



International Civil Aviation Organization

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WORKING PAPER

ASSEMBLY — 36TH SESSION

TECHNICAL COMMISSION

Agenda Item 30: Other safety matters

**DISSEMINATION OF SAFETY-RELATED INFORMATION DRAWN FROM
INVESTIGATIONS INTO ACCIDENTS AND INCIDENTS**

(Presented by France)

EXECUTIVE SUMMARY

This paper stresses the importance of investigations in providing safety information and, taking into account the difficulties that result from the length of certain investigations, proposes various measures.

Action: The Assembly is invited to consider the elements presented in this paper and to examine the proposals contained in the appendix with a view to including them in one of its resolutions.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective A: <i>Safety - Enhance global civil aviation safety.</i>
<i>Financial implications:</i>	No additional resources required.
<i>References:</i>	Annex 13

¹ English and French versions provided by France.

1. INTRODUCTION

1.1 Investigations undertaken by States into aviation accidents and incidents provide a basic tool for the improvement of safety in civil aviation, both by establishing validated facts and by issuing safety recommendations. Safety information that is gathered as a result must benefit not only the State conducting the investigation, but also the other States involved, whether directly or indirectly.

1.2 Investigations also provide necessary information to the victims of aviation accidents, to their families and to the general public. This information is of the type that helps them to overcome the trauma caused by an accident. It also contributes to reinforcing public confidence in international air transport and to inciting them to support actions that improve safety taken by States, the industry and other professionals in aviation.

2. CURRENT PROVISIONS

2.1 Annex 13 — *Aircraft Accident and Incident Investigation* – Chapter 5 states that the State of Occurrence institutes and conducts an investigation, that the State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall each be entitled to participate by appointing an accredited representative, assisted by advisers, and that a State whose citizens are among the fatalities or seriously injured may appoint an expert.

2.2 Annex 13, Chapter 6 specifies, in paragraph 6.5 that “*In the interest of accident prevention, the State conducting the investigation of an accident or incident shall release the Final Report as soon as possible.*” It recommends in paragraph 6.6 that “*The State conducting the investigation should release the Final Report in the shortest possible time and, if possible, within twelve months of the date of the occurrence*” and that “*If the report cannot be released within twelve months, the State conducting the investigation should release an interim report on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.*”

2.3 Annex 13, in paragraph 5.26 relating to the obligations of accredited representatives and their advisers, specifies that access to information on the progress of the investigation and any information thereon is the responsibility of the State conducting the investigation and in paragraph 6.2 on the dissemination of information, that the same applies for draft reports or any document obtained during an investigation.

2.4 In paragraph 5.26, a Note specifies, however, that accredited representatives can report to their respective States in order to facilitate any appropriate safety actions.

2.5 None of the provisions allow the State whose citizens are among the fatalities or seriously injured to use the information obtained for the benefit of its victims or its public opinion, where this has not been made public by the State conducting the investigation.

3. **DIFFICULTIES ENCOUNTERED**

3.1 There are examples which show that the provisions relating to the conduct of investigations, and in particular the recommendation set out in 6.6, are not always applied by some States or for some accidents. This can, for example, involve accidents in which the State that conducts the investigation is only involved as the State of Occurrence. In this case, States directly involved, whether in relation to their responsibilities as State of Design or State of the Operator or due to their citizens having been killed, encounter great difficulties in obtaining and using information required for safety or which is expected by the families of victims.

3.2 The provisions that allow some States to participate in the investigation, and the note in paragraph 5.26, somewhat compensate for this difficulty where this relates to the responsibilities of these States for questions of safety. However, it does not allow these States to gain access to information that would require investigative activities where these investigative activities are not undertaken.

3.3 Other States, in particular the States of departure and of destination of the flight, are also directly implicated in the safety of the flight or other flights undertaken by the operator, though these States have no access to any information or investigative activities, except where they have another status, such as State of the Operator, for example. Paragraph 5.23, which authorizes appointment of an accredited representative by States providing, on request, information, facilities or experts, does not respond to this concern. In fact, information or facilities are not systematically requested from the States of departure or destination and, even when they are, this step is generally only taken well after the start of the investigation.

3.4 The difficulties mentioned cannot always be resolved by discussion between the accredited representative and the investigator-in-charge, or by State-to-State intervention. Beyond the concerns for safety that they lead to and the suffering that they intensify, their recurrence may expose investigations to other considerations, diplomatic or judicial, that are outside the spirit of Annex 13.

4. **CONCLUSION**

4.1 In order to encourage States conducting investigations to provide periodically information on their progress, it would be advisable that Recommendation in paragraph 6.6 of Annex 13 be raised to the level of a Standard.

4.2 It would be advisable to explicitly extend the provisions of Annex 13 to the States of departure and arrival of the flights involved, so as to allow these States, which are often directly concerned by safety steps resulting from the causes and circumstances of an accident or incident, to have real-time access to the elements of the investigation.

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APPENDIX

PROPOSALS FOR INCLUSION IN AN ASSEMBLY RESOLUTION

Considering that the primary objective of the Organization is to ensure the safety of civil aviation worldwide;

Recognizing the importance for the safety of civil aviation of effective dissemination of safety information;

Recognizing the importance of safety information and safety lessons that result from investigations conducted into accidents and incidents;

Recognizing that the current provisions of Annex 13 do not lead to the systematic participation of the States of departure and arrival of the flights in the investigations conducted into accidents and incidents, while these States are directly and often immediately concerned by the facts established in the course of the investigations and by the preventive action to be taken to improve the safety of passengers;

Recognizing that the victims of aviation accidents, their families and the public have a legitimate right to receive regular information on the circumstances and the causes of these accidents, as well as on the results of the investigations undertaken and the follow-up on the recommendations issued;

The Assembly:

- 1) *Directs* the Council to study extending to the States of departure and arrival of the flights the relevant provisions of Annex 13 on participation in investigations;
- 2) *Directs* the Council to study raising to the level of a Standard the Recommendation in paragraph 6.6 of Annex 13 relating to the length of investigations.

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