



MENA-ARCM



# Fifth Meeting of Middle East & North Africa Aircraft Accident and Incident Investigation Regional Cooperation Mechanism (MENA ARCM/5) Committee

# MENA ARCM/5 Meeting

7<sup>th</sup> May 2024

Muscat, Oman

## Amendment to Annex 13 update

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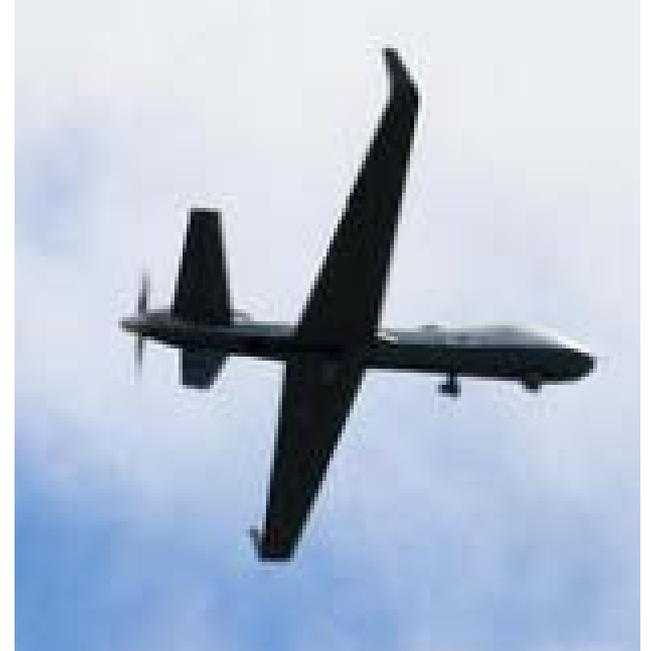
**Proposed amendments were based on recommendations from the sixth meeting of the Accident Investigation Panel (AIGP/6)**

## **Amendment to Annex 13 and Annex 6 in the area of AIG:**

**Applicable later this year as adopted by the Council**

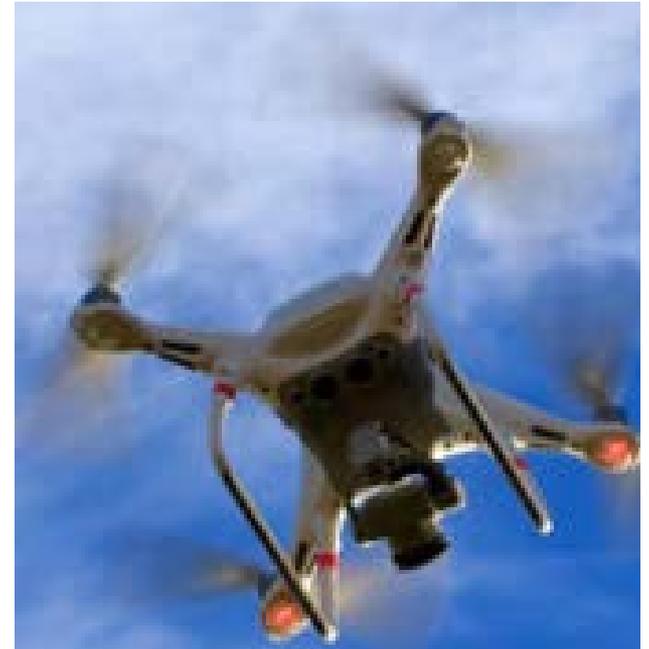
# Investigations involving unmanned aircraft

- Remotely piloted aircraft (RPA) is a subset of unmanned aircraft (UA), both of which typically operate as part of systems, remotely piloted aircraft system (RPAS) and unmanned aircraft system (UAS), respectively.
- When considering accident and incident investigations, it is essential to note that while it is the UA or RPA that will have experienced the physical accident or incident, **the entire system will need to be investigated.**



# Investigations involving unmanned aircraft

- To distinguish between manned aircraft and RPA, the AIGP proposed to reference them in Annex 13, as this will clarify which types of RPA occurrences are mandated to be investigated.
- In addition, AIGP proposed to clarify in Annex 13 the main elements of RPAS occurrences to which the investigator-in-charge should have access during investigations.
- Amendment regarding investigations involving unmanned aircraft is envisaged for **applicability on 26 November 2026** to align with the applicability of the proposed new Annex 6 — Operation of Aircraft, Part IV — International Operations — Remotely Piloted Aircraft Systems.



## *State of Occurrence*

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*Note 3.— In the case of investigation of an unmanned aircraft system, only remotely piloted aircraft with a design and/or operational approval certified in accordance with Annex 8 — Airworthiness of Aircraft and / or subject to operator/operational approval consistent with the provisions of Annex 6 — Operation of Aircraft are required to be considered. This is not intended to preclude a State from instituting an investigation in other circumstances where it expects to draw safety lessons for the operation of unmanned aircraft.*

# Release of investigative information

- Annex 13 has no obligation to publish any information until the Final Report is issued or upon the anniversary of the accident/incident if the Final Report has not been issued.
- . Considering the increase in public and media expectations, more timely provision of information during investigations of accidents and incidents that draw heightened public attention are necessary.
- The AIGP therefore proposed an amendment to Annex 13 and associated guidance material for investigative authorities **to consider the release of information early in the investigation**, as appropriate, and then later more formally with a written Preliminary Report.

# Release of investigative information

## CHAPTER 5. INVESTIGATION

### ORGANIZATION AND CONDUCT OF THE INVESTIGATION

#### 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) the gathering, recording and analysis of all relevant information on that accident or incident;
- b) the protection of certain accident and incident investigation records in accordance with 5.12;
- c) timely, public dissemination of factual information, as appropriate;
- d) if appropriate, the issuance of safety recommendations;
- e) if possible, the determination of the causes and/or contributing factors; and
- f) the completion of the Final Report.

## Release of investigative information

**5.4.5 Recommendation** — *For high-profile accidents or incidents, the accident investigation authority should publicly release relevant factual information within the early days of the investigation.*

*Note.*— *The provision of factual information in the early days of the investigation is intended to address the substantial public interest in the accident or incident and to help ensure that the information in the public domain is as accurate as possible. Guidance on high-profile accidents and incidents and various*

*formats and methods for the provision of information is contained in the Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part II — Procedures and Checklists.*

**5.4.6 Recommendation** — *For high-profile accidents or incidents, the accident investigation authority should publish a written Preliminary Report within thirty days of the accident containing established factual information and indicating the progress of the investigation.*

*Note 1.* — *Guidance on the purpose, format, and content of the written Preliminary Report is contained in the Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part IV — Reporting.*

*Note 2.*— *Nothing in Recommendation 5.4.6 is intended to preclude the State conducting the investigation from consulting States participating in the investigation before publishing the written Preliminary Report.*

# Global Aeronautical Distress Safety System (GADSS) data and information

- For the availability to the investigation of recordings that originate from fixed recorders fitted to the aircraft
- AIGP proposed an amendment to Annex 13 that would address the need for such recordings to be made available without delay and not be divulged without the consent of the State conducting the investigation.

# GADSS data and information

## CHAPTER 1. DEFINITIONS

*Flight recorder.* Any type of ~~recorder~~ recording system installed in the aircraft for the purpose of complementing accident/incident investigation, including systems which transmit data for storage off the aircraft.

# GADSS data and information

## CHAPTER 5. INVESTIGATION

### RESPONSIBILITY OF ANY OTHER STATE

#### *Information — Accidents and incidents*

5.14 Any State shall, on request from the State conducting the investigation of an accident or an incident, provide that State with all the relevant information available to it.

5.14.2 If a State has available to it any data from a flight recorder of an aircraft involved in an accident or incident, that State shall

- a) without delay, provide the State conducting the investigation with all such data available to them; and
- b) not divulge such data without the express consent of the State conducting the investigation.

# Consultation period of Final Reports

- Annex 13 requires that when a State investigating sends the draft Final Report to participating States for consultation, the State investigating shall receive any comments within sixty days.
- With modern communication systems, the recipients of the draft Final Report receive it much faster than by regular mail.
- The AIGP proposes therefore amendment to Annex 13 for a consultation **of thirty days** is proposed **with a possibility to be extended to sixty days**.

# Consultation period of Final Reports

## CHAPTER 6. FINAL REPORT

### RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION

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#### **Consultation**

6.3 The State conducting the investigation shall send a copy of the draft Final Report to the following States inviting their significant and substantiated comments on the report as soon as possible:

- a) the State that instituted the investigation;
- b) the State of Registry;
- c) the State of the Operator;
- d) the State of Design;
- e) the State of Manufacture; and
- f) any State that participated in the investigation as per Chapter 5.

# Consultation period of Final Reports

The standard consultation period shall be thirty days from the date of the transmittal letter correspondence. States invited to comment are entitled to extend the consultation period to sixty days by notifying the State conducting the investigation of the need for additional time. If the State conducting the investigation receives comments within ~~sixty days of the date of the transmittal letter~~ the consultation period, it shall either amend the draft Final Report to include the substance of the comments received or, if desired by the State that provided comments, append the comments to the Final Report. If the State conducting the investigation receives no comments within ~~sixty days of the date of the first transmittal letter~~ the consultation period, it shall issue the Final Report in accordance with 6.4, unless ~~an~~ further extension of that period has been agreed by the States concerned.

# Publication of Final Reports

- Some Final Reports submitted to ICAO in hard-copy format had been scanned electronically with the intent of making them available in the ICAO central database, e-Library of Final Reports.
- However, due to lack of resources, there had been a lag in uploading them onto the e-Library.
- The proposed solution by AIGP was amend Annex 13 to include a **reference for electronic copies** of Final Reports to be submitted.

# Publication of Final Reports

## CHAPTER 6. FINAL REPORT

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### *International dissemination of the Final Report*

6.7 When the State that has conducted an investigation into an accident or an incident involving an aircraft of a maximum mass of over 5 700 kg has released a Final Report, that State shall send to the International Civil Aviation Organization a copy of the Final Report.

*Note 1.- Wherever practicable the Final Report sent to ICAO is to be prepared in one of the working languages of the Organization and in the form shown in the Appendix 1.*

*Note 2.— Final Reports are recorded in an ICAO central database, the e-Library of Final Reports, that is made publicly available.*

*Note 3.- The copy of the Final Report sent to ICAO is preferably prepared in an electronic format to facilitate its upload onto the e-Library of Final Reports.*



**To be processed through the ANC with a  
State Letter later this year-  
Recommendations from AIGP/7 & AIGP/8**

# AIGP/7 Recommendations:

## Recommendation 3/1 — Proposed amendment to Annex 13 related to unlawful interference

- The meeting agreed to propose an amendment to Annex 13 by inserting a **note below 5.11** as presented in the Appendix A to this agenda item **to address the responsibility of the State of Occurrence to investigate**, even when an act of **unlawful interference** was involved.

# AIGP/7

## Recommendations:

### Recommendation 3/1 — Proposed amendment to Annex 13 related to unlawful interference

#### CHAPTER 5. INVESTIGATION

##### RESPONSIBILITY FOR INSTITUTING AND CONDUCTING THE INVESTIGATION

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##### *Informing aviation security authorities*

5.11 If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, the investigator-in-charge shall immediately initiate action to ensure that the aviation security authorities of the State(s) concerned are so informed.

*Note. — The presence of known or suspected unlawful interference does not release the State of Occurrence from the responsibility to complete an investigation in accordance with the provisions of this Annex and to publish a Final Report – even if an act of unlawful interference was involved, there may still be lessons to draw for the improvement of safety.*

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# AIGP/7 Recommendations:

## Recommendation 3/2 — Proposed amendment to Annex 6 related to duties of pilot-in-command

- The meeting agreed to propose amendments to Annex 6, Parts I, II and III and the proposed Annex 6, Part IV to address the duties of the pilot-in-command with relation to notifying authorities about accidents and serious incidents, as presented in Appendices A to D to this agenda item.
- These proposed amendments should be coordinated with the Flight Operations Panel.

# AIGP/7

## Recommendations:

### Recommendation 3/2 — Proposed amendment to Annex 6 related to duties of pilot-in-command

ANNEX 6, PART I –  
INTERNATIONAL COMMERCIAL AIR TRANSPORT - AEROPLANES  
TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

CHAPTER 4. FLIGHT OPERATIONS

4.5 DUTIES OF PILOT-IN-COMMAND

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4.5.3 The pilot-in-command shall be responsible for notifying the nearest appropriate authorities by the quickest available means of any accident or incident involving the aeroplane, resulting in serious injury or death of any person or substantial damage to the aeroplane or property.

*Note. — A definition of the term “serious injury” is contained in Annex 13.*

*Note. — The appropriate authorities would be the accident investigation authority and the civil aviation authority in the State of Occurrence. Further details on the notification of accidents and incidents are contained in Annex 13, Chapter 4 and Annex 19 – Chapter 5, and associated guidance material.*

# AIGP/7 Recommendations:

## Recommendation 3/3 — Proposed amendment to Annex 13 related to evidential material

- The meeting agreed to propose an amendment to Annex 13 to **remove the word “available”** from Annex 13, 5.4.3, as presented in the Appendix to this agenda item.

# AIGP/7

## Recommendations:

### Recommendation 3/3 — Proposed amendment to Annex 13 related to evidential material

#### CHAPTER 5. INVESTIGATION

#### ORGANIZATION AND CONDUCT OF THE INVESTIGATION

#### RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION

#### *General*

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5.4.3 A State shall ensure that any investigations conducted under the provisions of this Annex have unrestricted access to all available evidential material without delay.

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# AIGP/8 Recommendations:

## Recommendation 3/1 — Proposed amendment to Annex 13 related to ADREP Requirements

- The meeting agreed to **remove the provision for a preliminary report** from Annex 13, Chapter 7 and Attachment B.

# AIGP/78

## Recommendations:

### Recommendation 3/1 — Proposed amendment to Annex 13 related to ADREP Requirements

#### PRELIMINARY REPORT

##### RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION

###### *Accidents to aircraft over 2 250 kg*

7.1 When the aircraft involved in an accident is of a maximum mass of over 2 250 kg, the State conducting the investigation shall send the Preliminary Report to:

- a) the State of Registry or the State of Occurrence, as appropriate;
- b) the State of the Operator;
- c) the State of Design;
- d) the State of Manufacture;
- e) any State that provided relevant information, significant facilities or experts; and
- f) the International Civil Aviation Organization.

###### *Accidents to aircraft of 2 250 kg or less*

7.2 When an aircraft, not covered by 7.1, is involved in an accident and when airworthiness or matters considered to be of interest to other States are involved, the State conducting the investigation shall forward the Preliminary Report to:

- a) the State of Registry or the State of Occurrence, as appropriate;
- b) the State of the Operator;
- c) the State of Design;

#### ACCIDENT/INCIDENT ADREP DATA REPORT

##### RESPONSIBILITY OF THE STATE CONDUCTING THE INVESTIGATION

###### *Accidents to aircraft over 2 250 kg*

7.1 7.5 When the aircraft involved in an accident is of a maximum mass of over 2 250 kg, the State conducting the investigation shall send, as soon as practicable after the investigation, the Accident ADREP Data Report to the International Civil Aviation Organization.

###### *Additional information*

7.2 7.6 **Recommendation.**— *The State conducting the investigation should, upon request, provide other States with*

# AIGP/8 Recommendations:

## Recommendation 3/3 — Proposed amendment to Annex 13 attachment

- The meeting agreed text from AIGP/8-WP/4, with edits by the AIGP drafting group and further refined by WG-24, be added as an attachment to Annex 13.
- The meeting agreed to add a **Note 2 to Annex 13, Chapter 3, paragraph 3.2** as proposed by WG-24 to point towards the guidance on investigations when States may be **associated with a suspected act of unlawful interference** in the attachment to Annex 13.

# AIGP/8

## Recommendations:

### Recommendation 3/3 — Proposed amendment to Annex 13 attachment

#### CHAPTER 3. GENERAL

##### INDEPENDENCE OF INVESTIGATION

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

*Note 2. — Guidance on investigations when States may be associated with a suspected act of unlawful interference is contained in attachment G to this Annex.*

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# Thank You

