

MENA ARCM/7 Meeting

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Virtual

Proposed Amendment to Annex 13

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Proposed Amendment to Annexes 13 and 6 from AIGP/7 & AIGP/8

Réf. :AN 6/1.2.2, AN 11/1.1.36-25/43

Dated 24 avril 2025

Recommendations:

1. Proposed amendment to Annex 13 related . Unlawful interference and investigations in conflict-of-interest scenarios

- The meeting agreed to propose an amendment to Annex 13 by inserting **a note below 5.11 to address the responsibility of the State of Occurrence to investigate**, even when an act **of unlawful interference** was involved.
- Guidance for the State of Occurrence is proposed as Attachment G to Annex 13 to enhance the credibility of accident investigations in conflict-of-interest scenarios

Recommendations:

2- 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.
- The proposed amendment reverts the original text of 5.4.3 by removing “available” from the Standard, which was introduced in Amendment 17 since the addition of a limitation with the word “available” can lead to a misinterpretation and restricted access to important evidential material that may be viewed as sensitive. Such erroneous interpretations would have negative ripple effects on accident prevention and would be in contradiction with the rights of the investigator-in-charge put forth in Standard 5.6.

Recommendations:

3. Proposed amendment to Annex 13 related to Reporting requirements on accident/incident data reporting (ADREP) and Final Report

- The meeting agreed to **remove the provision for a preliminary report** from Annex 13, Chapter 7 and Attachment B.
- The amendment proposes to standardize and reduce the reporting requirements by States without compromising valuable data from being reported to the ADREP system. It removes the requirement for a preliminary ADREP report from Annex 13. Additionally, it is proposed to lower the weight requirement for submitting Final Reports to ICAO from 5 700 kg to 2 250 kg to align with the ADREP reporting requirements and accident/incident notification

Recommendations:

4— Proposed amendment to Annex 13 related to Flight data analysis programme

- The amendment proposal aligns provisions related to the protection of flight data analysis programmes (FDAP) in Annex 6 with those in Annex 19.

Recommendations:

5 — Proposed amendment to Annex 6 related to Flight recorder recordings and transcripts during normal operations in Annex 6, which are outside the scope of Annex 13-type investigations, as well as safety management activities

- The proposed amendment to Annex 6 aims to provide more clarity and clearly identify exceptions for the use of flight recorder recordings or transcripts in normal operations.

Focus on AIG PQs of Interest 2024 Edition of PQs

PQ 6.003

Establishment of an independent AIA

Guidance for review

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?	<p>1) With due consideration to the guidance issued by ICAO, examine to what extent Verify that the State's primary legislation contains 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.</p> <p>2) Verify in particular the existence of the provisions requiring that the accident investigation authority:</p> <ul style="list-style-type: none"> a) ensuring the organizational functional independence of the investigation authority; a) elaborating that the investigation authority shall not receive nor seek instructions in the conduct of the investigation; and b) the investigation authority have unrestricted access to and control over the information related to its investigations. <p>Note to the auditor: 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.</p>	STD A13 3.2 & 5.4 GM Doc 9756 Part I, 2.1	Yes	CE-1
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PQs 6.003 & 6.101

Establishment of an independent accident investigation authority

- PQs 6.003 and 6.101 are both related to the **independence** of the accident investigation authority. Their guidance for review contain overlap.
- Lessons learned from past audits show that these PQs are not distinct enough and are difficult to differentiate. In particular, PQs 6.003 and 6.101 are often either both Satisfactory (S) or both Not Satisfactory (N/S).
- ICAO Doc 9756, Part I (2.1.18) states that, in order for the investigation authority to be considered **functionally independent**, the criteria for independence (listed in paragraph 2.1.17) need to be:
 - 1) outlined in legislation and
 - 2) need to be apparent in the operation of the investigation authority.
- It is therefore proposed to focus **PQ 6.003** more on the **establishment of legislation** for independence (point 1 above), and **6.101** on the **implementation** of the actual operation of the AIA (point 2 above).

PQ 6.101

AIA structure that ensures independence

6.101	Has the State established an investigation authority with a clear and documented structure and in a manner that ensures independence from State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation?	<p>1) Review the details of the organizational structure established (which may be permanent or ad hoc) and the related functions and responsibilities.</p> <p>2) Verify that the authority is clearly independent from State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation. Verify in particular:</p> <p>a) the functional independence from the ministry which oversees the State civil aviation authority</p> <p>b) if the investigation is autonomous</p> <p>c) the unrestricted authority to publish information like interim statements, safety recommendations and the Final Report</p> <p>d) the independent funding and staffing</p> <p>3) Verify that it clearly indicates the line of responsibility.</p> <p>4) Take note of names and acronyms of the established authorities and each section dealing with accident and serious incident investigation activities.</p> <p>5) Cross-check State Aviation Activity Questionnaire (SAAQ).</p>	<p>STD A13 3.2 GM Doc 9756 Part I, C2 Doc 9962</p>	Yes	CE-3
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Thank You

