



International Civil Aviation Organization

**EIGHTH MEETING OF THE ASIA PACIFIC REGIONAL AVIATION SAFETY TEAM
(APRAST/8)**

(Bangkok, Thailand, 28 March to 1 April 2016)

Agenda Item 4: Update, discussion and review of APRAST activities

UPDATE OF APAC-AIG ACTIVITIES

(Presented by Chairman, APAC-AIG)

SUMMARY

This working paper updates the meeting on the progress made on the conclusions and decisions developed by APRAST/7 and RASG-APAC/5 relating to accident investigation.

1. INTRODUCTION

1.1 To date, the Asia Pacific Accident Investigation Group (APAC-AIG) has held three annual meetings, in 2013, 2014 and 2015.

1.2 At its Seventh Meeting (APRAST/7) which was held on 31 August - 4 September 2015, the APRAST was apprised of the discussions at the Third Meeting of the APAC-AIG (APAC-AIG/3).

1.3 At the Fifth Meeting of the Regional Aviation Safety Group – Asia and Pacific Regions (RASG-APAC/5) which was held on 26 – 27 October 2015, the Secretariat updated the RASG-APAC on the work done by the APAC-AIG.

1.4 This working paper reports on the follow-up to the decisions made by the APRAST/7 and RASG-APAC/5 relating to accident investigation and updates the meeting on the other activities pursued by the APAC-AIG.

2. DISCUSSION

Guidance on establishment of functionally independent accident investigation bodies

2.1 Arising from a discussion at the APAC-AIG/3 on the need for more guidance from ICAO as to how a State/Administration can demonstrate the independence of its accident investigation agency, the APRAST/7 adopted the following:

Decision APRAST 7/4:

That, APAC-AIG further develop practical guidance on the establishment of a functionally independent accident investigation body, including development of templates, model processes, and procedures on drawing on resources for the establishment of the accident investigation body.

2.2 Following up on Decision APRAST 7/4, the ICAO APAC Office sent out a State Letter on 21 September 2015 [Ref.: T 10/8.4-AP136/15 (FS)] to disseminate the clarification provided by ICAO HQ on the independence of an accident investigation authority. States/Administrations were also invited to provide input/feedback to the ICAO APAC Office on the following:

- 1) Whether States/Administrations have plans to establish or are in the process of establishing an independent accident investigation authority; and
- 2) Whether there is any further specific issue on independence of an accident investigation authority after the clarification by ICAO HQ.

2.3 To date, five responses to the State Letter have been received, from Australia, Macao China, New Zealand, Singapore and Thailand.

2.4 One respondent commented that one of the advantages for an accident investigation unit that is within the State civil aviation authority is that it can have access to certain technical and safety information to support its accident prevention work such as data driven analysis or technical studies. This respondent opined that, for certain States, it would be more practical for the accident investigation unit to be within the State civil aviation authority, and that during an investigation the investigator-in-charge could report directly to the Ministry. This respondent asks whether ICAO considers such an arrangement would satisfy ICAO's independence requirement.

2.5 The ICAO APAC Office has conveyed the query to the ICAO Headquarters. The ICAO Headquarters has replied that an accident investigation unit that is within the State civil aviation authority will not be regarded as an independent accident investigation authority.

Classification of Occurrences

2.6 At the APAC-AIG/3, some participants opined that the definitions of 'accident' and 'serious incident' may be difficult to interpret because of ambiguity and States/Administrations were invited to suggest refinements/enhancements of ICAO Annex 13's definitions of 'accident' and 'serious incident' to the ICAO APAC Office and Chairman APAC-AIG by 24 August 2015. In addition, the APRAST/7 also adopted the following:

Decision APRAST 7/5:

That, APAC-AIG provide further details on the gaps and action taken to address gaps in classification of occurrences, particularly with regard to reducing the ambiguity between the definitions of 'accident' and 'serious incident'.

2.7 The ICAO APAC Office also followed up on Decision APRAST 7/5 by inviting States/Administrations, in the above-mentioned State Letter of 21 September 2015, to provide input/feedback to the ICAO APAC Office on the following:

- 1) Examples of specific situations where States/Administrations have difficulty classifying an occurrence in accordance with the definition of "accident" and "serious incident"; and
- 2) Suggestion to refine or enhance the definition of "accident" and "serious incident".

2.8 As mentioned earlier, Australia, Macao China, New Zealand, Singapore and Thailand have responded to the State Letter. The respondents either do not have suggestions or do not consider the definitions a problem.

RASG-APAC/5

2.9 Adding emphasis to Decisions APRAST 7/4 and 7/5, the RASG-APAC/5 also made the following Decision:

Decision RASG-APAC 5/12

That, all States/Administrations provide their response to ICAO APAC State Letter dated 21 September 2015 [Ref.: T 10/8.4-AP136/15 (FS)] requesting for feedback in respect of independence of accident investigation authority and classification of an occurrence.

2.10 The RASG-APAC/5 also approved, as recommended in Decision APRAST 7/6, that the tasks arisen from Decisions APRAST 7/4 and 7/5 be included in the proposed 2015/2016 RASG-APAC Work Programme.

Code of Conduct on Cooperation Relating to Civil Aviation Accident/Incident Investigation

2.11 The Asia-Pacific Code of Conduct on Cooperation Relating to Civil Aviation Accident/Incident Investigation (CoC) was developed to promote mutual cooperation in accident/incident investigation in the APAC region but is not meant to be legally binding. To date, 18 States/Administrations have pledged their support to the CoC. They are Australia, Bangladesh, China, France, Hong Kong China, Indonesia, Japan, Lao PDR, Macao China, Maldives, Mongolia, Myanmar, New Zealand, Philippines, Republic of Korea, Singapore, Sri Lanka and Thailand.

2.12 The spirit of the CoC was demonstrated in the multinational efforts to recover the flight recorders of the ATR-72 that crashed into the Mekong River on 16 October 2013 and the Airbus A320 that crashed into the Java Sea on 28 December 2014, as well as in the mock USOAP CMA audit conducted by Singapore in January 2016 for one APAC State. In addition, accident investigation authorities with the capability to read out flight recorders have on numerous occasions assisted their counterparts in recorder readout.

Database of investigation agencies

2.13 A database of the investigation agencies in the APAC region has been created to allow States/Administrations to obtain contact information of their counterparts easily and facilitate expeditious communication among States/Administrations. To date, 19 States/Administrations have provided input to the database. They are Australia, Bangladesh, Cambodia, China, France, Hong Kong China, Japan, Macau China, Maldives, Mongolia, Myanmar, Nepal, New Zealand, Papua New Guinea, Philippines, Republic of Korea, Singapore, Sri Lanka and Thailand.

Upcoming activities

2.14 The Fourth Meeting of the APAC-AIG (APAC-AIG/4) will be hosted by the Japan Transport Safety Board (JTSB) on 1-2 September 2016, in conjunction with its hosting of the Fourth Accident Investigation Workshop of the Asian Society of Air Safety Investigators (AsiaSASI) on 30-31 August 2016.

3. ACTION BY THE MEETING

3.1 The meeting is invited to:

- a) Remind States/Administrations that have not yet done so to provide their response to ICAO APAC State Letter dated 21 September 2015 [Ref.: T 10/8.4-AP136/15 (FS)] requesting for feedback in respect of independence of accident investigation authority and classification of an occurrence;
- b) Highlight to States/Administrations that ICAO will not regard an accident investigation unit that is within the State civil aviation authority as an independent accident investigation authority;
- c) Remind States/Administrations that have not yet done so to provide their input to the ICAO APAC Office concerning the database on investigation agencies, as requested by ICAO APAC State Letter dated 29 January 2015 [Ref.: T 10/5.3-AP021/15 (FS)];
- d) Encourage States/Administrations that have not yet done so to pledge their support to the Asia-Pacific Code of Conduct on Cooperation Relating to Civil Aviation Accident/Incident Investigation, as requested by ICAO APAC State Letter dated 2 August 13 [Ref.: T6/13.9-AP053/13(FS)]; and
- e) Encourage States/Administrations to attend the next meeting of the APAC-AIG (APAC-AIG/4) on 1-2 September 2016 and the AsiaSASI Accident Investigation Workshop on 30-31 August 2016 in Japan.

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