



International Civil Aviation Organization

First Meeting of the Asia Pacific Accident Investigation Group (APAC-AIG/1)
(Bali, Indonesia, 18-19 September 2013)

Agenda Item 2: Report on recent accident/incident investigation related developments and activities

INDEPENDENCE OF ACCIDENT AND INCIDENT INVESTIGATIONS

(Presented by Singapore)

SUMMARY

This paper draws the States/Administrations' attention to ICAO's plan to require States to have an accident investigation authority that is independent from State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation.

1. INTRODUCTION

1.1 ICAO notified States/Administrations via State Letter 2013/19 dated 28 March 2013 [Ref. AN 6/1.1-13/19] that Amendment 14 to Annex 13 had been adopted and would become applicable on 14 November 2013. Among others, Amendment 14 deletes paragraph 3.2 of Annex 13, which says "States shall establish a State safety programme, in order to achieve an acceptable level of safety in civil aviation."

1.2 ICAO also issued State Letter 2013/55 dated 19 July 2013 [Ref. AN 6/1.2-13/55] proposing a new paragraph 3.2 as follows:

"States shall establish an accident investigation authority that is independent from State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation."

2. DISCUSSION

2.1 In its State Letter of 19 July 2013, ICAO renews its emphasis on independence of accident and incident investigations. ICAO explains that:

- (a) the independence of investigations needs to be afforded to both the process followed in investigations and to the accident investigation authority itself. Such "independence" avoids real or perceived conflicts of interest and enhances the credibility of the accident investigation authority; and

- (b) in the context of Annex 13, “independence” does not imply that the accident investigation authority would not be administratively supervised and accountable to a government ministry/parliament/congress for its finances, administration, policies and working methods. Rather, “independence” means a situation in which the accident investigation authority is functionally separate from State aviation authorities and other entities that could interfere with the conduct or objectivity of investigations.

2.2 It is recalled that APRAST-AIG AWG/1 in June 2012 reviewed the ICAO USOAP results for APAC States/Administrations and noted that one of the deficiency areas identified by the USOAP was the lack of an independent accident and incident investigations system. Accordingly, APRAST-AIG AWG/1 recommended to APRAST¹ that RASG-APAC emphasise to States/Administrations the desirability of having an independent system of accident investigation. The emphasis was subsequently conveyed by ICAO APAC Office to States/Administrations via ICAO APAC State Letter dated 4 March 2013 [Ref: T 10/8.3 – AP031/13(FS)].

2.3 The new paragraph 3.2 is envisaged to become applicable on 10 November 2016. Assuming that this amendment proposal will be adopted, this means that States/Administrations that have not yet established an accident investigation authority that is independent from State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation will have slightly over three years to establish such an investigation authority.

2.4 Although the applicability dated of 10 November 2016 would seem quite far away, but given that the setting up of an independent investigation authority can take a lot of time and effort to achieve, it would be advisable that States/Administrations start as soon as possible to plan for the setting up of the authority. If necessary, the APAC-AIG could be approached to see how it may assist.

3. ACTION BY THE MEETING

- 3.1 The meeting is invited to consider suggesting to the APRAST that RASG-APAC:
- a) draw the States/Administrations’ attention to the ICAO State Letter 2013/55 dated 19 July 2013 [Ref. AN 6/1.2-13/55];
 - b) encourage States/Administrations that have not yet established an accident investigation authority that is independent from State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation to do so as soon as possible; and
 - c) let States/Administrations know that the APAC-AIG could be approached on matters relating to their plan to set up an accident investigation authority.

— END —

¹ See Conclusion 1/4 of the Record of Discussions and Conclusions of APRAST-AIG AWG/1.