the ICAO South American Regional Office for the month of November 2014 to work in this phase.

During this month, two virtual meetings were carried out: the first, on Friday 7 November 2014, to present the assigned specialist's work programme, and the second, on Thursday 27 November 2014, to present the AIG diagnosis of the SAM Region with the aim of making the first steps in the establishment of an AIG regional cooperation mechanism (ARCM). In the Second virtual meeting five (5) tasks were agreed to be developed, whose proposals will be presented through working papers (WP) in the Second meeting of AIG authorities of the SAM Region (AIG-SAM/2) that will be held in Buenos Aires, Argentina, from 09 to 11 June 2015.

To support the AIG Project in the SAM Region, Brazil, in the month of February 2015, transferred the services of an AIG specialist to work as a secondment at ICAO South American Regional Office. Such specialist, together with the specialist from JIAAC Argentina, that conducted his second mission in the months of April and May 2015 and under the Safety Officer's management of the ICAO SAM Office,

prepared the corresponding tasks for AIG-SAM/2.

The Second Meeting of AIG Authorities (AIG/SAM-2) held in Buenos Aires, Argentina, from 9 to 11 June 2015, integrated by Argentina, Brazil, Bolivia, Colombia, Ecuador, Guyana, Panama, Paraguay, Suriname, Uruguay and Venezuela, unanimously agreed the establishment of the AIG Regional Cooperation Mechanism (ARCM) of South America. Also, the documentation governing this mechanism was approved by the participating States of this meeting.

The LAR 113 developed has taken into account the provisions of the Annexes 6, 12, 13 and 18, as well as the national rules of the South American States and the New Zealand rules.

The LAR 113, that prescribes the aviation accident and incident report and notification requirements, contains the following chapters:

- *Chapter A – General:* includes the applicability of LAR 113 Regulation, the definitions used in that LAR and the authority to investigate.
- *Chapter B – Notification of reports and occurrences:* establishes the requirements to notify an accident and incident; and
- *Chapter C – Preservation of the aircraft, its contents and records:* prescribes the requirements for the access to an aircraft involved in an accident, the preservation of records and the retention of defective products and components.
- The LAR 113 also include Appendix 1 related to the information required for the initial notification of incidents and Attachment A that contains the list of examples of serious incidents.

Bibliography**ICAO**

Doc 7300 – Convention on International Civil Aviation

Annex 6 – Operation of Aircraft, Part I – International Commercial Air Transport – Airplanes

Annex 6 – Operation of Aircraft, Part II – International General Aviation - Airplanes

Annex 6 – Operation of Aircraft, Part III – International Operations – Helicopters

Annex 11 – Air Transit Services

Annex 12 – Search and Rescue

Annex 13 – Aviation accident and incident investigation

Annex 18 – The Safe Transport of Dangerous Goods by Air

Doc 9756 – Manual of Aircraft Accident and Incident Investigation

Protocol of the AIG area of the USOAP CMA - 2014

States regulations

Part 12 – CAA, New Zealand.

Chapter A: General

113.001 Applicability

(a) This regulation prescribes rules for the:

- (1) notification and reporting of accidents, serious incidents and incidents to aircraft over 5 700 kg;
- (2) preservation of aircraft, aircraft contents, and aircraft records following an accident, serious incident and incident to aircraft over 5 700 kg; and
- (3) preservation of records relating to an accident, serious incident and incident of facility malfunction incident, an air-space incident, or a promulgated information incident.

Note.- For incidents to aircraft of 5 700 kg or less, the State shall proceed in accordance with its legislation and regulations.

For aircraft incidents of 5 700 kg or less, the State shall proceed in accordance with its laws and regulations

(b) This part does not apply to:

- (1) gyrogliders;
- (2) parasails,
- (3) captive unmanned free balloons;
- (4) kites;
- (5) unmanned rockets;
- (6) parachutes; and
- (7) hang gliders.

113.005 Definitions

(a) The following definitions apply to this regulation:

- (1) Accident.- An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary

propulsion system is shut down, in which:

(i) a person is fatally or seriously injured as a result of:

- A. being in the aircraft, or
- B. direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
- C. direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew: or

(ii) the aircraft sustains damage or structural failure which:

- A. adversely affects the structural strength, performance or flight characteristics of the aircraft; and
- B. would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to a single engine (including its cowlings or accessories); to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, wind-screens, aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome) or

(iii) the aircraft is missing or is completely inaccessible.

(2) Human performance.- Human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations.

(3) Aerodrome. - A defined area on land

- or water (including any buildings, installations, and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.
- (4) Aircraft. - Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.
- (5) Flight data analysis. - A process of analysing recorded flight data in order to improve the safety of flight operations.
- (6) Adviser. - A person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.
- (7) Plane (aeroplane). - A power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.
- (8) Large aeroplane. - An aeroplane of a maximum certificated take-off mass of over 5 700 kg.
- (9) Small aeroplane. - An aeroplane of a maximum certificated take-off mass of 5 700 kg or less.
- (10) AIg authority. - Describes the organization responsible for the accident and incident investigation in the State.
- (11) 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.
- (12) State of Design. - The State having jurisdiction over the organization responsible for the type design.
- (13) State of Manufacture. - The State having jurisdiction over the organization responsible for the final assembly of the aircraft.
- (14) State of Registry. - The State on whose register the aircraft is entered.
- (15) State of the Operator. - The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.
- (16) State of Occurrence. - The State in the territory of which an accident or incident occurs.
- (17) Operator. - A person, organization or enterprise engaged in or offering to engage in aircraft operation.
- (18) Contributing factors. - Actions, omissions, events, conditions, factors or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of the contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.
- (19) Distress phase. - A situation wherein there is a reasonable certainty that an aircraft and its occupants are threatened by grave and imminent danger or require immediate assistance.
- (20) Incident. - An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.
- ~~(21) Cargo security incident. - Means an incident involving cargo or mail that is carried, or has been accepted by an air cargo agent or an air operator for carriage, by air on an aircraft conducting a regular air transport operation passenger service, and~~
- ~~(i) there is evidence of tampering or suspected tampering with the cargo or mail which could be an act or an attempted act of unlawful interference; or~~
- ~~(ii) a weapon, explosive, or other dangerous device, article or substance, that may be used to commit an act of unlawful inter-~~

- ference is detected in the cargo or mail.
- (22) Airspace incident.- Means an incident involving deviation from, or shortcomings of, the procedures or rules for:
- (i) Avoiding a collision between aircraft; or
 - (ii) Avoiding a collision between aircraft and other obstacles when an aircraft is being provided with an Air Traffic Service.
- (23) Bird incident.- Means an incident where:
- (i) there is a collision between an aircraft and one or more birds; or
 - (ii) when one or more birds pass sufficiently close to an aircraft in flight to cause alarm to the pilot.
- (24) Defect incident. - Means an incident that involves failure or malfunction of an aircraft or aircraft component, whether found in flight or on the ground.
- (25) Facility malfunction incident. - Means an incident that involves an aeronautical facility.
- (26) Promulgated information incident.- Means an incident that involves significantly incorrect, inadequate, or misleading information or aeronautical data promulgated in an aeronautical information publication (AIP), map, chart, or otherwise provided for the operation of an aircraft.
- (27) Serious incident.- An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down. In Attachment A of this regulation are formulated examples of serious incidents.
- ~~(28) Security incident.- Means an incident that involves unlawful interference.~~
- (29) Operational personnel.- Refers to personnel involved in aviation operations who are in a position to report accidents, serious incidents and incidents related to the operation of an aircraft which affects or may affect safety through regulated reporting systems. Such personnel include, but are not limited to, flight crews, air traffic controllers, aeronautical station operators, maintenance technicians, cabin crews, flight dispatchers and apron personnel
- (30) Preliminary report. - The communication used for the prompt dissemination of data obtained during the early stages of the investigation.
- (31) Investigation. - A process conducted for the purpose of accident prevention which includes the gathering and analysis of the information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations.
- (32) Investigator-in-charge. - A person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation.
- Note.- Nothing in the above definition is intended to preclude the functions of an investigator-in-charge being assigned to a commission or other body.*
- (33) Serious injury.- An injury which is sustained by a person in an accident and which:
- (i) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
 - (ii) results in a fracture of any bone (except simple fractures of fin-

- gers, toes, or nose); or
- (iii) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
 - (iv) involves injury to any internal organ; or
 - (v) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
 - (vi) involves verified exposure to infectious substances or injurious radiation.
- (34) Maximum mass. - Maximum certificated take-off mass.
 - (35) Dangerous goods. - Articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions, or which are classified according to those Instructions.
 - (36) Maximum weight (mass). - Maximum certificated take-off weight (mass).
 - (37) State safety program (SSP). - An integrated set of regulations and activities aimed at improving safety.
 - (38) Safety recommendation. - A proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which, in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies.
 - (39) Flight recorder. - Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.
 - (40) Accredited representative. - A person designated by a State, on the basis of his or her qualifications, for

the purpose of participating in an investigation conducted by another State. Where the State has established an accident investigation authority, the designated accredited representative would normally be from that authority.

113.010 Authority to investigate

- (a) In accordance with the provisions of Annex 13 to the Convention on International Civil Aviation and AIG regulation of the State, the AIG Authority shall establish investigations to determine the circumstances of the accidents, serious incidents and incidents to aircraft over 5 700 kg.

Note.- For incidents notification and investigation to aircraft of 5 700 kg or less, the State shall proceed in accordance with its legislation and regulations.

- (b) The State of Occurrence can partially or totally delegate the making of such investigation in another State, or in the AIG Regional Cooperation Mechanism (ARCM) of South America or in a Regional Accident Investigation Organization (RAIO), by mutual agreement and consent.
- (c) The AIG authority in charge of the investigation shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Annex 13 and State regulations. The investigation shall include the following:
 - (1) the gathering, recording and analysis of all available relevant information on that accident or incident;
 - (2) if appropriate, the issuance of safety recommendations;
 - (3) if possible, the determination of the causes, contributing factors and/or latent conditions; and
 - (4) the completion of the final report.
- (d) The authority in charge of the investigation can request to any State all relevant information related to the investigation.
- (e) When possible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses. The AIG authority shall determine the reach of the investigation and the procedure to be

followed for its conduct, according to the lessons expected to be obtained from the investigation to improve safety.

Chapter B: Notification and reporting of occurrences**113.105 Notification of accidents and serious incidents**

- (a) Each pilot-in-command of an aircraft that is involved in an accident or serious incident or, if that person is fatally or seriously injured, or if the aircraft is missing, the operator or owner or the operational personnel shall immediately and directly notify the AIG Authority of the accident or serious incident.
- (a) The notification under Paragraph (a) shall be in a manner acceptable to the AIG Authority and contain, where ascertainable, the:
- (1) date and time of the accident or serious incident;
 - (2) nature of the accident or serious incident;
 - (3) type, nationality, and registration marks of the aircraft;
 - (4) names of the aircraft owner and operator;
 - (5) position or last known position of the aircraft with reference to an easily defined geographical point;
 - (6) name of the pilot-in-command of the aircraft;
 - (7) type of operation;
 - (8) last point of departure of the aircraft;
 - (9) next point of intended landing of the aircraft;
 - (10) description of the sky condition precipitation, wind velocity, and visibility;
 - (11) number of persons on board the aircraft;
 - (12) number of crew and passengers killed or seriously injured as a result of the accident;
 - (13) number of persons killed or seriously injured as a result of the accident that were not crew or passengers;
 - (14) presence of dangerous goods on

- board the aircraft and description thereof; and
- (15) details of damage to the aircraft.

113.110 Notification in the distress phase

Upon the occurrence of a distress phase, the rescue coordination centre shall notify the AIG Authority of the distress situation.

113.115 Notification of incidents to aircraft over 5 700 kg

(b) ~~The pilot-in-command or the operational personnel of an aircraft involved in a serious incident or in an incident to aircraft over 5 700 kg that poses an immediate hazard to the safety of an aircraft operation that affect or can affect safety,~~ shall immediately notify to the AIG Authority of the incident.

(c) ~~If required by the AIG Authority of the State where the an incident to an aircraft over 5 700 kg occurs requires,~~ the pilot-in-command or the operational personnel ~~involved of the aircraft,~~ shall submit, as soon as possible, a report on the incident. In this case, the pilot-in-command shall also submit a copy of the report to the AIG Authority of the State of the operator. Such reports shall be submitted as soon as possible and generally within 10 days.

(d) If a person that operates, carries out maintenance and services or does any other act in respect of an aircraft, aeronautical product, or aviation related service, is involved in an incident ~~that is a serious incident or poses an immediate hazard to the safety~~ to an aircraft over 5 700 kg, must notify the AIG Authority of the incident as soon as practicable.

(e) A pilot-in-command of an aircraft over 5 700 kg or the operational personnel ~~that is involved in an airspace incident or a bird incident must notify the AIG Authority of the incident as soon as practicable. if the incident is a serious incident or an immediate hazard to the safety of an aircraft operation.~~

(f) The notification of an incident required by Paragraphs (a), (b), (c) and (d) must be conveyed by a means acceptable to the AIG Authority and contain, where ascertainable, information in accordance with the following:

- (1) for an airspace incident, Appendix 1 (a);

- (2) for a defect incident, Appendix 1 (b);

- (3) for a facility malfunction incident, Appendix 1 (c);

- (4) for an aircraft incident, Appendix 1 (d);

- (5) for a security incident, Appendix 1 (e);

- (6) for a promulgated information incident, Appendix 1 (f) (e);

- (7) for an aerodrome incident, Appendix 1 (g) (f);

- (8) for a cargo security incident, Appendix 1 (h);

- (9) for a dangerous goods incident, bird incident, or any other incident, Appendix 1 (i) (g);

(g) Despite Paragraph (a) of this section, an operator:

- (1) certified according to LAR 119, must notify the AIG Authority of an aircraft incident or defect incident within 72 hours of the incident occurring if the incident is associated with an aircraft that is performing or is used to perform an extended diversion time operations (EDTO) and the incident involves:

- (i) an in-flight shutdown of a propulsion system; or

- (ii) a diversion or a turn back; or

- (iii) an in-flight, inadvertent fuel loss or unavailability of fuel or an uncorrectable fuel imbalance; or
 - (iv) a malfunction of an EDTO significant system; or
 - (v) any other occurrence which affects the safety of an EDTO; and
- (1) an aircraft maintenance organization certificate under the LAR 145 must notify the AIG Authority of a defect incident within 72 hours of the accident occurring if the incident is asso-

ciated with an aircraft that is used to perform an EDTO; and

- (i) the incident involves a malfunction of an EDTO significant system; or
- (ii) any other defect that could affect the safety of an aircraft performing an EDTO.

Chapter C: Preservation of aircraft, its contents, and records

113.205 Access to aircraft involved in an accident

- (h) In order to protect the aircraft and its contents after an accident, no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorized to do so by the AIG Authority.
- (i) For the purpose of the investigation, the AIG Authority may access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.
- (j) A person may, subject to Paragraph (d):
 - (2) remove persons or livestock from the aircraft or wreckage; or
 - (3) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or
 - (4) disconnect or deactivate any cockpit voice recorder (CVR), flight data recorder (FDR), or emergency location transmitter (ELT); or
 - (5) prevent obstruction to the public or to air navigation where no practical alternative is available;
- (k) Any aircraft wreckage, mail, or cargo removed under Paragraph (c) shall:
 - (1) be moved only so far as necessary to ensure its safety;
 - (2) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and
 - (3) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.

113.210 Preservation of records

- (a) The operator of an aircraft that is involved in an ~~accident~~, serious incident or incident must preserve all records, including all recording media maintained for the operation and maintenance of the aircraft, for at least 14 days after the ~~accident~~, serious incident or incident unless otherwise ~~notified to~~ required by the AIG competent Authority.
- (b) ~~An operator~~ A service provider that is involved in an ~~accident, serious incident and incident~~ of:
 - (1) a facility malfunction ~~incident or an accident~~; or
 - (2) an airspace ~~incident or an accident~~; or
 - (3) a promulgated information ~~incident or an accident~~;
- (c) must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the ~~accident, serious incident or incident of accident~~ for at least 14 days after the ~~accident, serious incident or incident of accident~~ unless otherwise ~~notified to~~ required by the AIG competent Authority.
- (d) All person who is involved in a promulgated information ~~accident, serious incident, or incident an accident~~ involving responsibilities with the instrumental flight procedures must preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the ~~accident, serious incident or incident or accident~~ for at least 14 days after the ~~accident, serious incident or incident or accident~~ unless otherwise ~~notified to~~ required by the AIG competent Authority.

Note.- The records of accidents, serious incidents and incidents of aircraft over 5 700 kg, shall be required by the AIG Authority.

113.215 Retention of defective products and components

The holder of a certificate of an approval of aircraft maintenance organization, design organization, or manufacture organization must submit a defect incident report to the AIG competent Authority and retain the defective product for a period of at least 14 days after

submitting the report unless otherwise notified ~~to~~ required by the AIG competent Authority.

Appendix 1

Information required for initial notification of incidents

(a) **Airspace incident.** - The following information is required for notification of an airspace incident:

- (1) date and time of the incident;
- (2) brief description of events;
- (3) aircraft nationality, registration, radio call sign, flight number and type;
- (4) name of the aircraft operator;
- (5) aircraft position and altitude;
- (6) name of the pilot-in-command;
- (7) phase of flight;
- (8) effect on flight;
- (9) flight rules under which the aircraft was operating;
- (10) aircraft point of departure and destination;
- (11) location, type, and class of airspace, and the ATS unit involved;
- (12) any other relevant information submitted by the pilot concerned.

(b) **Defect incident.** - The following information is required for the notification of a defect incident:

- (1) date and time the incident was detected;
- (2) brief description of events;
- (3) aircraft nationality, registration, and type;
- (4) name of the aircraft operator and owner;
- (5) location of the aircraft, part, or equipment at the time of the incident;
- (6) phase of flight;
- (7) effect on flight;
- (8) aircraft point of departure and destination;
- (9) name of the manufacturer of the aircraft, part, or equipment, and where appropriate, the part number, its modification standard, and its location on the aircraft;
- (10) description of the incident, its effects, and any other relevant information;
- (11) whether the person or organization making the notification has instituted an investigation into the defect and expected time of completion;
- (12) name, organization, and contact details of the person notifying the incident.

(c) **Facility malfunction incident.** - The following information is required for notification of a facility malfunction incident:

- (1) date and time of the incident;
- (2) brief description of events;
- (3) aircraft nationality, registration, radio call sign, flight number and type;
- (4) name of the aircraft operator;

- (5) aircraft position and altitude;
 - (6) name of aerodrome and runway used;
 - (7) name of the pilot-in-command;
 - (8) phase of flight;
 - (9) effect on flight;
 - (10) identification, type, name, frequency, and provider of the aeronautical telecommunication facility involved;
 - (11) whether the person or organization making the notification has instituted an investigation into the defect and expected time of completion;
 - (12) name, organization, and contact details of the person notifying the incident.
- (d) **Aircraft incident.**- The following information is required for notification of an aircraft incident:
- (1) date and time of the incident;
 - (2) brief description of events;
 - (3) aircraft nationality, registration, radio call sign, flight number and type;
 - (4) name of the aircraft operator and owner;
 - (5) aircraft position and altitude;
 - (6) phase of flight;
 - (7) if applicable, name of aerodrome and runway used;
 - (8) effect on flight;
 - (9) name of the pilot-in-command;
 - (10) type of operation being conducted;
 - (11) number of persons on board the aircraft;
 - (12) name, organization, and contact details of the person notifying the incident.
- ~~(e) **Security incident.**- The following information is required for notification of a security incident:~~
- ~~(1) date and time of the incident;~~
 - ~~(2) brief description of events;~~
 - ~~(3) aircraft nationality, registration, radio call sign, flight number and type;~~
 - ~~(4) name of the aircraft operator and owner;~~
 - ~~(5) aircraft position and altitude or place of incident;~~
 - ~~(6) name of aerodrome or aeronautical telecommunication facility if applicable;~~
 - ~~(7) name of the pilot in command;~~
 - ~~(8) phase of flight;~~
 - ~~(9) effect on flight;~~
 - ~~(10) type of operation being conducted;~~
 - ~~(11) name, organization, and contact details of the person notifying the incident.~~
- (f) **Promulgated information incident.**- The following information is required for notification of a promulgated information incident:
- (1) date and time the incident was discovered;

- (2) brief description of events;
 - (3) details to identify the publication, map, chart, or other means by which the information or aeronautical data was promulgated;
 - (4) details relating to the information or aeronautical data that gave rise to the incident;
 - (5) name, organization, and contact details of the person notifying the incident.
- (g) **Aerodrome incident.**- The following information is required for notification of an aerodrome incident:
- (1) date and time of the incident;
 - (2) brief description of events;
 - (3) name of the aerodrome;
 - (4) description and the location of the reported defect or obstruction;
 - (5) name, organization, and contact details of the person notifying the incident.
- ~~(h) **Cargo security incident.**- The following information is required for notification of a cargo security incident:~~
- ~~(1) date and time of the incident ;~~
 - ~~(2) brief description of the nature of the incident;~~
 - ~~(3) details, if known, of where the incident may have occurred;~~
 - ~~(4) name, organization, and contact details of the person notifying the incident.~~
- (i) **Dangerous goods, bird, or other incident.**- The following information is required for notification of a dangerous goods, bird, or any other incident:
- (1) date and time of the incident;
 - (2) brief description of events;
 - (3) name, organization, and contact details of the person notifying the incident.

Attachment A**List of examples of serious incidents**

1. The term “serious incident” is defined in Chapter A as follows:

Serious incident. An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.

2. The incidents listed are typical examples of incidents that are likely to be serious incidents. The list is not exhaustive and only serves as guidance to the definition of serious incident.
 - a) Near collisions requiring an avoidance maneuver to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate
 - b) Collisions not classified as accidents.
 - c) Controlled flight into terrain only marginally avoided.
 - d) Aborted take-offs on a closed or engaged runway, on a taxiway or unassigned runway.
 - e) Take-offs from a closed or engaged runway, from a taxiway or unassigned runway.
 - f) Gross failures to achieve predicted performance during take-off or initial climb.
 - g) Fires and/or smoke in the cockpit, in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents.
 - h) Events requiring the emergency use of oxygen by the flight crew.
 - i) Aircraft structural failures or engine disintegrations, including uncontained turbine engine failures, not classified as an accident.
 - j) Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft.
 - k) Flight crew incapacitation in flight.
