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# NACC AIG Turnkey Project Session 1

Fernando Camargo

*Regional Officer, Technical Assistance*

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# Objective

To assist Caribbean and Central American States in the area of AIG by:

- a) Building/enhancing national capacity in accident and incident investigation;
- b) Enabling the establishment/consolidation of Investigation Cooperative Mechanisms (ICMs); and
- c) Enabling the future adoption of a Regional Accident Investigation Organization (RAIO) approach



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# Agenda

- ✈ Presentation of the AIG Turnkey Project
- ✈ The Accident Investigation System
- ✈ CE-1 and CE-2 requirements for AIG / Drafting provisions



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- ✈ Presentation of the AIG Turnkey Project
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# Presentation of the AIG Turnkey Project



**NACC AIG Turnkey Project**

**Fernando Camargo**  
*Regional Officer, Technical Assistance*  
*ICAO North American, Central American and Caribbean Regional Office*

A photograph of an airplane on a runway, viewed from a low angle looking down the runway towards the plane. The sky is blue with light clouds, and the ground is green grass on either side of the asphalt runway.



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# Agenda

✈ Presentation of the AIG Turnkey Project

**✈ The Accident Investigation System**

✈ CE-1 and CE-2 requirements for AIG / Drafting provisions

# The Accident Investigation System





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# Legal Framework for Accident Investigation

✈ Accident investigation responsibilities may be seen through two different domains:

- ✈ Managerial - related to the organization and its regulation/management functions
- ✈ Operational - related to the technical conduct of investigation



# Legal Framework for Accident Investigation

✈ Accident investigation responsibilities may be seen through two different domains:

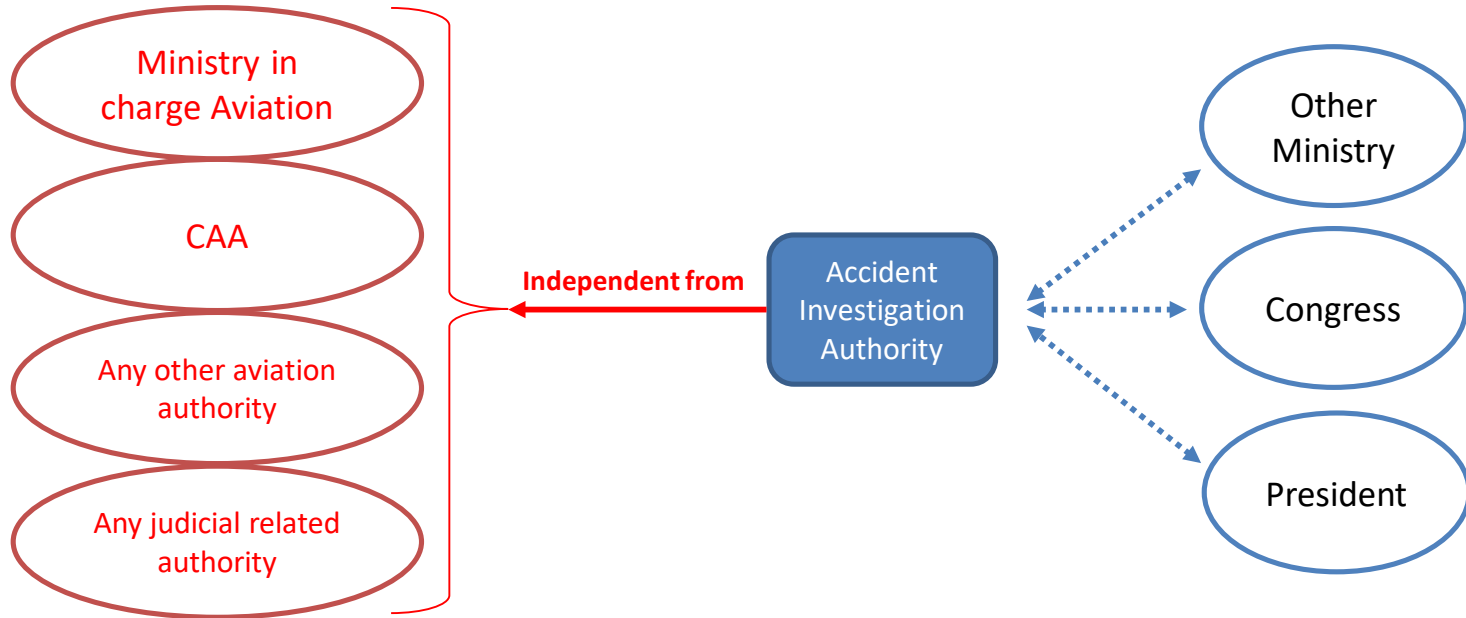
✈ Managerial - related to the organization and its regulation/management functions

✈ Operational - related to the technical conduct of investigation

Investigators  
Equipment  
Facilities  
Etc.

→ This can be delegated

# Independence Possibilities



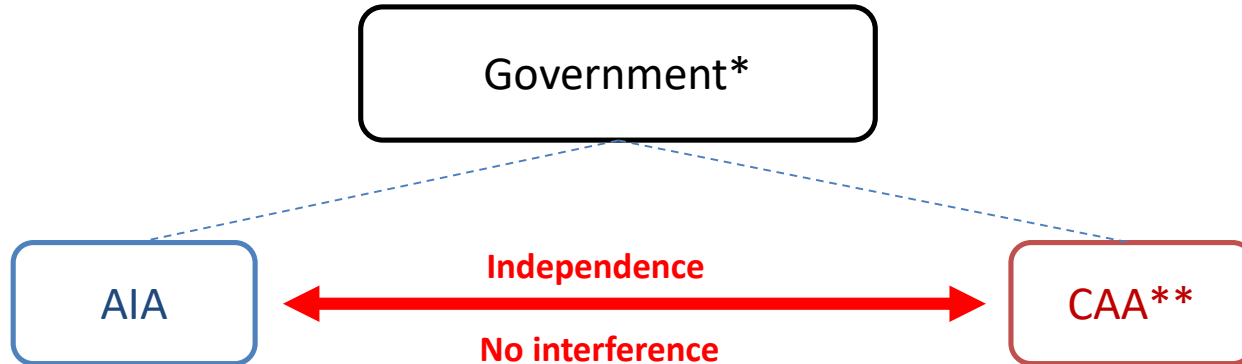


# Best approach - RAIO





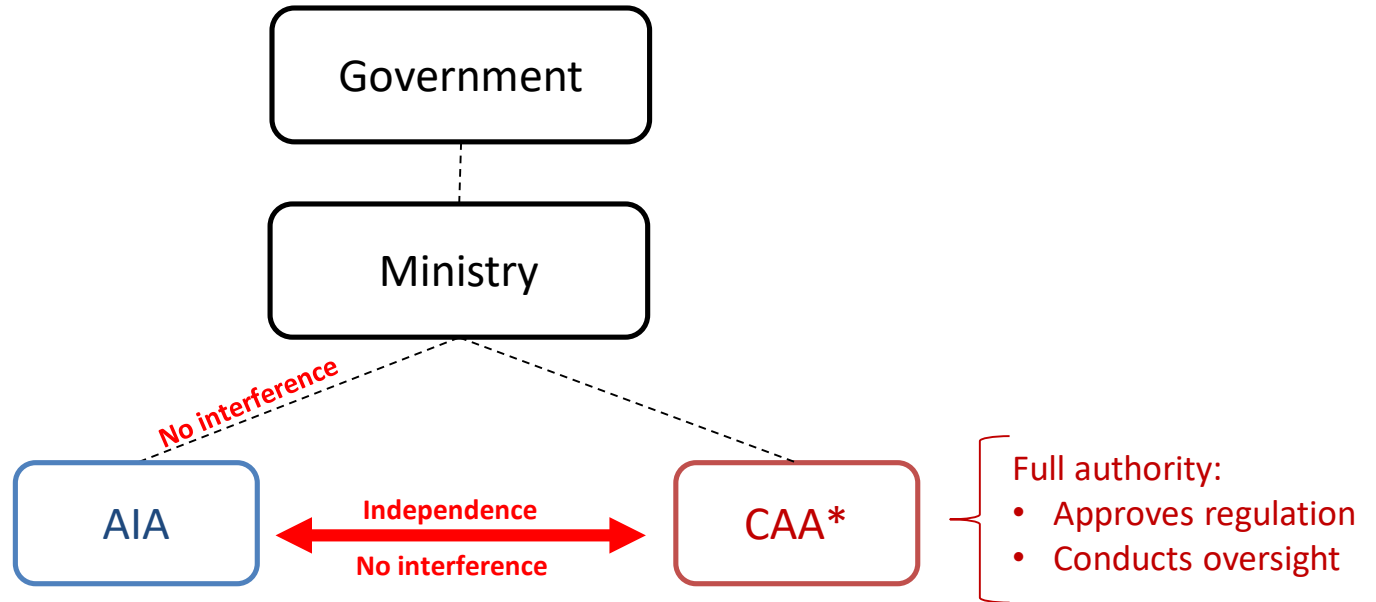
# The Accident Investigation System



*\* In some States, the AIA is under the Congress*

*\*\* Some States have more than 1 CAA*

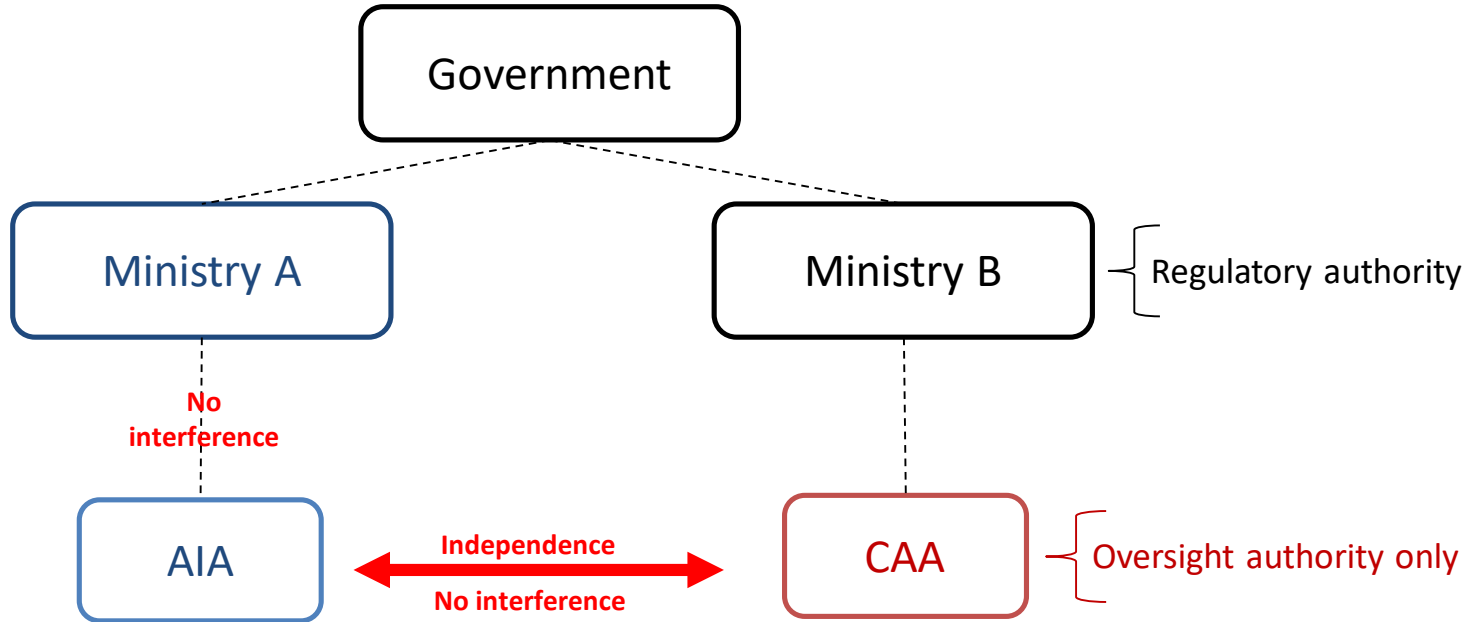
# Usual structures



*\* Some States have more than one CAA*

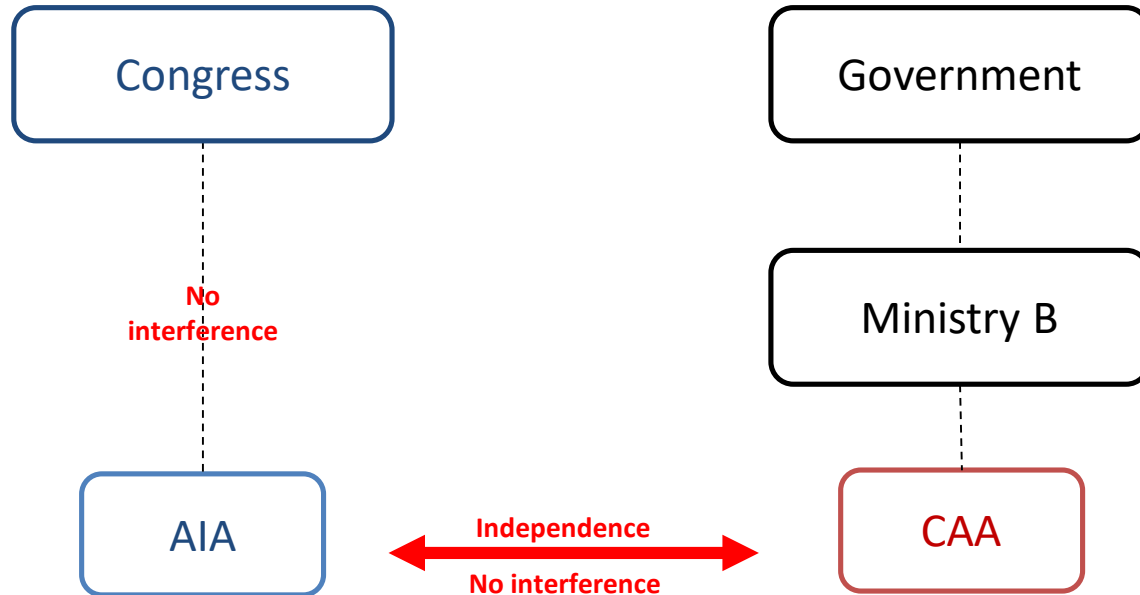


# Usual structures



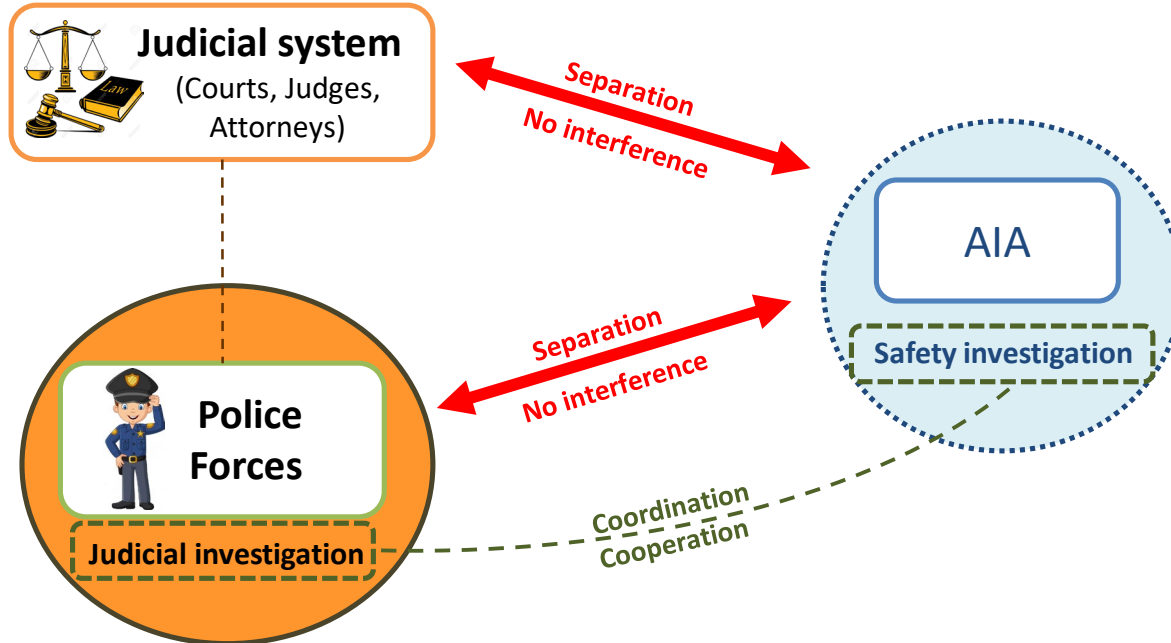


# Usual structures





# Relationship with Justice





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# Agenda

- ✈ Presentation of the AIG Turnkey Project
- ✈ The Accident Investigation System
- ✈ CE-1 and CE-2 requirements for AIG / Drafting provisions



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# CE-1 requirements for AIG

2 PQs  
from  
LEG

+

8 PQs  
from  
AIG

- 1.001 Has the State promulgated primary aviation legislation to enable it to address its obligations as a signatory to the Chicago Convention?
- 1.005 Does the primary aviation legislation provide for the introduction/adoption and subsequent promulgation of specific operating regulations?
- 6.003 Does the State's primary legislation provide for the establishment of an independent accident investigation authority and contain all necessary provisions to ensure the independence of said authority?
- 6.004 Does the State's primary legislation clearly delegate authority to the Head of the accident investigation authority to institute aircraft accident and serious incident investigations?
- 6.021 Does the State's primary legislation grant the accident investigation authority/investigator in charge (IIC) unhampered access to and control over the scene of the accident in order, for example, to protect the aircraft or wreckage as well as the accident site against access by unauthorized persons, pilfering or deterioration?
- 6.023 Does the State's primary legislation grant the accident investigation authority/IIC unhampered access to and control over all relevant material/evidence, including flight recorders and air traffic service (ATS) records?
- 6.025 Does the State's primary legislation enable the accident investigation authority/IIC to carry out detailed examination of relevant material/evidence without delay?
- 6.027 Does the State's primary legislation enable the accident investigation authority/IIC to conduct interviews with witnesses and others who can contribute to the investigation?
- 6.029 Does the State's primary legislation contain provisions to ensure the non-disclosure of CVR recordings and airborne image recordings to the public or for purposes other than accident or incident investigation?
- 6.031 Does the State's primary legislation contain provisions to ensure the non-disclosure of investigation records (other than CVR recordings, airborne image recordings and transcripts from such recordings) for purposes other than aircraft accident or incident investigation?



1.001

Has the State promulgated primary aviation legislation to enable it to address its obligations as a signatory to the Chicago Convention?



1.001 Has the State promulgated primary aviation legislation to enable it to address its obligations as a signatory to the Chicago Convention?

- States shall promulgate a comprehensive and effective aviation law, commensurate with the size and complexity of their aviation activity and consistent with the requirements of the Convention, to enable the oversight and management of civil aviation safety and the enforcement of regulations through the relevant authorities or agencies established for that purpose
- The aviation law shall provide personnel performing safety oversight functions access to the aircraft, operations, facilities, personnel and associated records, as applicable, of individuals and organizations performing an aviation activity



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1.001 Has the State promulgated primary aviation legislation to enable it to address its obligations as a signatory to the Chicago Convention?

- This is a general and comprehensive requirement, which will be checked against the CE-1 requirements of the PQs in each area (in our case, AIG)
- States shall promulgate a comprehensive and effective aviation law, commensurate with the size and complexity of their aviation activity, and consistent with the requirements of the Convention, to enable the oversight and management of civil aviation safety and the fulfillment of obligations through the creation of bodies or agencies established for that purpose
- The aviation law shall provide personnel performing safety oversight functions access to the aircraft, operations facilities, personnel and associated records, as applicable, of individuals and organizations performing an aviation activity



1.005

Does the primary aviation legislation provide for the introduction/adoption and subsequent promulgation of specific operating regulations?





1.005 Does the primary aviation legislation provide for the introduction/adoption and subsequent promulgation of specific operating regulations?

## **Annex 19 – Appendix 1**

### **2. Specific operating regulations (CE-2)**

States shall promulgate regulations to address, at a minimum, national requirements emanating from the primary aviation legislation, for standardized operational procedures, products, services, equipment and infrastructures in conformity with the Annexes to the Convention on International Civil Aviation.

Note.— The term “regulations” is used in a generic sense and includes but is not limited to instructions, rules, edicts, directives, sets of laws, requirements, policies and orders.

1.005 Does the primary aviation legislation provide for the introduction/adoption and subsequent promulgation of specific operating regulations?

Example of legal provision:

10. In order to carry out its activities, the CAIA will:

(a) ...

(d) develop and promulgate regulations for carrying out the purposes and provisions of this Act;

(e) ...

*Key words: Formulating, developing, establishing, approving, promulgating, implementing*



## 6.003

Does the State's primary legislation provide for the establishment of an independent accident investigation authority and contain all necessary provisions to ensure the independence of said authority?



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6.003 Does the State's primary legislation provide for the establishment of an independent accident investigation authority and contain all necessary provisions to ensure the independence of said authority?

Primary legislation shall contain the necessary provisions to ensure the establishment of the accident investigation authority as well as its organizational and operational independence from any outside influences, including those from judicial authorities and civil aviation authorities.



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6.003 Does the State's primary legislation provide for the establishment of an independent accident investigation authority and contain all necessary provisions to ensure the independence of said authority?

The provisions shall:

- a) ensure the organizational independence of the investigation authority;
- b) clarify that the investigation authority shall not receive nor seek instructions in the conduct of the investigation; and
- c) give the investigation authority unrestricted access to and control over the information related to its investigations.



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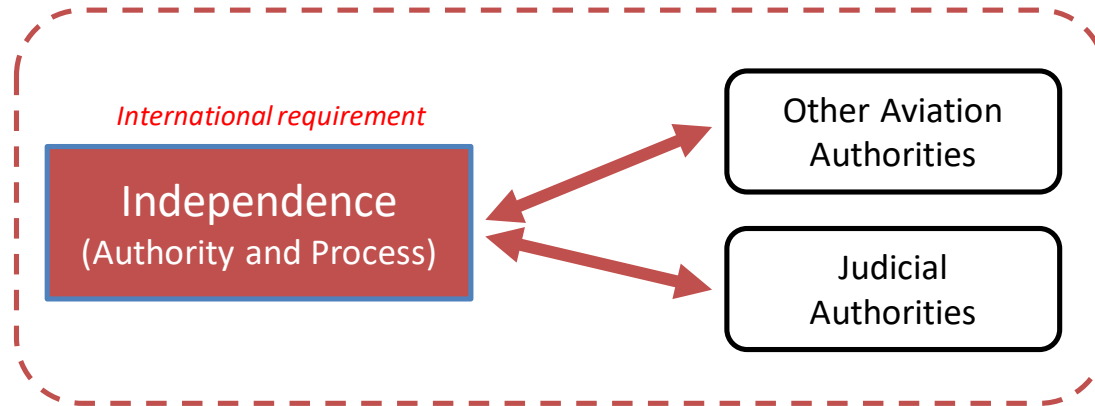
6.003 Does the State's primary legislation provide for the establishment of an independent accident investigation authority and contain all necessary provisions to ensure the independence of said authority?

Note:

When a State delegates the conduct of all investigations under its responsibility to another State or an RAIO, that State would still need to have an accident investigation authority established, in accordance with Standard 3.2 of Annex 13.



6.003 Does the State's primary legislation provide for the establishment of an independent accident investigation authority and contain all necessary provisions to ensure the independence of said authority?



6.003 Does the State's primary legislation provide for the establishment of an independent accident investigation authority and contain all necessary provisions to ensure the independence of said authority?

Example of legal provision:

5. The Coronaland's Accident Investigation Authority of (hereinafter referred to as CAIA) is hereby established under the organizational structure of the Ministry of Infrastructure of Coronaland (MIC), being the entity responsible to carry out the investigation of civil aviation accidents and incidents that:

- (a) Take place within the territory of Coronaland;
- (b) Take place outside the territory of Coronaland when associated with an aircraft registered in Coronaland, provided that the accident or incident occur:
  - (1) in a non-contracting State that does not intend to carry out an investigation in accordance with the Annex 13 of the Chicago Convention; or
  - (2) in a location that cannot definitely be established as being in the territory of any State; or
- (c) Have been delegated to Coronaland by another Contracting State by mutual arrangement and consent.



6.003 Does the State's primary legislation provide for the establishment of an independent accident investigation authority and contain all necessary provisions to ensure the independence of said authority?

Example of legal provision:

6. The mandate of the CAIA is to conduct independent investigations, including:
- a) the gathering, recording and analysis of all relevant information of an accident or incident;
  - b) if appropriate, the issuance of safety recommendations;
  - c) if possible, the determination of the causes and/or contributing factors; and
  - d) as appropriate, the completion of the Final Report.

...

8. The CAIA shall take all reasonable measures to ensure that the investigation procedures and practices that it follows in relation to accidents and incidents are compatible with the Coronaland's obligations under the Convention on International Civil Aviation, and the International Civil Aviation Organisation (ICAO) Standards and Recommended Practices contained in Annex 13.

6.003 Does the State's primary legislation provide for the establishment of an independent accident investigation authority and contain all necessary provisions to ensure the independence of said authority?

10. In order to carry out its activities, the CAIA will:
  - (a) establish its organizational structure with the appropriately staffed bureaus, divisions, and/or offices;
  - (b) have its own independent budget, as part of the MIC's budget;
    - (1) the budget of the CAIA will be composed by 0.6% of the revenue related to the Aeronautical Telecommunications Tax referred to in article 267 (b) of the Act 78/2018 Civil Aviation Act of Coronaland;
  - (c) make use of the administrative support of the MIC for the execution of its budget;
  - (d) develop and promulgate regulations for carrying out the purposes and provisions of this Act;

6.003 Does the State's primary legislation provide for the establishment of an independent accident investigation authority and contain all necessary provisions to ensure the independence of said authority?

10. In order to carry out its activities, the CAIA will:

...

(e) develop, approve and implement policies, procedures, directives and guidance related to accident and incident investigations within its jurisdiction and objectives.

6.003 Does the State's primary legislation provide for the establishment of an independent accident investigation authority and contain all necessary provisions to ensure the independence of said authority?

11. The MIC will provide administrative support for the implementation of policies and guidelines emanating from CAIA, in response to requests approved by the Director of Investigations in the following areas:

- (1) hiring, dismissal and management of human resources, including payroll;
- (2) acquisition of equipment and materials;
- (3) purchase of airline tickets and other forms of transportation; and
- (4) contracting services.



6.004

Does the State's primary legislation clearly delegate authority to the Head of the accident investigation authority to institute aircraft accident and serious incident investigations?



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6.004 Does the State's primary legislation clearly delegate authority to the Head of the accident investigation authority to institute aircraft accident and serious incident investigations?

The basic functions of the Authority must be delegated to its CEO

Here is where we have a more practical approach on the functions to be carried out

6.004 Does the State's primary legislation clearly delegate authority to the Head of the accident investigation authority to institute aircraft accident and serious incident investigations?

Example of legal provision:

12. A Director of Accident Investigations shall be appointed by the Minister, with the following functions:

- a) be responsible for the overall administration of the CAIA;
- b) propose and manage the annual budget of the CAIA;
- c) decide on the hiring, management and dismissal of CAIA employees ;
- d) approve regulations, policies, procedures, directives, programmes, plans, guidance and other technical and administrative documents related to accident and incident investigations activities in Coronaland's civil aviation;
- e) institute investigations into the circumstances of accidents and incidents in accordance with this Act and the regulations made pursuant to this Act;
- f) designate the investigator-in-charge of each investigation;
- g) appoint accredited representatives of Coronaland to participate in investigations carried out by other States and/or organizations;

6.004 Does the State's primary legislation clearly delegate authority to the Head of the accident investigation authority to institute aircraft accident and serious incident investigations?

Example of legal provision:

12. A Director of Accident Investigations shall be appointed by the Minister, with the following functions:

...

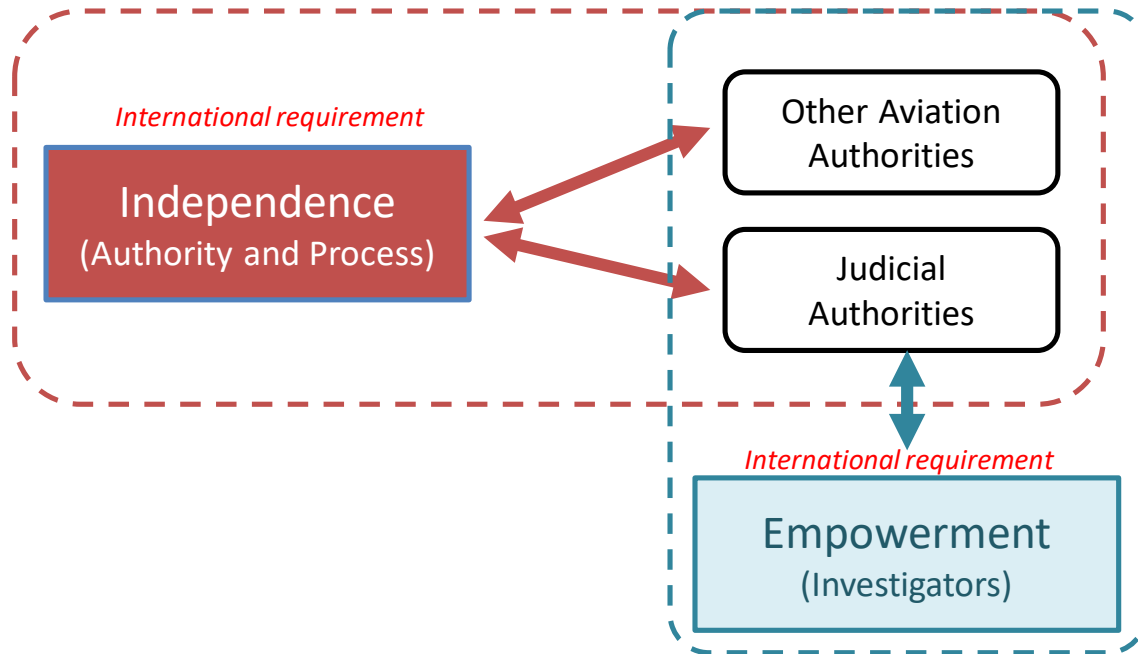
- h) issue credentials to the investigators and certificates of appointment to members of an investigation team that are not CAIA investigators;
- i) delegate the investigation, in whole or in part, to another State or a regional accident and incident investigation organization, when deemed to be appropriate;
- j) determine the re-opening of investigations;
- k) release the final reports of the investigations;
- l) represent the CAIA in all national and international fora; and
- m) take all other administrative and technical actions to ensure that the CAIA will fulfil with all the obligations of Coronaland as signatory of the Chicago Convention, as well as with any other applicable legislation.



## 6.021

Does the State's primary legislation grant the accident investigation authority/investigator in charge (IIC) unhampered access to and control over the scene of the accident in order, for example, to protect the aircraft or wreckage as well as the accident site against access by unauthorized persons, pilfering or deterioration?

6.021 Does the State's primary legislation grant the accident investigation authority/investigator in charge (IIC) unhampered access to and control over the scene of the accident in order, for example, to protect the aircraft or wreckage as well as the accident site against access by unauthorized persons, pilfering or deterioration?



6.021 Does the State's primary legislation grant the accident investigation authority/investigator in charge (IIC) unhampered access to and control over the scene of the accident in order, for example, to protect the aircraft or wreckage as well as the accident site against access by unauthorized persons, pilfering or deterioration?

Example of legal provision:

14. For the purposes of enabling CAIA to carry out an investigation into an accident or incident under and in accordance with this Act and any regulations made for the purposes of this Act, where the whole or any part of the investigation is carried out in Coronaland, the investigator-in-charge (IIC) is:

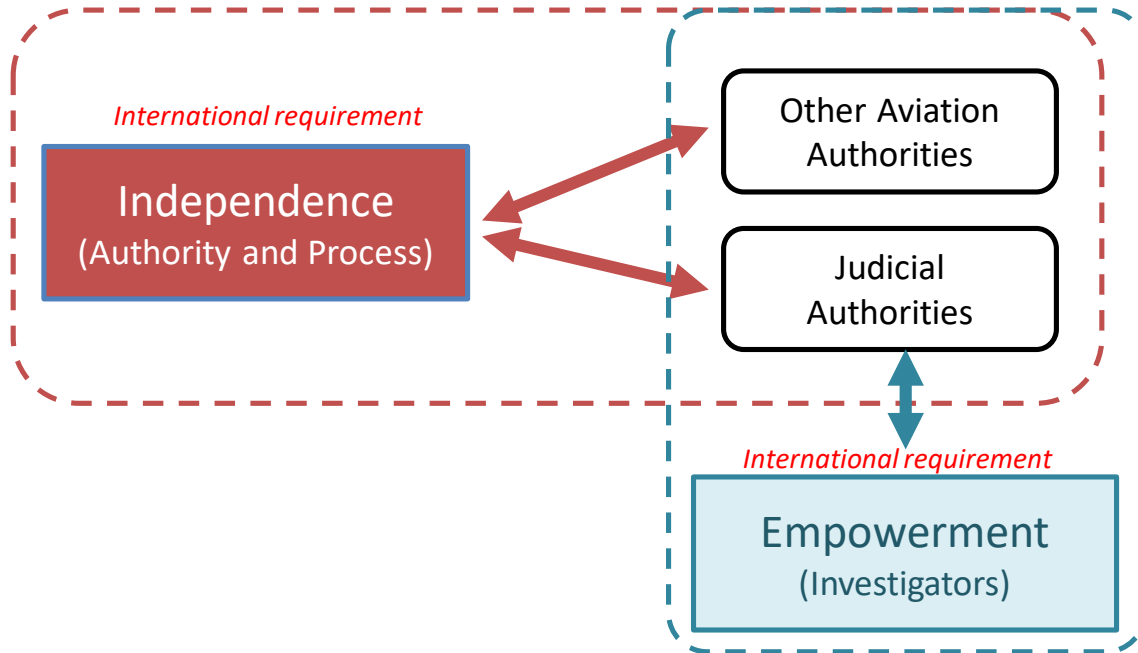
- (a) granted unhampered access to and control over the scene of the accident, including the aircraft, its contents or its wreckage;
  - (1) the control referred in (a) includes the adoption of measures, for example, to protect the aircraft or wreckage as well as the accident site against access by unauthorized persons, pilfering or deterioration;



## 6.023

Does the State's primary legislation grant the accident investigation authority/IIC unhampered access to and control over all relevant material/evidence, including flight recorders and air traffic service (ATS) records?

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Example of legal provision:

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...

(b) granted unhampered access to and control over all relevant material and evidence;

(1) relevant material and evidence referred in (b) include, but is not limited to: flight recorders, air traffic service (ATS) records, documents from operators and service providers within Coronaland, parts of the aircraft associated with the occurrence, and documents from the Civil Aviation Authority of Coronaland (CAAC);

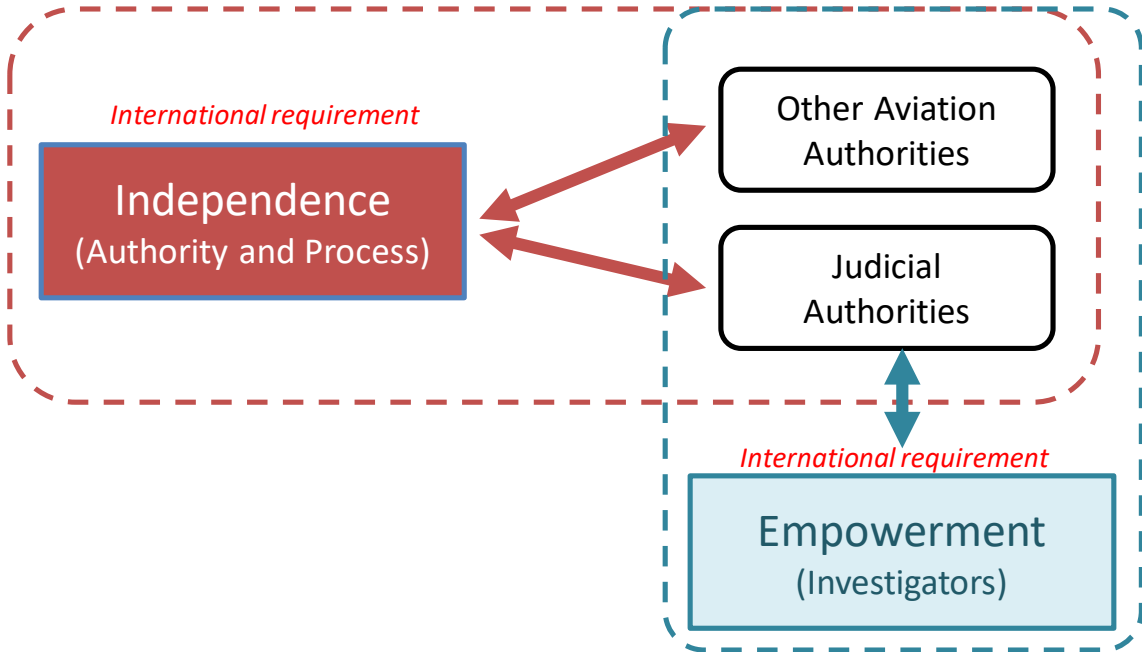


## 6.025

Does the State's primary legislation enable the accident investigation authority/IIC to carry out detailed examination of relevant material/evidence without delay?



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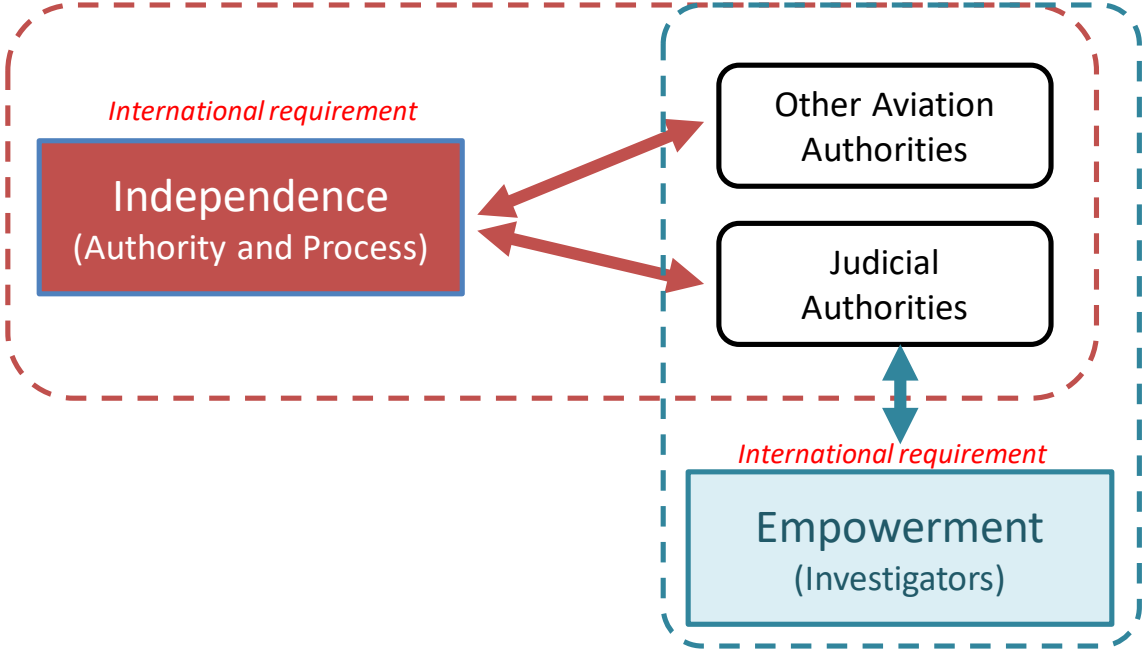
(c) entitled to carry out detailed examination of relevant material and evidence without delay;



## 6.027

Does the State's primary legislation enable the accident investigation authority/IIC to conduct interviews with witnesses and others who can contribute to the investigation?

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Example of legal provision:

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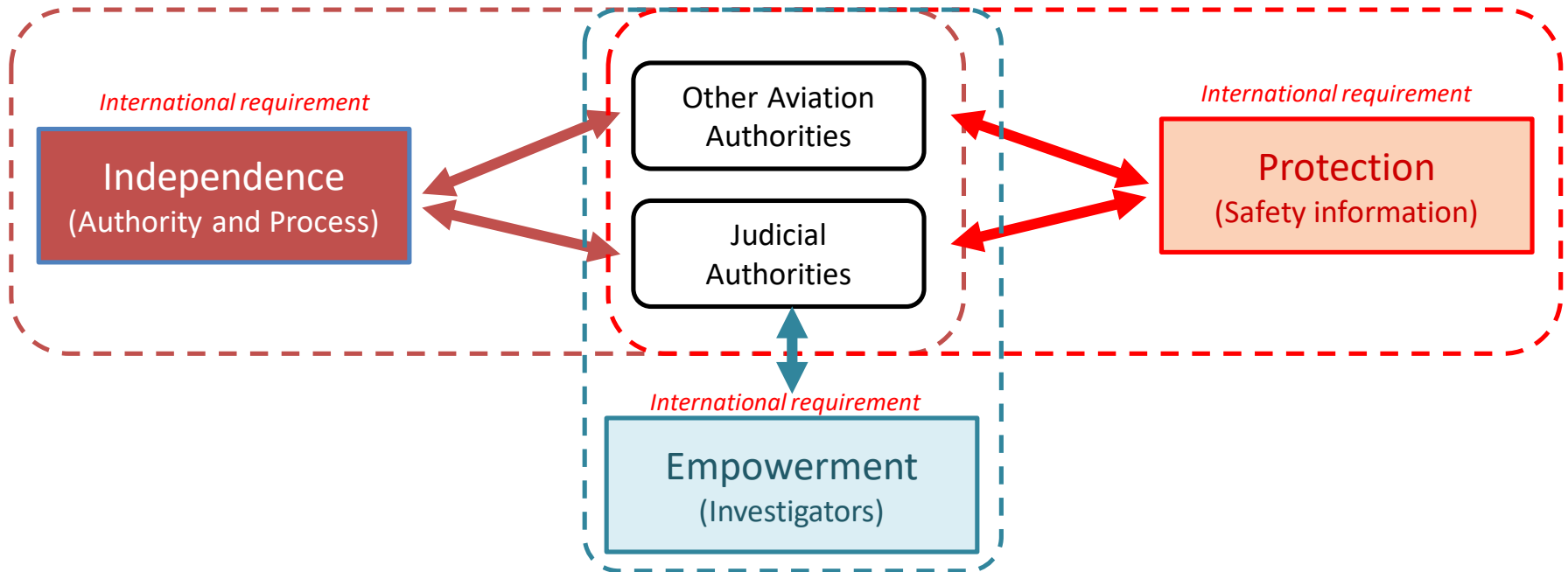
(d) entitled to conduct interviews with witnesses and others who can contribute to the investigation;



6.029

Does the State's primary legislation contain provisions to ensure the non-disclosure of CVR recordings and airborne image recordings to the public or for purposes other than accident or incident investigation?

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Example of legal provision:

19. When carrying out investigations, the CAIA and its investigators will not make the following records available for purposes other than accident or incident investigation, unless the competent authority, through the administration of a balancing test, determines that their disclosure or use outweighs the likely adverse domestic and international impact such action may have on that or any future investigations:

- (a) cockpit voice recordings and airborne image recordings and any transcripts from such recordings; and

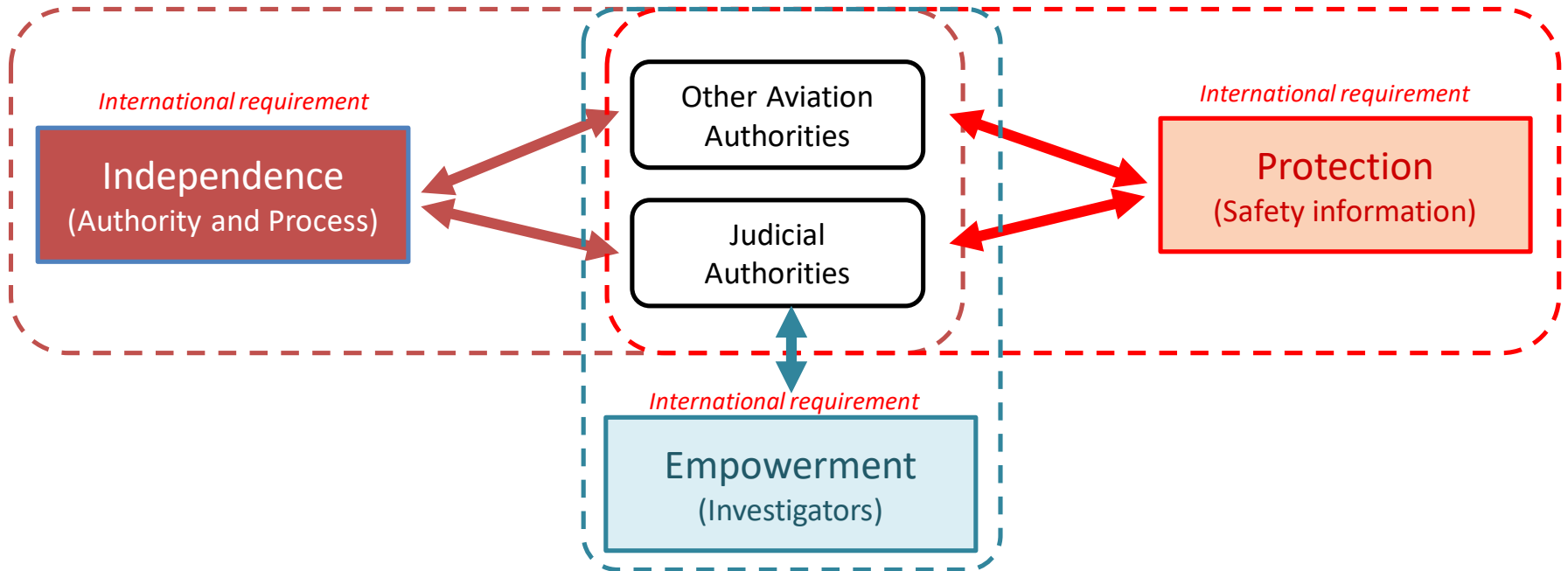


## 6.031

Does the State's primary legislation contain provisions to ensure the non-disclosure of investigation records (other than CVR recordings, airborne image recordings and transcripts from such recordings) for purposes other than aircraft accident or incident investigation?



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(b) records in the custody or control of the accident investigation authority being:

- i. all statements taken from persons by the accident investigation authority in the course of their investigation;
- ii. all communications between persons having been involved in the operation of the aircraft;
- iii. medical or private information regarding persons involved in the accident or incident;
- iv. recordings and transcripts of recordings from air traffic control units;
- v. analysis of and opinions about information, including flight recorder information, made by the accident
- vi. investigation authority and accredited representatives in relation to the accident or incident; and
- vii. the draft Final Report of an accident or incident investigation.



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# CE-2 requirements for AIG

5 PQs  
from  
LEG

+

12 PQs  
from  
AIG

- 1.007 Has the State established a rulemaking process to enable the timely development and promulgation of specific operating regulations in compliance with the Annexes?
- 1.009 Has the State established a process for amending its specific operating regulations or, if necessary, its primary aviation legislation, taking into consideration, among others, ICAO provisions and their amendments?
- 1.025 Has the State established procedures for identifying and notifying to ICAO differences between ICAO SARPs and its legislation and practices, if any?
- 1.029 If the State has adopted specific operating regulations from another State/organization, has it established processes for ensuring that its specific operating regulations are amended as needed subsequent to an Annex amendment or an amendment by the originating State/organization?
- 1.205 Has the State established and implemented a process to ensure the identification and publication in the State's AIP of significant differences between the SARPs/PANS/SUPPS and the State's regulations and practices?
- 6.001 Has the State promulgated legislation requiring the institution of an investigation for aircraft accidents and serious incidents in compliance with the provisions of Annex 13?

- 6.006 Does the State ensure the timely transposition of provisions of Annex 13 into its legal framework?
- 6.007 Has the State promulgated legislation requiring immediate notification of aircraft accidents and serious incidents within the State to the accident investigation authority?
- 6.010 Has the State established the means to make aircraft accident and incident investigation enabling regulations and directives, orders, circulars, publications, etc., readily available to the public?
- 6.011 Has the State promulgated legislation stipulating that accident prevention is the sole objective of aircraft accident and serious incident investigations and that it is not the purpose of the investigation to apportion blame or liability?
- 6.015 Has the State implemented procedures for the amendment of its accident and serious incident investigation enabling regulations and national standards?
- 6.017 Has the State implemented a procedure for identifying and notifying differences, if any, to ICAO?

- 6.033 Has the State promulgated legislation (primary aviation legislation or regulations) permitting, as the State conducting the investigation, the participation of accredited representatives from other States involved?
- 6.035 Has the State promulgated legislation (primary aviation legislation or regulations) to require the re-opening of an investigation if new and significant evidence becomes available?
- 6.359 Has the State established and implemented means to ensure:
- a) the cooperation between the accident investigation authority and the judicial authorities, so that an investigation is not impeded by administrative or judicial investigations or proceedings; and
  - b) separation between the investigation conducted under Annex 13 and the one by the judicial authority?
- 6.371 Has the State promulgated regulations to entitle the participation of experts of States which have special interest in an accident by virtue of fatalities or serious injuries to its citizens in accordance with Annex 13?
- 6.401 Has the State promulgated regulations requiring that all final reports from aircraft accidents and serious incidents investigations be completed and made publicly available?



1.007

Has the State established a rulemaking process to enable the timely development and promulgation of specific operating regulations in compliance with the Annexes?



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1.007 Has the State established a rulemaking process to enable the timely development and promulgation of specific operating regulations in compliance with the Annexes?

Process



a series of actions or steps taken in order to achieve a particular end



1.007 Has the State established a rulemaking process to enable the timely development and promulgation of specific operating regulations in compliance with the Annexes?

Rulemaking  
process

Requires coordination among State's authorities

Processes and procedures should clarify *who does what, how, when (or within what timeframes) and in coordination with whom*, as applicable.

This requirement is linked with requirements for amendment of legislation and identification and notification of differences

1.007 Has the State established a rulemaking process to enable the timely development and promulgation of specific operating regulations in compliance with the Annexes?

1.007  
Establishment  
Rulemaking process

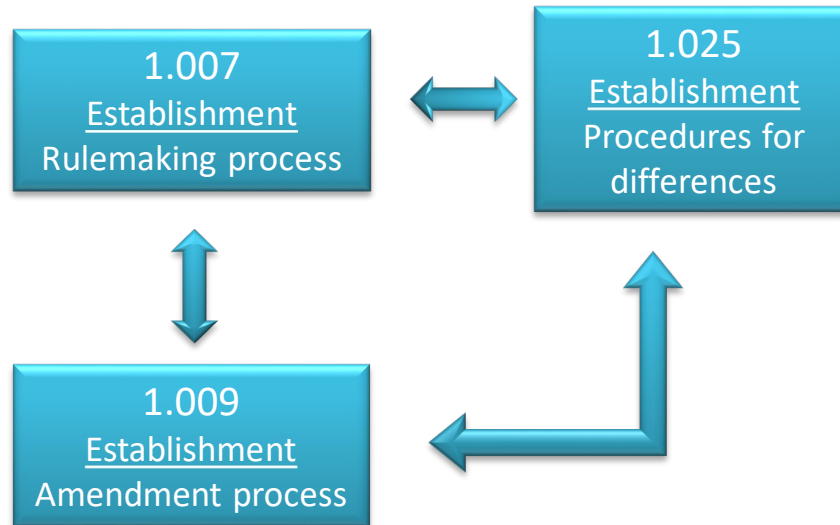
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Establishment  
Rulemaking process

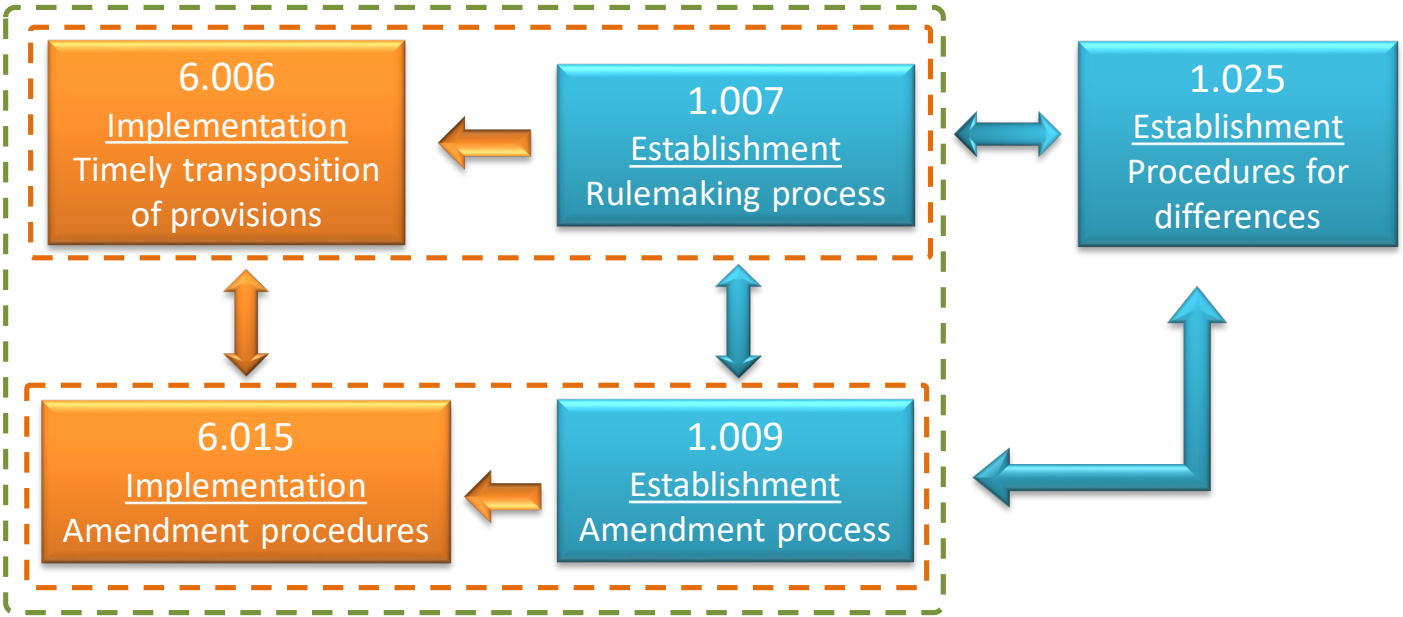


1.009  
Establishment  
Amendment process

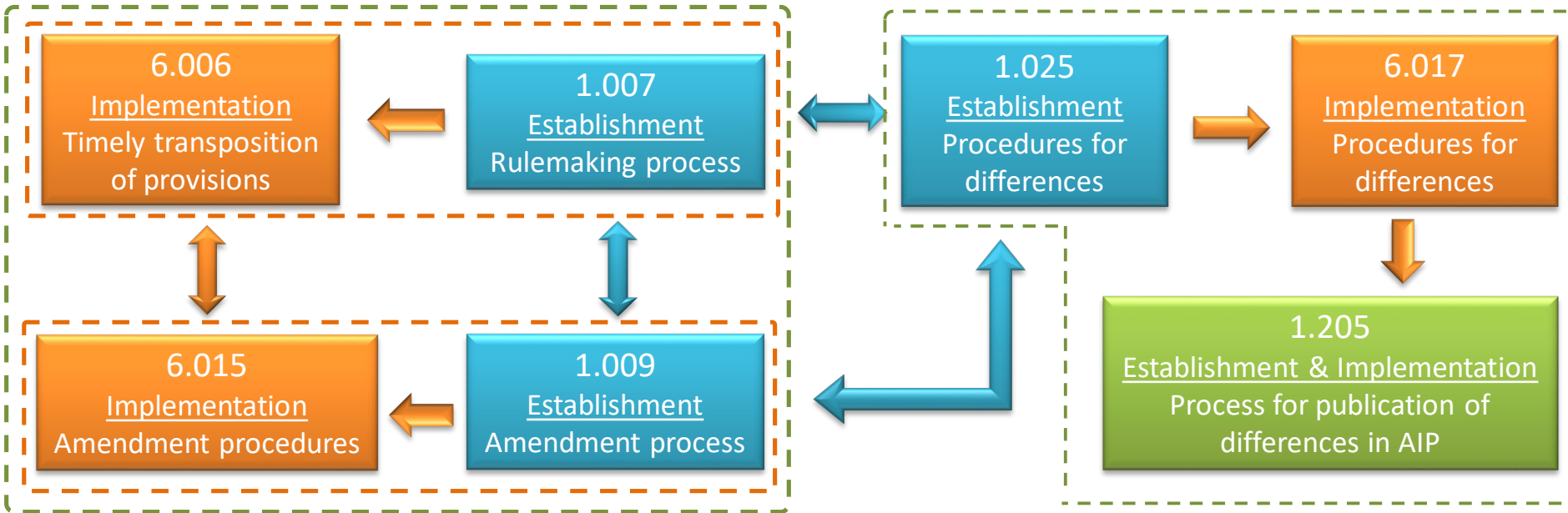
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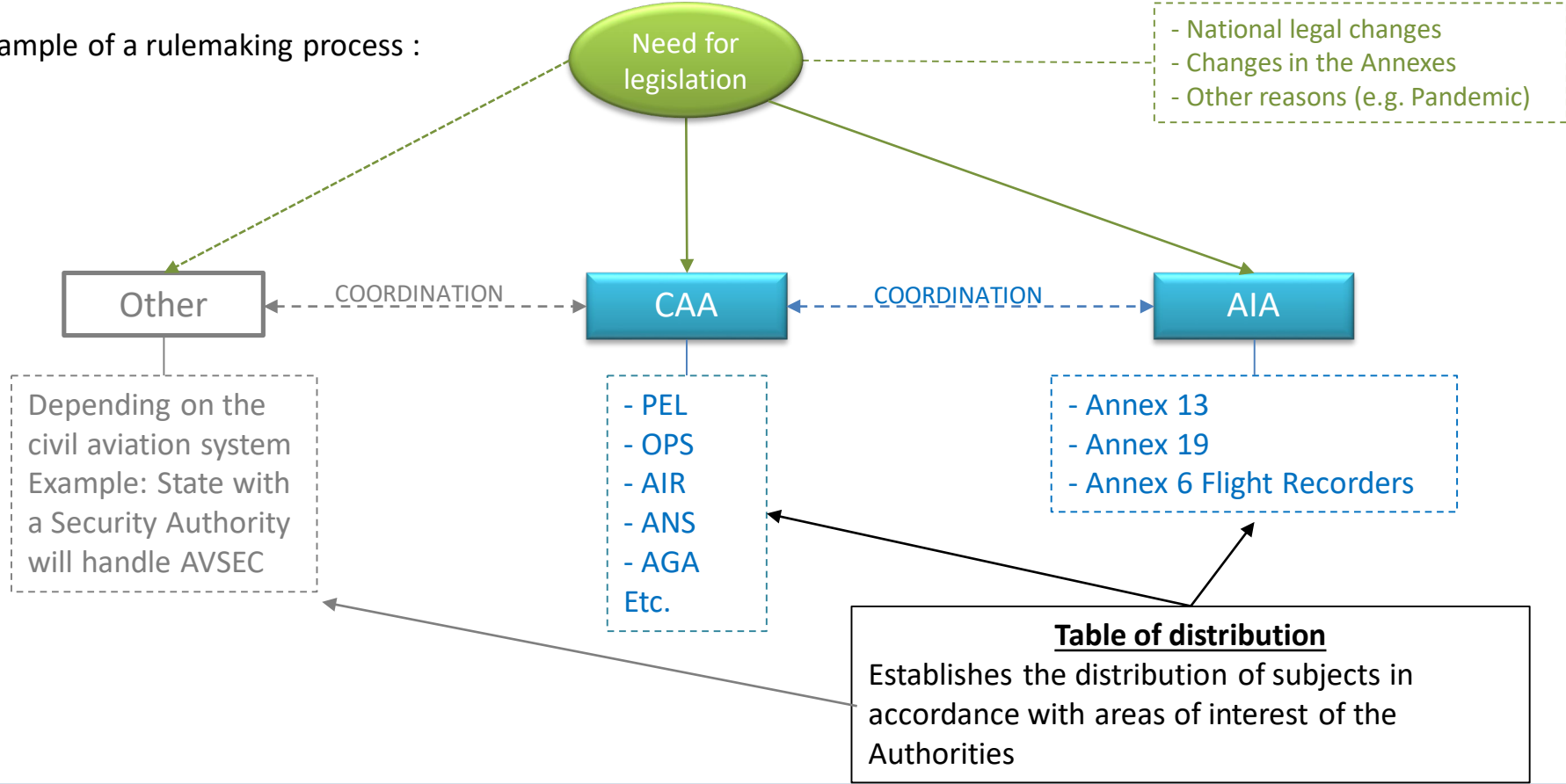
**Particularities** → **If there is a leading coordinating Agency, a Table of distribution is required**

**Inputs** {  
- National legal changes  
- Changes in the Annexes  
- Other reasons (e.g. Pandemic)

**Output** → **Promulgation new legal provision**  
→ **Declaration of difference to ICAO, when applicable**

1.007 Has the State established a rulemaking process to enable the timely development and promulgation of specific operating regulations in compliance with the Annexes?

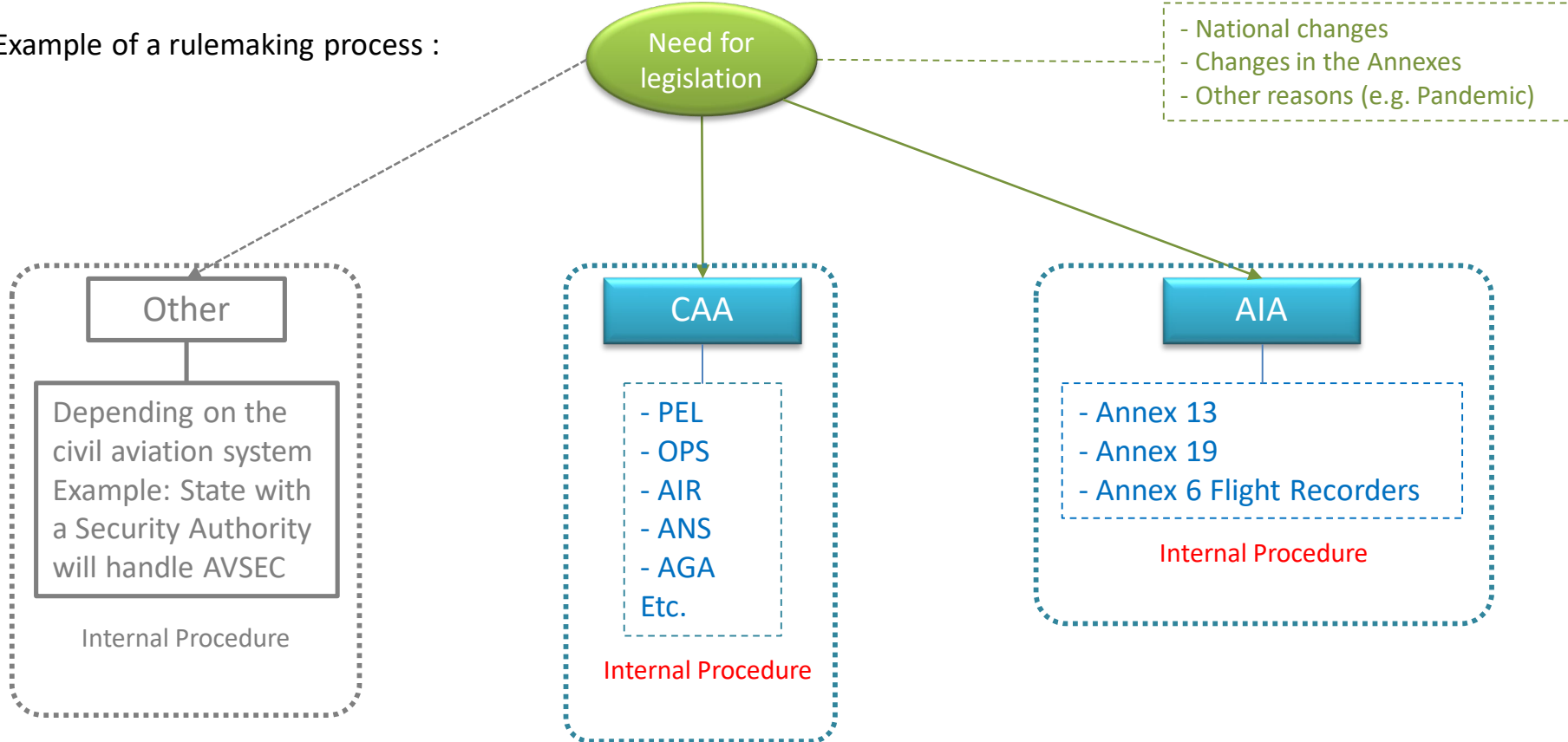
Example of a rulemaking process :





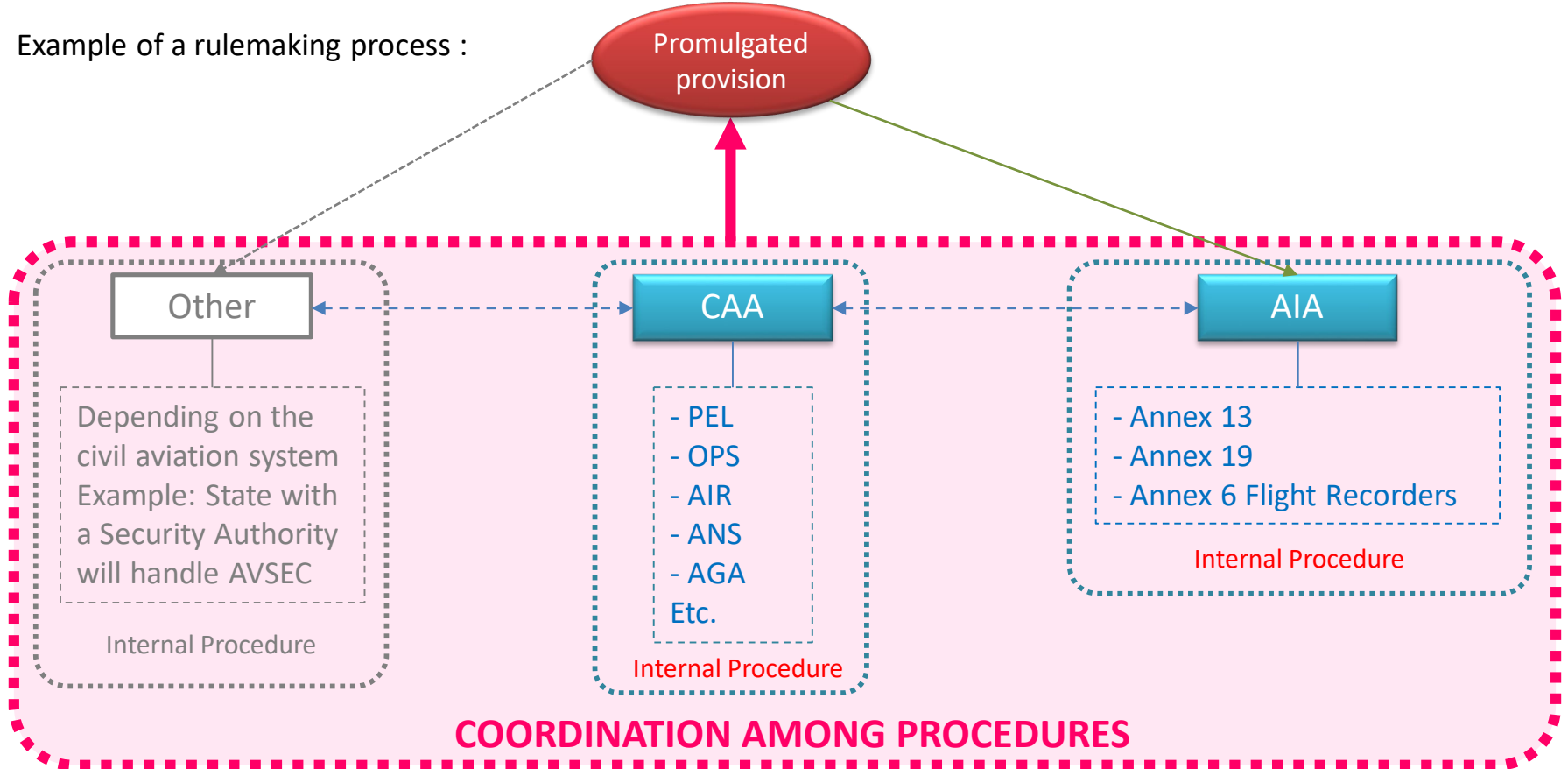
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Example of a rulemaking process :



1.007 Has the State established a rulemaking process to enable the timely development and promulgation of specific operating regulations in compliance with the Annexes?

Example of a rulemaking process :





1.009

Has the State established a process for amending its specific operating regulations or, if necessary, its primary aviation legislation, taking into consideration, among others, ICAO provisions and their amendments?



1.009 Has the State established a process for amending its specific operating regulations or, if necessary, its primary aviation legislation, taking into consideration, among others, ICAO provisions and their amendments?

This process, in practice, would be part of the “rulemaking process”

Particularities 

- Each State has a focal point for receiving SL
- Table of distribution

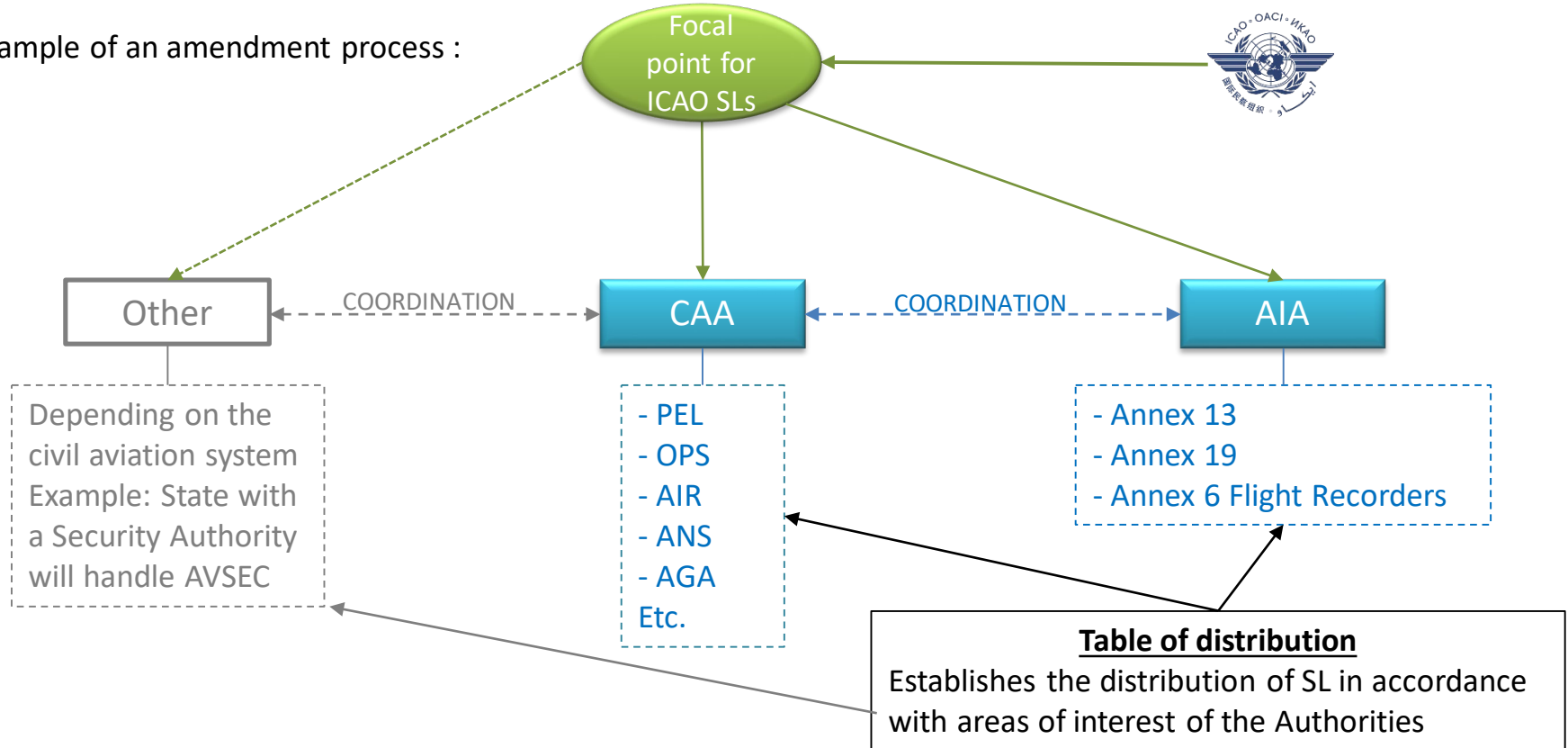
Input  Receipt of ICAO State Letter by State's focal point

Outputs 

- Promulgation of amendment
- Response to ICAO

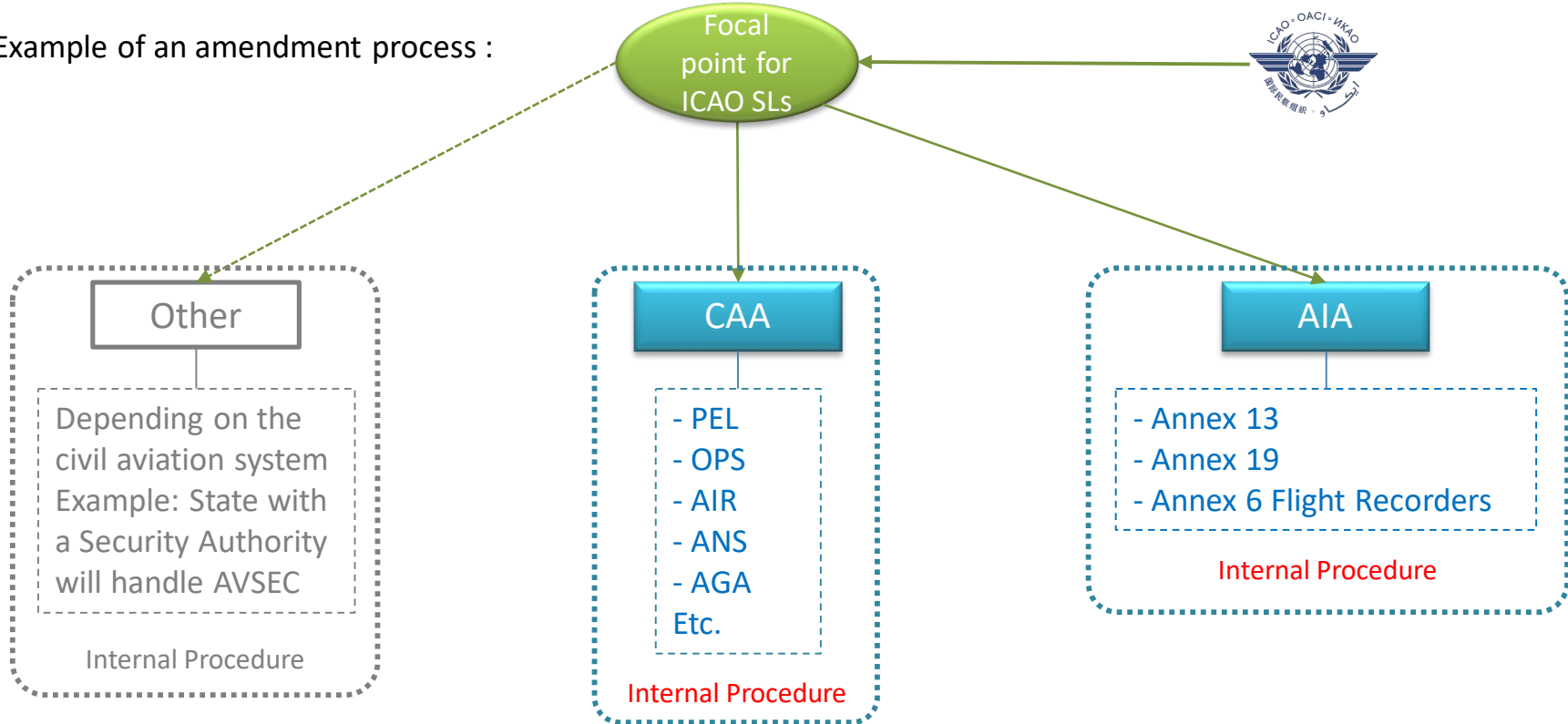
1.009 Has the State established a process for amending its specific operating regulations or, if necessary, its primary aviation legislation, taking into consideration, among others, ICAO provisions and their amendments?

Example of an amendment process :



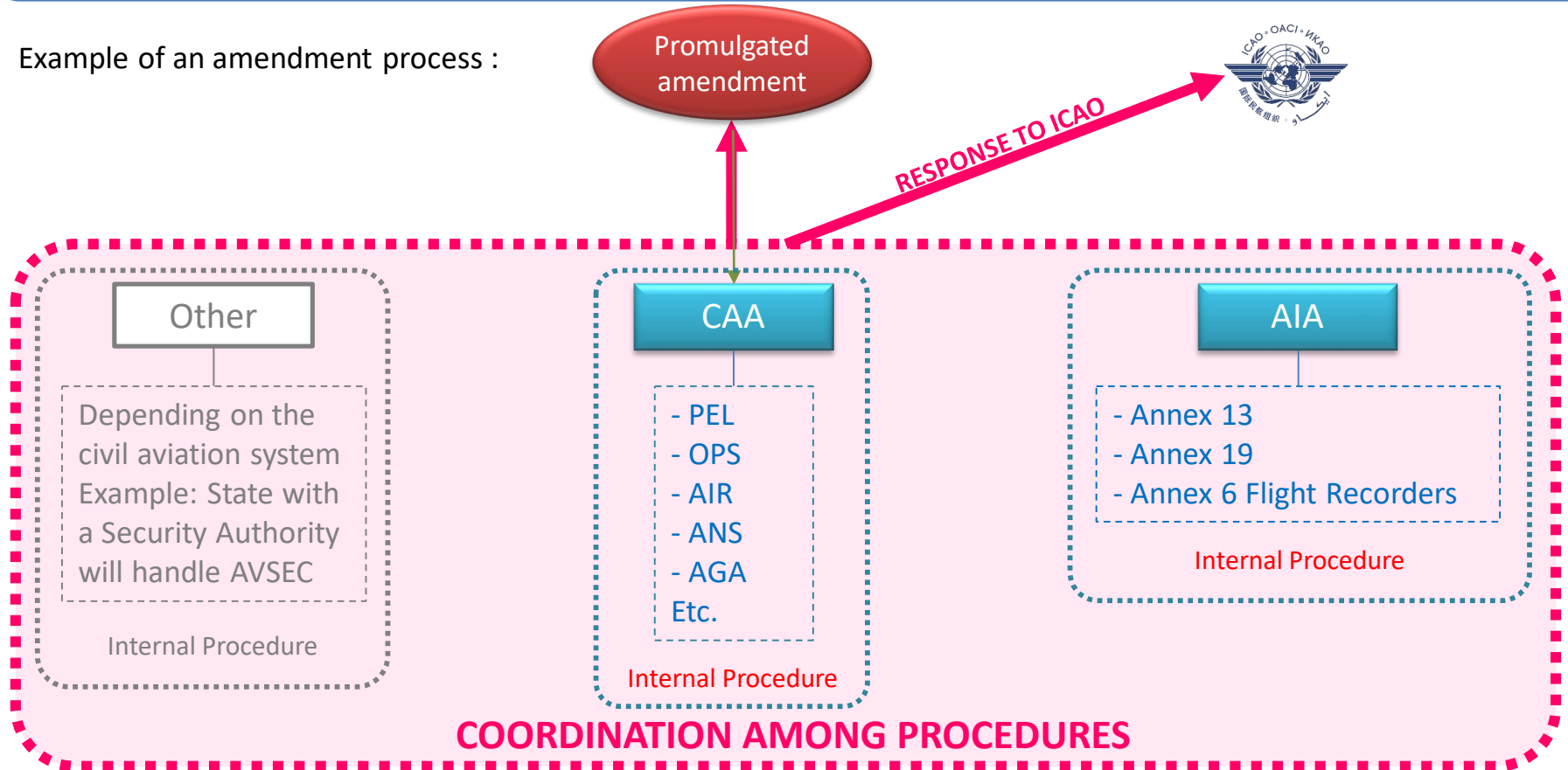
1.009 Has the State established a process for amending its specific operating regulations or, if necessary, its primary aviation legislation, taking into consideration, among others, ICAO provisions and their amendments?

Example of an amendment process :



1.009 Has the State established a process for amending its specific operating regulations or, if necessary, its primary aviation legislation, taking into consideration, among others, ICAO provisions and their amendments?

Example of an amendment process :





1.025

Has the State established procedures for identifying and notifying to ICAO differences between ICAO SARPs and its legislation and practices, if any?





1.025 Has the State established procedures for identifying and notifying to ICAO differences between ICAO SARPs and its legislation and practices, if any?

**Applies to both rulemaking (“new provisions”) and amendment of existing provisions**



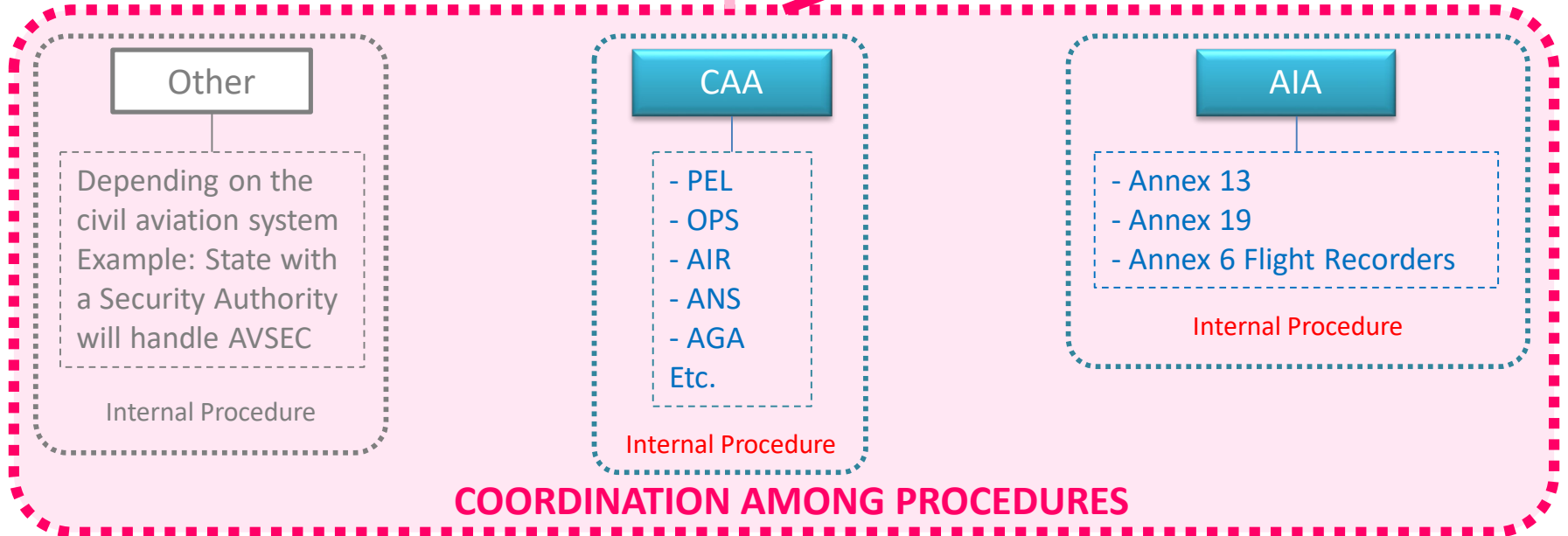
1.025 Has the State established procedures for identifying and notifying to ICAO differences between ICAO SARPs and its legislation and practices, if any?

Example of a notification of differences process :

Promulgated  
new provision  
or amendment



EFOD





## 1.029

If the State has adopted specific operating regulations from another State/organization, has it established processes for ensuring that its specific operating regulations are amended as needed subsequent to an Annex amendment or an amendment by the originating State/organization?



1.029 If the State has adopted specific operating regulations from another State/organization, has it established processes for ensuring that its specific operating regulations are amended as needed subsequent to an Annex amendment or an amendment by the originating State/organization?

## Process similar to the “amendment process”

This process requires

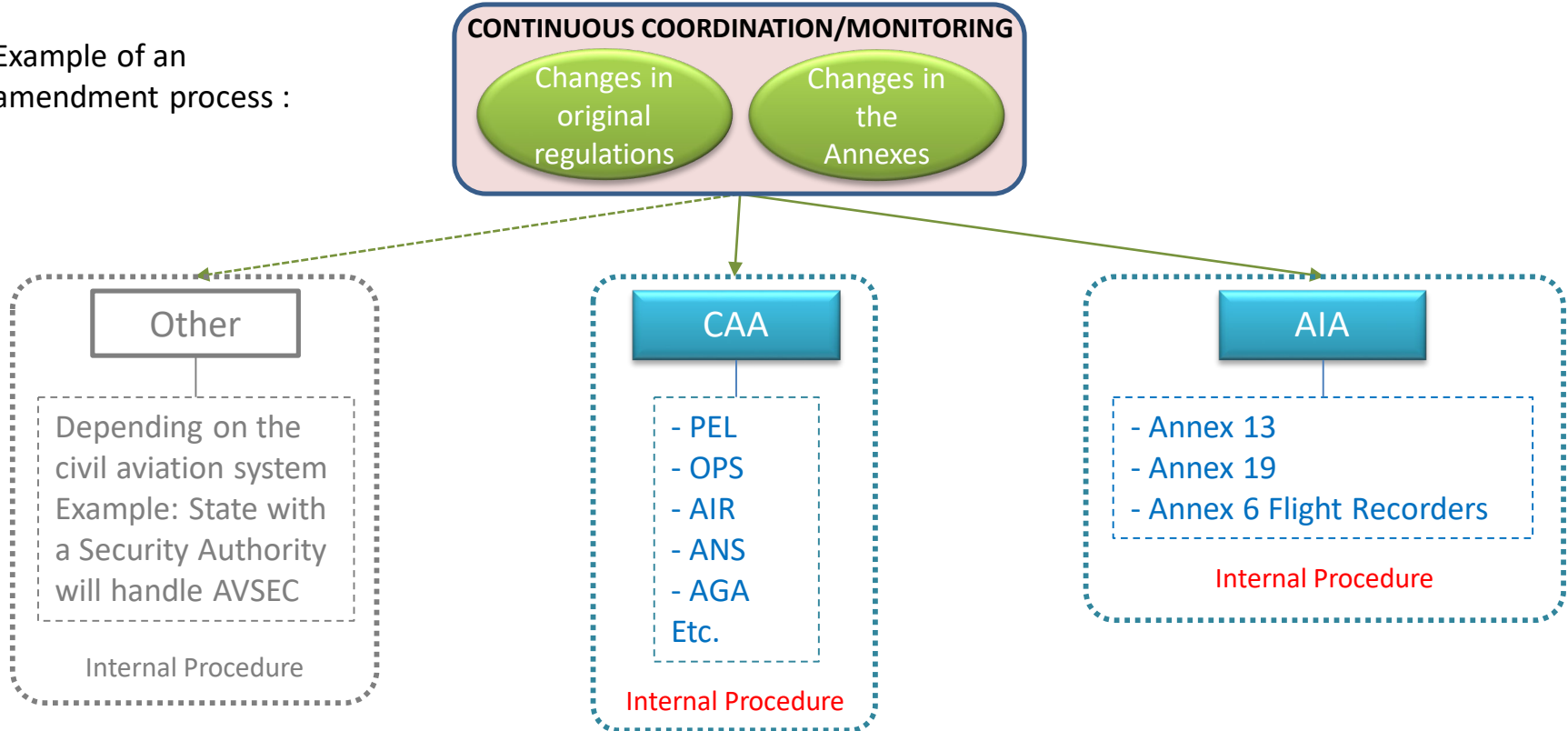
continuous coordination with the “owner”  
of the regulation

and

continuous monitoring of changes in the  
Annexes

1.029 If the State has adopted specific operating regulations from another State/organization, has it established processes for ensuring that its specific operating regulations are amended as needed subsequent to an Annex amendment or an amendment by the originating State/organization?

Example of an amendment process :



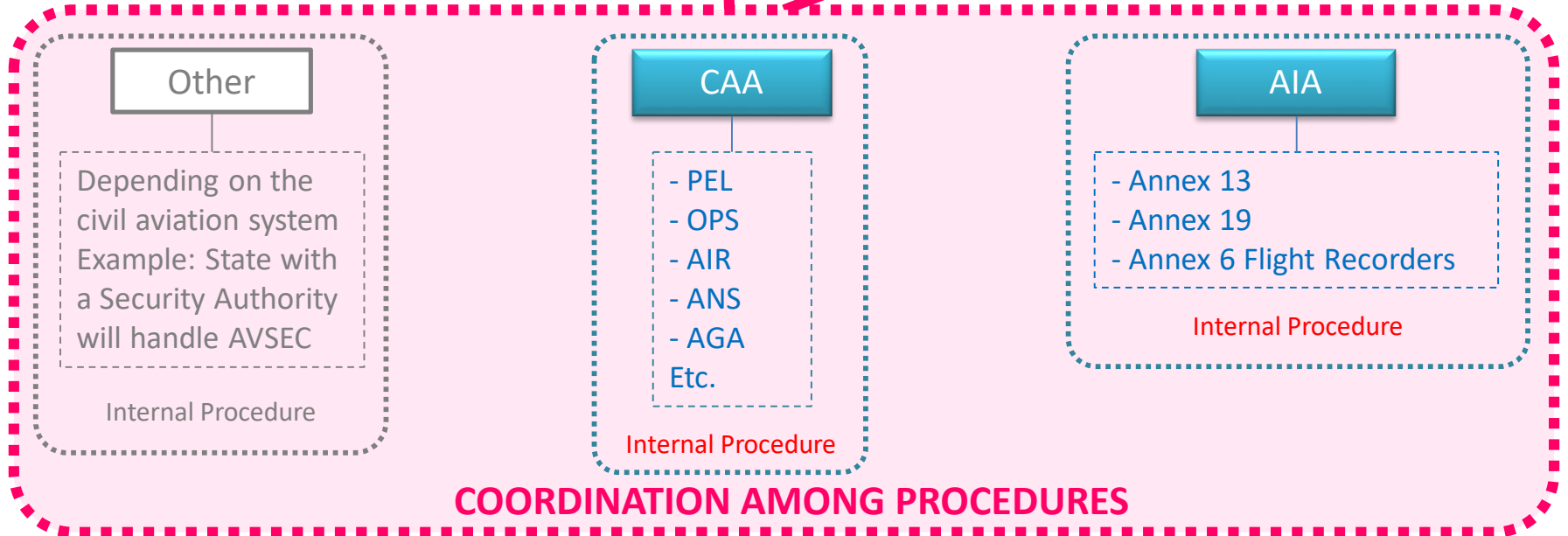
1.029 If the State has adopted specific operating regulations from another State/organization, has it established processes for ensuring that its specific operating regulations are amended as needed subsequent to an Annex amendment or an amendment by the originating State/organization?

Example of an amendment process :

Promulgated new provision or amendment



EFOD





## 1.205

Has the State established and implemented a process to ensure the identification and publication in the State's AIP of significant differences between the SARPs/PANS/SUPPS and the State's regulations and practices?



1.205 Has the State established and implemented a process to ensure the identification and publication in the State's AIP of significant differences between the SARPs/PANS/SUPPS and the State's regulations and practices?

**This process is an output of “rulemaking” and “amendment” processes**

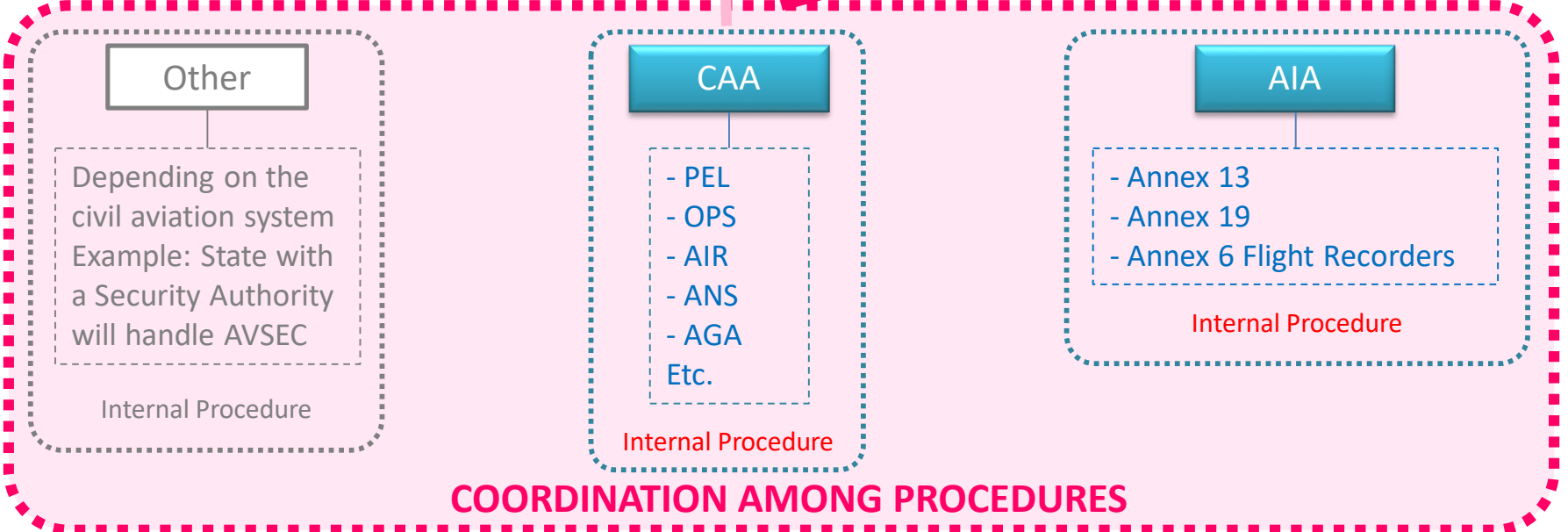
**Definition of significant differences needs to be in the national legislation**

**Coordination with relevant agency for the publication in the AIP**



1.205 Has the State established and implemented a process to ensure the identification and publication in the State's AIP of significant differences between the SARPs/PANS/SUPPS and the State's regulations and practices?

Example of a publication of differences process :



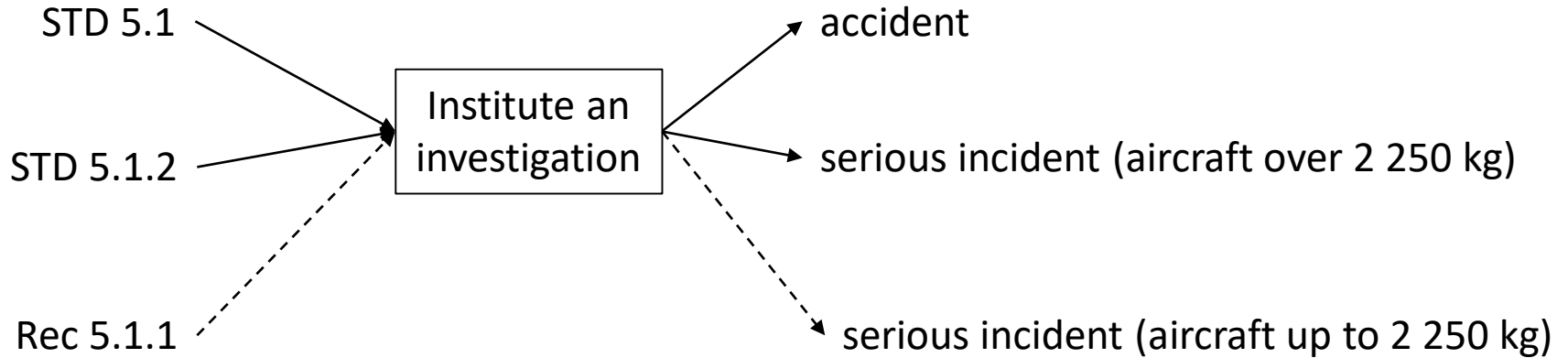


## 6.001

Has the State promulgated legislation requiring the institution of an investigation for aircraft accidents and serious incidents in compliance with the provisions of Annex 13?



6.001 Has the State promulgated legislation requiring the institution of an investigation for aircraft accidents and serious incidents in compliance with the provisions of Annex 13?



6.001 Has the State promulgated legislation requiring the institution of an investigation for aircraft accidents and serious incidents in compliance with the provisions of Annex 13?

Example of regulatory provision:

13.3 The CAIA will institute an investigation into the circumstances of an accident and, when the aircraft involved is of a maximum mass of over 2 250 kg, of serious incident, whenever they occur in the territory of Coronaland.

13.3.1 The CAIA may institute an investigation into the circumstances of any incident other than the serious incidents referred in 13.3, depending on the lessons expected to be learned from such an investigation.



6.006

Does the State ensure the timely transposition of provisions of Annex 13 into its legal framework?



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6.006 Does the State ensure the timely transposition of provisions of Annex 13 into its legal framework?

**This is an implementation requirement**

**It is related to the processes of rulemaking and amendment mentioned in LEG**

**All legal/regulatory provisions need to be timely applicable, in accordance with amendments of Annex 13**



6.006 Does the State ensure the timely transposition of provisions of Annex 13 into its legal framework?

**CONSISTENCY**

If one provision promulgated under that process was not timely implemented, the whole process is **NOT SATISFACTORY**



6.007

Has the State promulgated legislation requiring immediate notification of aircraft accidents and serious incidents within the State to the accident investigation authority?





6.007 Has the State promulgated legislation requiring immediate notification of aircraft accidents and serious incidents within the State to the accident investigation authority?

Legislation  
must

- provide sufficient details on the type of incidents that are or may be serious incidents and that need to be immediately notified to the investigation authority
- require the notification to be made as soon as possible and by the quickest means available

Implementation → notifications timely submitted to the AIA

6.007 Has the State promulgated legislation requiring immediate notification of aircraft accidents and serious incidents within the State to the accident investigation authority?

Example of regulatory provision:

13.4 The owner, operator, pilot-in-command and any crew member of the aircraft, the operator of the airport, and any air traffic controller shall notify to the CAIA as soon as possible and by the quickest means available, any occurrence they have knowledge of as being an:

a) Accident

b) Incident listed in the Appendix A - LIST OF POTENTIAL SERIOUS INCIDENTS TO BE NOTIFIED

13.4.1 The process to be used for the notification of accidents and incidents to the CAIA is detailed in <https://www.caia.gov.cn>



## 6.010

Has the State established the means to make aircraft accident and incident investigation enabling regulations and directives, orders, circulars, publications, etc., readily available to the public?



6.010 Has the State established the means to make aircraft accident and incident investigation enabling regulations and directives, orders, circulars, publications, etc., readily available to the public?






This is an implementation requirement

This is means may be Official Gazette, internet, government printing office

The recommended nowadays is the AIA website

6.010 Has the State established the means to make aircraft accident and incident investigation enabling regulations and directives, orders, circulars, publications, etc., readily available to the public?

The screenshot shows a web browser window with the URL <https://www.caia.gov.cn/legis>. The page header features the CAAC AIG Coronaland logo and the title "Coronaland's Accident Investigation Authority". A navigation menu includes "The CAIA", "Legislation", "Statistics", "Final Reports", "Contact us", and "Notification of Occurrences". The "Legislation" section is active, displaying the text: "Under this section you will find all the regulatory instruments applicable to the investigation of civil aviation accidents and incidents in Coronaland". Below this, a table lists applicable legislation with download links.

Applicable legislation:	Download
1. Act 326, 12 April 2019, the Civil Aviation Act of Coronaland .....	
2. Act 347, 28 June 2020, the Civil Aviation Accident Investigation Authority Act of Coronaland .....	
3. Decree 6214, 30 June 2020, Provides for the operation of the Coronaland's Accident Investigation Authority and other matters .....	
4. Civil Aviation Regulation of Coronaland (CARC) 13 – Investigation of Civil Aviation Accidents and Incidents, revision 5, 14 Oct 2021 .....	
5. Guidance for the Notification of Civil Aviation Accidents and Incidents to the CAIA, revision 2, 22 Nov 2021 .....	



## 6.011

Has the State promulgated legislation stipulating that accident prevention is the sole objective of aircraft accident and serious incident investigations and that it is not the purpose of the investigation to apportion blame or liability?



6.011 Has the State promulgated legislation stipulating that accident prevention is the sole objective of aircraft accident and serious incident investigations and that it is not the purpose of the investigation to apportion blame or liability?

## **ANNEX 13**

### **OBJECTIVE OF THE INVESTIGATION**

3.1 The sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents. It is not the purpose of this activity to apportion blame or liability.

6.011 Has the State promulgated legislation stipulating that accident prevention is the sole objective of aircraft accident and serious incident investigations and that it is not the purpose of the investigation to apportion blame or liability?

The requirement is for “legislation”, which means that it will be accepted either in the level of the Act, or in the Regulation

Whenever feasible, we recommend to have this provision in the level of the Act (to face any potential threat from judicial proceedings and/or court orders)



6.011 Has the State promulgated legislation stipulating that accident prevention is the sole objective of aircraft accident and serious incident investigations and that it is not the purpose of the investigation to apportion blame or liability?

Example of legal provision:

Art. 3. The sole objective of an investigation of an accident or incident under this Act is the prevention of accidents and incidents, and not to apportion blame or liability.

a. Any investigation carried out under this Part must be separate from any judicial or administrative proceedings to apportion blame or liability.

Example of regulatory provision:

13.2 The sole objective of the investigation of an accident or incident by the CAIA is the prevention of accidents and incidents. It is not the purpose of this activity to apportion blame or liability.



## 6.015

Has the State implemented procedures for the amendment of its accident and serious incident investigation enabling regulations and national standards?



6.015 Has the State implemented procedures for the amendment of its accident and serious incident investigation enabling regulations and national standards?

This is an implementation requirement related to the process of amendment mentioned in LEG

All amendments need to be timely applicable, in accordance with amendments of Annex 13



6.015 Has the State implemented procedures for the amendment of its accident and serious incident investigation enabling regulations and national standards?

**CONSISTENCY**

If one provision promulgated under that process was not timely implemented, the whole process is **NOT SATISFACTORY**



## 6.017

Has the State implemented a procedure for identifying and notifying differences, if any, to ICAO?



6.017 Has the State implemented a procedure for identifying and notifying differences, if any, to ICAO?

This is an implementation requirement related to the procedure of identification and notification of differences mentioned in LEG

**Any** existing difference must be notified to ICAO. In addition, significant differences also must be published in the AIP



6.017 Has the State implemented a procedure for identifying and notifying differences, if any, to ICAO?

**CONSISTENCY**

If one difference is identified by the auditor (e.g. any finding related to a SARP), the whole procedure will be considered not implemented, thus

**NOT SATISFACTORY**



## 6.033

Has the State promulgated legislation (primary aviation legislation or regulations) permitting, as the State conducting the investigation, the participation of accredited representatives from other States involved?





6.033 Has the State promulgated legislation (primary aviation legislation or regulations) permitting, as the State conducting the investigation, the participation of accredited representatives from other States involved?

***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. The accredited representative would normally be from the State's accident investigation authority

- Situation in the State regarding judicial investigations:

If the investigators of the AIA are not sufficiently empowered to face the authority of the Police, Attorneys and/or judicial authorities, the participation of accredited representatives may not be ensured



6.033 Has the State promulgated legislation (primary aviation legislation or regulations) permitting, as the State conducting the investigation, the participation of accredited representatives from other States involved?

Participation of accredited representatives from the following States shall be permitted:

- a) State of Registry,
- b) State of Operator,
- c) State of Design,
- d) State of Manufacture, and
- e) Any other State which, on request, provides information, facilities or experts.



6.033 Has the State promulgated legislation (primary aviation legislation or regulations) permitting, as the State conducting the investigation, the participation of accredited representatives from other States involved?

The entitlement must include the following:

- a) Visit the scene of the accident.
- b) Examine the wreckage.
- c) Obtain witness information and suggest areas of questioning.
- d) Have full access to all relevant evidence as soon as possible.
- e) Receive copies of all pertinent documents.
- f) Participate in read-outs of recorded media.
- g) Participate in off-scene investigative activities, such as component examinations, technical briefings, tests and simulations.
- h) Participate in investigation progress meetings, including deliberations related to analyses, findings, causes, contributing factors and safety recommendations.
- i) Make submissions of the various elements of the investigation.

6.033 Has the State promulgated legislation (primary aviation legislation or regulations) permitting, as the State conducting the investigation, the participation of accredited representatives from other States involved?

Example of regulatory provision:

13.5 The State of Registry, the State of the Operator, the State of Design and the State of Manufacture will be entitled to appoint an accredited representative each, to participate in the investigation carried out by the CAIA.

13.6 The State of Registry or the State of the Operator will be entitled to appoint one or more advisers, proposed by the operator, to assist its accredited representative.

13.6.1 When neither the State of Registry nor the State of the Operator appoint an accredited representative, the CAIA will invite the operator to participate in the investigation, subject to the procedures of the CAIA and under the control of the IIC.

6.033 Has the State promulgated legislation (primary aviation legislation or regulations) permitting, as the State conducting the investigation, the participation of accredited representatives from other States involved?

Example of regulatory provision:

13.7 The State of Design and the State of Manufacture will be entitled to appoint one or more advisers, proposed by the organizations responsible for the type design and the final assembly of the aircraft, to assist their accredited representatives.

13.7.1 When neither the State of Design nor the State of Manufacture appoint an accredited representative, the CAIA will invite the organizations responsible for the type design and the final assembly of the aircraft to participate in the investigation, subject to the procedures of the CAIA and under the control of the IIC.

13.8 Any State, which on request provides information, facilities or experts to an investigation conducted by the CAIA, will be entitled to appoint an accredited representative to participate in such investigation.



6.035

Has the State promulgated legislation (primary aviation legislation or regulations) to require the re-opening of an investigation if new and significant evidence becomes available?



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6.035 Has the State promulgated legislation (primary aviation legislation or regulations) to require the re-opening of an investigation if new and significant evidence becomes available?

Points of interest:

The re-opening is mandatory (not optional)

Evidence needs to be new and significant



This requires assessment, that may be made under a procedure

6.035 Has the State promulgated legislation (primary aviation legislation or regulations) to require the re-opening of an investigation if new and significant evidence becomes available?

Example of regulatory provision:

13.14 The Director of Accident Investigations of the CAIA will determine the re-opening of an investigation if new and significant evidence becomes available.





6.359

Has the State established and implemented means to ensure:

- a) the cooperation between the accident investigation authority and the judicial authorities, so that an investigation is not impeded by administrative or judicial investigations or proceedings; and
- b) separation between the investigation conducted under Annex 13 and the one by the judicial authority?



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SAFETY

6.359 Has the State established and implemented means to ensure:

- a) the cooperation between the accident investigation authority and the judicial authorities, so that an investigation is not impeded by administrative or judicial investigations or proceedings; and
- b) separation between the investigation conducted under Annex 13 and the one by the judicial authority?

Although this requirement is put under a CE-2, in fact it depends on the primary legislation to be fully effective

However, even without primary legislation, some degree of separation and cooperation may be achieved through appropriate instruments (e.g. Memoranda of Understanding)

6.359 Has the State established and implemented means to ensure:

- a) the cooperation between the accident investigation authority and the judicial authorities, so that an investigation is not impeded by administrative or judicial investigations or proceedings; and
- b) separation between the investigation conducted under Annex 13 and the one by the judicial authority?

### Potential areas of agreement include:

- access to the site of the accident
- preservation of and access to the evidence
- identification of victims
- flight recorder read-outs
- examinations of relevant material/evidence
- initial and ongoing debriefings of the status of each process
- exchange of information
- appropriate use of safety information
- resolution of conflicts



6.359 Has the State established and implemented means to ensure:

- a) the cooperation between the accident investigation authority and the judicial authorities, so that an investigation is not impeded by administrative or judicial investigations or proceedings; and
- b) separation between the investigation conducted under Annex 13 and the one by the judicial authority?

This requirement will be examined in the  
Session 2 of the Turnkey Project



6.371

Has the State promulgated regulations to entitle the participation of experts of States which have special interest in an accident by virtue of fatalities or serious injuries to its citizens in accordance with Annex 13?



6.371 Has the State promulgated regulations to entitle the participation of experts of States which have special interest in an accident by virtue of fatalities or serious injuries to its citizens in accordance with Annex 13?

## ANNEX 13

### STATES HAVING SUFFERED FATALITIES OR SERIOUS INJURIES TO THEIR CITIZENS

#### ***Rights and entitlement***

5.27 A State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens shall be entitled to appoint an expert who shall be entitled to:

- a) visit the scene of the accident;
- b) have access to the relevant factual information which is approved for public release by the State conducting the investigation, and information on the progress of the investigation; and
- c) receive a copy of the Final Report.

This will not preclude the State from also assisting in the identification of victims and in meetings with survivors from that State.

6.371 Has the State promulgated regulations to entitle the participation of experts of States which have special interest in an accident by virtue of fatalities or serious injuries to its citizens in accordance with Annex 13?

Example of regulatory provision:

13.13 Any State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens is entitled to appoint an expert who will be entitled to:

- a) visit the scene of the accident;
- b) have access to the relevant factual information which is approved for public release by the State conducting the investigation, and information on the progress of the investigation; and
- c) receive a copy of the Final Report.



## 6.401

Has the State promulgated regulations requiring that all final reports from aircraft accidents and serious incidents investigations be completed and made publicly available?





6.401 Has the State promulgated regulations requiring that all final reports from aircraft accidents and serious incidents investigations be completed and made publicly available?

## ANNEX 13

### RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION

#### ***General***

5.4 The accident investigation authority shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of this Annex. The investigation shall normally include:

- a) ...
- e) the completion of the Final Report.
- ...



6.401 Has the State promulgated regulations requiring that all final reports from aircraft accidents and serious incidents investigations be completed and made publicly available?

## ANNEX 13

### RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION

#### ***Release of the Final Report***

6.5 In the interest of accident prevention, the State conducting the investigation of an accident or incident shall make the Final Report publicly available as soon as possible and, if possible, within twelve months.

*Note.— Making a Final Report publicly available can be achieved by posting the Final Report on the Internet, and does not necessarily require a hard-copy publication of the Final Report.*

6.401 Has the State promulgated regulations requiring that all final reports from aircraft accidents and serious incidents investigations be completed and made publicly available?

Example of regulatory provision:

13.18 The CAIA will make the Final Report of the investigation of an accident or incident publicly available as soon as possible and, if possible, within twelve months.



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North American  
Central American  
and Caribbean  
(NACC) Office  
Mexico City

South American  
(SAM) Office  
Lima

ICAO  
Headquarters  
Montréal

Western and  
Central African  
(WACAF) Office  
Dakar

European and  
North Atlantic  
(EUR/NAT) Office  
Paris

Middle East  
(MID) Office  
Cairo

Eastern and  
Southern African  
(ESAF) Office  
Nairobi

Asia and Pacific  
(APAC) Sub-office  
Beijing

Asia and Pacific  
(APAC) Office  
Bangkok



THANK YOU