



International  
Civil Aviation  
Organization

Organisation  
de l'aviation civile  
internationale

Organización  
de Aviación Civil  
Internacional

Международная  
организация  
гражданской  
авиации

منظمة الطيران  
المدني الدولي

国际民用  
航空组织

Tel.: +1 (514) 954-8160

Ref.: AN 6/1.1-10/26

29 March 2010

**Subject:** Adoption of Amendment 13 to Annex 13

**Action required:** a) Notify any disapproval before 12 July 2010; b) Notify any differences and compliance before 18 October 2010

Sir/Madam,

1. I have the honour to inform you that Amendment 13 to the *International Standards and Recommended Practices, Aircraft Accident and Incident Investigation* (Annex 13 to the Convention on International Civil Aviation) was adopted by the Council at the fifth meeting of its 189th Session on 22 February 2010. Copies of the Amendment and the Resolution of Adoption are available as attachments to the electronic version of this State letter on the ICAO-NET ([www.icao.int/icaoenet](http://www.icao.int/icaoenet)).

2. When adopting the amendment, the Council prescribed 12 July 2010 as the date on which it will become effective, except for any part concerning which a majority of Contracting States have registered their disapproval before that date. In addition, the Council resolved that Amendment 13, to the extent it becomes effective, will become applicable on 18 November 2010.

3. Amendment 13 stems from the recommendations from the Accident Investigation and Prevention (AIG) Divisional Meeting (2008) and centres on the need to improve and amplify the scope of investigations in a cost-effective environment.

4. In accordance with the decision of the 26th Session of the Assembly, I would like to bring to your attention the Organization's long-standing practice of providing documentation to States upon request. In this regard, I wish to refer you to the ICAO-NET website ([www.icao.int/icaoenet](http://www.icao.int/icaoenet)) where you can access all relevant documentation. The practice of dispatching printed copies of such documentation has now been discontinued.

5. In conformity with the Resolution of Adoption, may I request:

- a) that before 12 July 2010 you inform me if there is any part of Amendment 13 concerning which your Government wishes to register disapproval, using the form in Attachment B for this purpose. Please note that only statements of disapproval need

be registered and if you do not reply it will be assumed that you do not disapprove of the amendment;

- b) that before 18 October 2010 you inform me of the following, using the form in Attachment C for this purpose:
- 1) any differences that will exist on 18 November 2010 between the national regulations or practices of your Government and the provisions of the whole of Annex 13, as amended by all amendments up to and including Amendment 13, and thereafter of any further differences that may arise;
  - 2) the date or dates by which your Government will have complied with the provisions of the whole of Annex 13, as amended by all amendments up to and including Amendment 13.

6. With reference to the request in paragraph 5 a) above, it should be noted that a registration of disapproval of Amendment 13 or any part of it in accordance with Article 90 of the Convention does not constitute a notification of differences under Article 38 of the Convention. To comply with the latter provision, a separate statement is necessary if any differences do exist, as requested in paragraph 5 b) 1). It is recalled in this respect that international Standards in Annexes have a conditional binding force, to the extent that the State or States concerned have not notified any difference thereto under Article 38 of the Convention.

7. Guidance on the determination and reporting of differences is given in the Note on the Notification of Differences to Annex 13 and Form of Notification in Attachment D.

8. Please note that a detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.

9. I would appreciate it if you would also send a copy of your notifications, referred to in paragraph 5 b) above, to the ICAO Regional Director accredited to your Government.

10. As soon as practicable after the amendment becomes effective, on 12 July 2010, replacement pages incorporating Amendment 13 will be forwarded to you.

Accept, Sir/Madam, the assurances of my highest consideration.



Raymond Benjamin  
Secretary General

**Enclosures:**

- A — Amendment to the Foreword of Annex 13
- B — Form on notification of disapproval of all or part of Amendment 13 to Annex 13
- C — Form on notification of compliance with or differences from Annex 13
- D — Note on the Notification of Differences

**ATTACHMENT A to State letter AN 6/1.1-10/26**

**AMENDMENT TO THE FOREWORD OF ANNEX 13, NINTH EDITION**

*Add the following at the end of Table A:*

| <i><b>Amendment</b></i> | <i><b>Source(s)</b></i>   | <i><b>Subject(s)</b></i>   | <i><b>Adopted/Approved<br/>Effective<br/>Applicable</b></i> |
|-------------------------|---|--|---|
| 13                      | Accident Investigation and Prevention (AIG) Divisional Meeting (2008) | Revised definitions of accident (to accommodate unmanned aircraft systems), accredited representative, causes, investigation, safety recommendation, serious incident; new specification on the notification to ICAO of accidents and serious incidents to turbojet-powered aeroplane of a maximum mass equal to or below 2 250 kg; deletion of reference to the name of the pilot in the notification of accidents and serious incidents; inclusion of the possibility to delegate investigations to regional accident investigation organizations; new provision concerning the investigation of serious incidents to aircraft of a maximum mass of over 2 250 kg; expansion of provision concerning the extension of investigations based on lessons expected; strengthening of provision concerning the separation of investigation from any judicial or administrative proceedings to apportion blame or liability; new provision concerning the development of documented policies and procedures for investigations; new provision to ensure that investigations are not impeded by administrative or judicial investigations; widening the specification concerning the disclosure of records to address cockpit airborne image recordings and their transcripts; new provision to avoid disclosure of the names of the persons involved in accidents and incidents; revised provision addressing participation of States which suffered fatalities or serious injuries to its citizens; new | 22 February 2010<br>12 July 2010<br>18 November 2010        |

| <i>Amendment</i> | <i>Source(s)</i> | <i>Subject(s)</i>   | <i>Adopted/Approved<br/>Effective<br/>Applicable</i> |
|------------------|------------------|---|--|
|                  |                  | <p>specification regarding the release of information and progress of the investigation; revised provision concerning the need to make the Final Report publicly available; strengthening the provision on the release of an interim statement on each anniversary of the occurrence; revised provisions addressing safety recommendations to include a time frame for actions to be taken; new provisions on the control of responses to safety recommendations as well as monitoring of actions taken; revised specifications in the Appendix concerning the use of “causes” and/or “contributing factors”; updated notification and reporting checklist in Attachment B; inclusion of uncontained turbine engine failure as serious incident in Attachment C; new Attachment G on guidance for the determination of aircraft damage.</p> |  |

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ATTACHMENT B to State letter AN 6/1.1-10/26

NOTIFICATION OF DISAPPROVAL OF ALL OR PART OF  
AMENDMENT 13 TO ANNEX 13

To: The Secretary General  
International Civil Aviation Organization  
999 University Street  
Montreal, Quebec  
Canada H3C 5H7

(State) \_\_\_\_\_ hereby wishes to disapprove the following parts of Amendment 13 to Annex 13:

Signature \_\_\_\_\_

Date \_\_\_\_\_

*NOTES*

- 1) If you wish to disapprove all or part of Amendment 13 to Annex 13, please dispatch this notification of disapproval to reach ICAO Headquarters by 12 July 2010. If it has not been received by that date it will be assumed that you do not disapprove of the amendment. **If you approve of all parts of Amendment 13, it is not necessary to return this notification of disapproval.**
- 2) This notification should not be considered a notification of compliance with or differences from Annex 13. Separate notifications on this are necessary. (See Attachment C.)
- 3) Please use extra sheets as required.

\_\_\_\_\_

**NOTIFICATION OF COMPLIANCE WITH OR DIFFERENCES FROM  
ANNEX 13  
(including all amendments up to and including Amendment 13)**

To: The Secretary General  
International Civil Aviation Organization  
999 University Street  
Montreal, Quebec  
Canada H3C 5H7

1. No differences will exist on \_\_\_\_\_ between the national regulations and/or practices of **(State)** \_\_\_\_\_ and the provisions of Annex 13, including all amendments up to and including Amendment 13.

2. The following differences will exist on \_\_\_\_\_ between the regulations and/or practices of **(State)** \_\_\_\_\_ and the provisions of Annex 13, including Amendment 13 (Please see Note 3) below.)

| <b>a) Annex Provision</b>               | <b>b) Difference Category</b> | <b>c) Details of Difference</b>                        | <b>d) Remarks</b>                            |
|---|-------------------------------|--|--|
| (Please give exact paragraph reference) | (Please indicate A, B, or C)  | (Please describe the difference clearly and concisely) | (Please indicate reasons for the difference) |

(Please use extra sheets as required)

3. By the dates indicated below, (State) \_\_\_\_\_ will have complied with the provisions of Annex 13, including all amendments up to and including Amendment 13 for which differences have been notified in 2 above.

| <b>a) Annex Provision</b><br>(Please give exact paragraph reference) | <b>b) Date</b> | <b>c) Comments</b> |
|--|----------------|--------------------|
|--|----------------|--------------------|

(Please use extra sheets as required)

Signature \_\_\_\_\_

Date \_\_\_\_\_

*NOTES*

- 1) If paragraph 1 above is applicable to you, please complete paragraph 1 and return this form to ICAO Headquarters. If paragraph 2 is applicable to you, please complete paragraphs 2 and 3 and return the form to ICAO Headquarters.
- 2) Please dispatch the form to reach ICAO Headquarters by 18 October 2010.
- 3) A detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.
- 4) Guidance on the notification of differences from Annex 13 is provided in the Note on the Notification of Differences at Attachment D.
- 5) Please send a copy of this notification to the ICAO Regional Director accredited to your Government.

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**NOTE ON THE NOTIFICATION OF DIFFERENCES TO ANNEX 13  
AND FORM OF NOTIFICATION**

*(Prepared and issued in accordance with instructions of the Council)*

1. *Introduction*

1.1 The Assembly and the Council, when reviewing the notification of differences by States in compliance with Article 38 of the Convention, have repeatedly noted that the state of such reporting is not entirely satisfactory.

1.2 With a view to achieving a more comprehensive coverage, this note is issued to facilitate the determination and reporting of such differences and to state the primary purpose of such reporting.

1.3 The primary purpose of reporting of differences is to promote safety and efficiency in air navigation by ensuring that governmental and other agencies, including operators and service providers, concerned with international civil aviation are made aware of all national regulations and practices in so far as they differ from those prescribed in the ICAO Standards.

1.4 Contracting States are, therefore, requested to give particular attention to the notification before 18 October 2010 of differences with respect to Standards in Annex 13. The Council has also urged Contracting States to extend the above considerations to Recommended Practices.

1.5 Contracting States are asked to note further that it is necessary to make an explicit statement of intent to comply where such intent exists, or where such is not the intent, of the difference or differences that will exist. This statement should be made not only to the latest amendment but to the whole Annex, including the amendment.

1.6 If previous notifications have been made in respect of this Annex, detailed repetition may be avoided, if appropriate, by stating the current validity of the earlier notification. States are requested to provide updates of the differences previously notified after each amendment, as appropriate, until the difference no longer exists.

2. *Notification of differences to Annex 13 including Amendment 13*

2.1 Past experience has indicated that the reporting of differences to Annex 13 has in some instances been too extensive since some appear merely to be a different manner of expressing the same intent.

2.2 Guidance to Contracting States in the reporting of differences to Annex 13 can only be given in very general terms. Where the national regulations of States call for compliance with procedures that are not identical but essentially similar to those contained in the Annex, no difference should be reported since the details of the procedures existing are the subject of notification through the medium of aeronautical information publications. Although differences to Recommended Practices are not notifiable under Article 38 of the Convention, Contracting States are urged to notify the Organization of the differences between their national regulations and practices and any corresponding Recommended Practices contained in an Annex. States should categorize each difference notified on the basis of whether the corresponding national regulation is:

- a) ***More exacting or exceeds the ICAO Standard or Recommended Practice (SARP) (Category A)***. This category applies when the national regulation is more demanding than the corresponding SARP, or imposes an obligation within the scope of the Annex which is not covered by a SARP. This is of particular importance where a State requires a higher standard which affects the operation of aircraft of other Contracting States in and above its territory;
- b) ***Different in character or other means of compliance (Category B)\****. This category applies when the national regulation is different in character from the corresponding ICAO SARP, or when the national regulation differs in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation; and
- c) ***Less protective or partially implemented/not implemented (Category C)***. This category applies when the national regulation is less protective than the corresponding SARP; or when no national regulation has been promulgated to address the corresponding SARP, in whole or in part.

2.3 For States that have already fully reported differences from Annex 13 or have reported that no differences exist, the reporting of any further differences occasioned by the amendment should be relatively straightforward; however, attention is called to paragraph 1.5 wherein it is indicated that this statement should be made not only to the latest amendment but to the whole Annex, including the amendment.

### 3. *Form of notification of differences*

3.1 Differences should be notified in the following form:

- a) ***Reference***: The number of the paragraph or subparagraph in Annex 13 as amended which contains the Standard or Recommended Practice to which the difference relates;
- b) ***Category***: Indicate the category of the difference as A, B or C in accordance with paragraph 2.4 above.
- c) ***Description of the difference***: Clearly and concisely describe the difference and its effect;
- d) ***Remarks***: Under “Remarks” indicate reasons for the difference and intentions including any planned date for implementation.

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\*The expression “different in character or other means of compliance” in b) would be applied to a national regulation which achieves, by other means, the same objective as that of the corresponding ICAO SARPs and so cannot be classified under a) or c).

3.2 The differences notified will be recorded in a Supplement to the Annex, normally in the terms used by the Contracting State when making the notification. In the interest of making the supplement as useful as possible, please make statements as clear and concise as possible and confine remarks to essential points. Comments on implementation, in accordance with paragraph 4 b) 2) of the Resolution of Adoption, should not be combined with those concerning differences. The provision of extracts from national regulations cannot be considered as sufficient to satisfy the obligation to notify differences. General comments that do not relate to specific differences will not be published in Supplements.

— END —

**AMENDMENT No. 13**

**TO THE**

**INTERNATIONAL STANDARDS  
AND RECOMMENDED PRACTICES**

# **AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION**

**ANNEX 13**

**TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION**

The amendment to Annex 13 contained in this document was adopted by the Council of ICAO on **22 February 2010**. Such parts of this amendment as have not been disapproved by more than half of the total number of Contracting States on or before **12 July 2010** will become effective on that date and will become applicable on **18 November 2010** as specified in the Resolution of Adoption. (State letter AN 6/1.1-10/26 refers.)

**FEBRUARY 2010**

**INTERNATIONAL CIVIL AVIATION ORGANIZATION**



**AMENDMENT 13 TO THE INTERNATIONAL STANDARDS  
AND RECOMMENDED PRACTICES**

**AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION**

**RESOLUTION OF ADOPTION**

*The Council*

Acting in accordance with the Convention on International Civil Aviation, and particularly with the provisions of Articles 37, 54 and 90 thereof,

1. *Hereby adopts* on 22 February 2010 Amendment 13 to the International Standards contained in the document entitled *International Standards and Recommended Practices, Aircraft Accident and Incident Investigation* which for convenience is designated Annex 13 to the Convention;
2. *Prescribes* 12 July 2010 as the date upon which the said amendment shall become effective, except for any part thereof in respect of which a majority of the Contracting States have registered their disapproval with the Council before that date;
3. *Resolves* that the said amendment or such parts thereof as have become effective shall become applicable on 18 November 2010;
4. *Requests the Secretary General:*
  - a) to notify each Contracting State immediately of the above action and immediately after 12 July 2010 of those parts of the amendment which have become effective;
  - b) to request each Contracting State:
    - 1) to notify the Organization (in accordance with the obligation imposed by Article 38 of the Convention) of the differences that will exist on 18 November 2010 between its national regulations or practices and the provisions of the Standards in the Annex as hereby amended, such notification to be made before 18 October 2010, and thereafter to notify the Organization of any further differences that arise;
    - 2) to notify the Organization before 18 October 2010 of the date or dates by which it will have complied with the provisions of the Standards in the Annex as hereby amended;
  - c) to invite each Contracting State to notify additionally any differences between its own practices and those established by the Recommended Practices, when the notification of such differences is important for the safety of air navigation, following the procedure specified in subparagraph b) above with respect to differences from Standards.

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**NOTES ON THE PRESENTATION OF PROPOSED AMENDMENT 13 TO ANNEX 13**

The text of the amendment is arranged to show deleted text with a line through it and new text highlighted with grey shading, as shown below:

1. ~~Text to be deleted is shown with a line through it.~~ text to be deleted
2. **New text to be inserted is highlighted with grey shading.** new text to be inserted
3. ~~Text to be deleted is shown with a line through it~~ followed by the replacement text which is highlighted with grey shading. new text to replace existing text

## CHAPTER 1. DEFINITIONS

...

**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 it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

...

b) the aircraft sustains damage or structural failure which:

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

*except* for engine failure or damage, when the damage is limited to the a single engine, (including its cowlings or accessories), or for damage limited to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), in the aircraft skin 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

...

*Note 1.— For statistical uniformity only, an injury resulting in death within thirty days of the date of the accident is classified, by ICAO, as a fatal injury by ICAO.*

...

*Note 3.— The type of unmanned aircraft system to be investigated is addressed in 5.1.*

*Note 4.— Guidance for the determination of aircraft damage can be found in Attachment G.*

**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.

...

**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.

...

**Incident.** An occurrence, ....

...

*Note.— The types of incidents which are of main interest to the International Civil Aviation Organization for accident prevention studies are listed in Attachment C. the Accident/Incident Reporting Manual (Doc 9156).*

...

**Investigation.** A process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations.

...

**Safety recommendation.** A proposal of an the accident investigation authority of the State conducting the investigation, based on information derived from an the 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.

...

**Serious incident.** An incident involving circumstances indicating that there was a high probability of an accident nearly occurred and is 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 it comes to rest at the end of the flight and the primary propulsion system is shut down.

...

*Note 2.— Examples of serious incidents can be found in Attachment C of Annex 13 and in the Accident/Incident Reporting Manual (Doc 9156).*

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## CHAPTER 4. NOTIFICATION

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*Note 2.— A list of addresses of aircraft accident and incident investigation authorities can be found in the Manual of Aircraft Accident and Incident Investigation, Part I — Organization and Planning (Doc 9756) and on the ICAO/AIGFSLX web-site when it becomes available.*

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### **Forwarding**

4.1 The State of Occurrence shall forward a notification of an accident or serious incident with a minimum of delay and by the most suitable and quickest means available to:

- a) the State of Registry;
- b) the State of the Operator;
- c) the State of Design;
- d) the State of Manufacture; and
- e) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2 250 kg or is a turbojet-powered aeroplane.

...

***Format and content***

4.2 The notification shall be in plain language and contain as much of the following information as is readily available, but its dispatch shall not be delayed due to the lack of complete information:

...

- d) ~~name~~ **qualification** of the pilot-in-command, and nationality of crew and passengers;

...

**ACCIDENTS OR SERIOUS INCIDENTS  
IN THE TERRITORY OF  
THE STATE OF REGISTRY,  
IN A NON-CONTRACTING STATE OR  
OUTSIDE THE TERRITORY OF ANY STATE**

...

***Forwarding***

4.8 When the State of Registry institutes the investigation of an accident or serious incident, that State shall forward a notification, in accordance with 4.2 and 4.3 above, with a minimum of delay and by the most suitable and quickest means available, to:

...

- d) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2 250 kg; **or is a turbojet-powered aeroplane.**

...

**CHAPTER 5. INVESTIGATION**

**RESPONSIBILITY FOR INSTITUTING AND  
CONDUCTING THE INVESTIGATION**

...

***State of Occurrence***

5.1 The State of Occurrence shall institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation, but it may delegate the whole or any part of the conducting of such investigation to another State **or a regional accident investigation organization** by mutual arrangement and consent. In any event, the State of Occurrence shall use every means to facilitate the investigation.

5.1.1 **Recommendation.**— *The State of Occurrence should institute an investigation into the circumstances of a serious incident. Such a State may delegate the whole or any part of the conducting of such investigation to another State **or a regional accident investigation organization** by mutual arrangement and consent. In any event the State of Occurrence should use every means to facilitate the investigation.*

5.1.2 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. Such a State may delegate the whole or any part of the conducting of such investigation to another State or a regional accident investigation organization by mutual arrangement and consent. In any event the State of Occurrence shall use every means to facilitate the investigation.

...

*Note 2.— When the whole investigation is delegated to another State, or a regional accident investigation organization, such a State is expected to be responsible for the conduct of the investigation, including the issuance of the Final Report and the ADREP reporting. When a part of the investigation is delegated, the State of Occurrence usually retains the responsibility for the conduct of the investigation.*

*Note 3.— In the case of investigation of an unmanned aircraft system, only aircraft with a design and/or operational approval are to be considered.*

*Note 4.— In the case of serious incidents, the State of Occurrence may consider delegating the investigation to the State of Registry or the State of the Operator, in particular involving occurrences in which it might be beneficial or more practical for one of these States to conduct the investigation.*

...

## ORGANIZATION AND CONDUCT OF THE INVESTIGATION

*Note.— The Manual of Aircraft Accident and Incident Investigation (Doc 97566920) contains guidance material for the organization, conduct and control of an investigation.*

## RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION

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### **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) the gathering, recording and analysis of all available relevant information on that 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) the completion of the final report.

~~When possible~~ Where feasible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses.

The extent of the investigation and the procedure to be followed in carrying out such an investigation shall be determined by the accident investigation authority, depending on the lessons it expects to draw from the investigation for the improvement of safety.

5.4.1 **Recommendation.** Any investigation conducted in accordance with the provisions of this Annex ~~judicial or administrative proceedings to apportion blame or liability should~~ shall be separate from any judicial or administrative proceedings to apportion blame or liability ~~investigation conducted under the provisions of this Annex.~~

*Note.— Separation can be achieved by the investigation being conducted by State accident investigation authority experts, and any judicial or administrative proceedings being conducted by other appropriate experts. Coordination, as per 5.10, between the two processes would likely be required at the accident site and in the gathering of factual information, with due consideration to the provisions in 5.12.*

5.4.2 **Recommendation.—** *The accident investigation authority should develop documented policies and procedures detailing its accident investigation duties. These should include: organization and planning; investigation; and reporting.*

5.4.3 **Recommendation.—** *A State should ensure that any investigations conducted under the provisions of this Annex have unrestricted access to all evidential material without delay and are not impeded by administrative or judicial investigations or proceedings.*

*Note.— The intent of this recommendation may be achieved through legislation, protocols or agreements between the accident investigation authorities and the judicial authorities.*

...

5.9 The State conducting the investigation .....

*Note.— Guidance material related to autopsies is provided in detail in the *Manual of Civil Aviation Medicine* (Doc 8984) and the *Manual of Aircraft Accident and Incident Investigation* (Doc 97566920), the former containing detailed guidance on toxicological testing.*

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### ***Coordination – Judicial authorities***

5.10 The State conducting the investigation.....

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*Note 3.— Possible conflicts between investigating and judicial authorities regarding the custody of the wreckage may be resolved by an official of the judicial authority accompanying the wreckage to the place of examination and being present at such examination when a modification of the condition of the wreckage is required, thus maintaining custody.*

...

### ***Non-disclosure of records***

5.12 The State conducting the investigation of an accident or incident shall not make the following records available for purposes other than accident or incident investigation, unless the appropriate authority for the administration of justice in that State determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations:

...

- d) cockpit voice recordings and transcripts from such recordings; ~~and~~
- e) recordings and transcriptions of recordings from air traffic control units; ~~and~~

- f) cockpit airborne image recordings and any part or transcripts from such recordings; and  
~~f~~g) opinions expressed in the analysis of information, including flight recorder information.

...

5.12.2 The names of the persons involved in the accident or incident shall not be disclosed to the public by the accident investigation authority.

### *Re-opening of investigation*

5.13 If, after the investigation has been closed, new and significant evidence becomes available, the State which conducted the investigation shall re-open it. However, when the State which conducted the investigation did not institute it, that State shall first obtain the consent of the State which instituted the investigation.

*Note.— Where an aircraft which was considered missing following an official search is subsequently located, consideration may be given to reopening the investigation.*

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## PARTICIPATION OF STATES HAVING SUFFERED FATALITIES OR SERIOUS INJURIES TO ITS 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, ~~upon making a request to do so, be permitted by the State conducting the investigation~~ 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 ~~including~~ information on the progress of the investigation; and
- ~~e)~~ participate in the identification of victims;
- ~~d)~~ assist in questioning surviving passengers who are citizens of the expert's State; and
- ~~e)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.

*Note.— Guidance related to assistance to victims of aircraft accident and their families is provided in the Guidance on Assistance to Aircraft Accident Victims and their Families (Circ 285).*

5.28 **Recommendation.**— *The State conducting the investigation should release, at least during the first year of the investigation, established factual information and indicate the progress of the investigation in a timely manner.*

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## CHAPTER 6. FINAL REPORT

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### RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION

#### *Consultation*

6.3 The State conducting the investigation shall send a copy of the draft Final Report to the following States that instituted the investigation and to all States that participated in the investigation, inviting their significant and substantiated comments on the report as soon as possible. The draft Final Report of the investigation shall be sent for comments to:

- a) the State that instituted the investigation;
- ab) the State of Registry;
- bc) the State of the Operator;
- ed) the State of Design; and
- de) the State of Manufacture; and
- f) any State that participated in the investigation as per Chapter 5.

...

*Note 4.— Intended safety recommendations are to be included in the draft Final Report.*

...

#### *Recipient States*

6.4 The Final Report of the investigation of an accident shall be sent with a minimum of delay by the State conducting the investigation to:

...

- f) any State that participated in the investigation;
- fg) any State having suffered fatalities or serious injuries to its citizens; and
- gh) any State that provided relevant information, significant facilities or experts.

#### *Release of the Final Report*

6.5 In the interest of accident prevention, the State conducting the investigation of an accident or incident shall release 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.*

6.6 **Recommendation.**— ~~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. If the report cannot be made publicly available released within twelve months, the State conducting the investigation should release shall make an interim report statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.~~

...

### *Safety recommendations*

6.8 At any stage of the investigation of an accident or incident, the accident or incident investigation authority of the State conducting the investigation shall recommend in a dated transmittal correspondence to the appropriate authorities, including those in other States, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.

*Note.— Precedence for the issuance of safety recommendations from an accident or incident investigation should be given to the State conducting the investigation; however, in the interest of safety, other States participating in the investigation may issue safety recommendations after coordinating with the State conducting the investigation.*

6.9 A State conducting investigations of accidents or incidents shall address, when appropriate, any safety recommendations arising out of its investigations in a dated transmittal correspondence to the accident investigation authorities of other State(s) concerned and, when ICAO documents are involved, to ICAO.

...

## RESPONSIBILITY OF A STATE RECEIVING OR ISSUING SAFETY RECOMMENDATIONS

### *Action on safety recommendations*

6.10 A State that receives safety recommendations shall inform the proposing State, within ninety days of the date of the transmittal correspondence, of the preventive action taken or under consideration, or the reasons why no action will be taken.

...

6.11 **Recommendation.**— *A State conducting the investigation or any other State issuing a safety recommendation should implement procedures to record the responses to the safety recommendation issued.*

6.12 **Recommendation.**— *A State that receives a safety recommendation should implement procedures to monitor the progress of the action taken in response to that safety recommendation.*

...

## CHAPTER 7. ADREP REPORTING

*Note 1.— Attachment B provides a notification and reporting checklist.*

*Note 2.— The provisions of this chapter may require two separate reports for any one accident or incident. They are:*

*Preliminary Report*

*Accident/Incident Data Report*

*Note 3.— Guidance for preparing the Preliminary Report and the Accident/Incident Data given in the Accident/Incident Reporting Manual (Doc 9156).*

...

**CHAPTER 8. ACCIDENT PREVENTION MEASURES**

...

*Database systems and analysis — Preventive actions*

...

8.5 **Recommendation.**— *The database systems...*

...

*Note 4.— States are encouraged to use an ADREP compatible system for accident/incident reporting as well as for collecting, storing, and disseminating relevant safety information.*

...

**APPENDIX. FORMAT OF THE FINAL REPORT**

...

**PURPOSE**

...

Detailed guidance on completing each section of the Final Report is found in the *Manual of Aircraft Accident and Incident Investigation* (Doc 97566920).

...

**3. CONCLUSIONS**

List the findings, and causes and contributing factors established in the investigation. The list of causes should include both the immediate and the deeper systemic causes.

*Note.— As stated in 6.1, the Final Report format presented in this Appendix may be adapted to the circumstances of the accident or incident. Thus, States may use either “causes” or “contributing factors”, or both, in the Conclusions.*

**4. SAFETY RECOMMENDATIONS**

As appropriate, briefly state any recommendations made for the purpose of accident prevention and identify safety actions already implemented any resultant corrective action.

...

## ATTACHMENT B. NOTIFICATION AND REPORTING CHECKLIST

...

### 1. NOTIFICATION — ACCIDENTS AND SERIOUS INCIDENTS

| <i>From</i>         | <i>For</i>   | <i>Send to</i>   | <i>Annex 13<br/>reference</i> |
|---------------------|--|--|-------------------------------|
| State of Occurrence | International occurrences:<br>All aircraft                           | State of Registry<br>State of the Operator<br>State of Design<br>State of Manufacture<br>ICAO (when aircraft<br>over 2 250 kg) or is<br>a turbojet-powered<br>aeroplane) | 4.1                           |
| State of Registry   | Domestic and other occurrences:<br><del>Aircraft over 2 250 kg</del> | State of the Operator<br>State of Design<br>State of Manufacture<br>ICAO (when aircraft<br>over 2 250 kg) or is<br>a turbojet-powered<br>aeroplane)                      | 4.8                           |

### 2. FINAL REPORT

#### Accidents and ~~serious incidents~~ wherever they occurred

...

## ATTACHMENT C. LIST OF EXAMPLES OF SERIOUS INCIDENTS

...

***Serious incident.*** An incident involving circumstances indicating that there was a high probability of an accident ~~nearly occurred~~ and is 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 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.

...

Aircraft structural failures or engine disintegrations, including uncontained turbine engine failures, not classified as an accident.

...

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*Insert new Attachment G as follows:*

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## **ATTACHMENT G. GUIDANCE FOR THE DETERMINATION OF AIRCRAFT DAMAGE**

1. If an engine separates from an aircraft, the event is categorized as an accident even if damage is confined to the engine.
2. A loss of engine cowls (fan or core), or reverser components, which does not result in further damage to the aircraft is not considered an accident.
3. Occurrences where compressor or turbine blades, or other engine internal components are ejected through the engine tail pipe are not considered an accident.
4. A collapsed, or missing radome, is not considered an accident, unless there is related substantial damage in other structures or systems.
5. Missing flap, slat and other lift augmenting devices, winglets, etc, that are permitted for dispatch under the Configuration Deviation List (CDL) are not considered to be an accident.
6. Retraction of a landing gear leg, or wheels up landing, resulting in skin abrasion only. If the aircraft can be safely dispatched after minor repairs, or patching, and subsequently undergoes more extensive work to effect a permanent repair, then the occurrence would not be classified as an accident.
7. If the structural damage is such that the aircraft depressurizes, or cannot be pressurized, the occurrence is categorized as an accident.
8. The removal of components for inspection following an occurrence, such as the precautionary removal of an undercarriage leg following a low speed runway excursion, while involving considerable work, is not considered an accident unless significant damage is found.
9. Occurrences that involve an emergency evacuation are not counted as an accident unless someone receives serious injuries, or the aircraft has otherwise sustained significant damage.

*Note 1.— Regarding aircraft damage which adversely affects the structural strength, performance or flight characteristics, the aircraft may have landed safely, but cannot be safely dispatched on a further sector without repair.*

*Note 2.— If the aircraft can be safely dispatched after minor repairs and subsequently undergoes more extensive work to effect a permanent repair, then the occurrence would not be classified as an accident. Likewise, if the aircraft can be dispatched under the CDL with the affected component removed, missing or inoperative, the repair would not be considered as a major repair and consequently the occurrence would not be considered an accident.*

*Note 3.— The cost of repairs, or estimated loss, such as provided by insurance companies may provide an indication of the damage sustained, but should not be used as the sole guide as to whether the damage is sufficient to count the occurrence as an accident. Likewise, an aircraft may be considered a 'hull loss' because it is uneconomic to repair, without it having incurred sufficient damage to be classified as an accident.*

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End of new text.

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— END —