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North American, Central American and Caribbean Office

WORKING PAPER

NACC/DCA/11 — WP/07
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**Eleventh North American, Central American and Caribbean Directors of Civil Aviation Meeting
(NACC/DCA/11)**

Varadero, Cuba, 28-30 June 2023

**Agenda Item 4: NAM/CAR Regional Safety/Air Navigation Implementation
4.1 Safety Implementation Matters**

NACC ACCIDENT AND INCIDENT INVESTIGATION (AIG) TURNKEY PROJECT

(Presented by Secretariat)

EXECUTIVE SUMMARY

The purpose of this document is to inform the NACC States of the situation of the implementation in terms of aviation accident and incident investigation (AIG) through the Turnkey Project, as well as to invite the States to redouble their efforts in the implementation of the actions agreed during the month of February of this year.

Action:	Included in Section 4.
Strategic Objectives:	<ul style="list-style-type: none">• Safety
References:	<ul style="list-style-type: none">• ICAO Doc 7300, Convention on International Civil Aviation• ICAO Annex 13, Aircraft Accident and Incident Investigation• ICAO Doc 9756, Manual of Aircraft Accident and Incident Investigation• ICAO Doc 9734, Safety Oversight Manual — Part A — Establishment and Management of a State Safety Oversight System• Doc 9735, Universal Safety Oversight Audit Programme Continuous Monitoring Manual• ICAO Circular 298, Training Guidelines for Aviation Accident Investigators• ICAO Cir 315, Hazards at Aircraft Accident Sites

1. Introduction

1.1 In the context of the NACC States, the available data indicates the existence of some important deficiencies in the area of accident and incident investigation (AIG), especially in Central America and the Caribbean (CAR). The first notable deficiency is located in the lack of independence of the investigative authority, since only four (out of twenty-two) of the NACC States have a completely independent authority and are in a position to initiate investigations without interference.

1.2 Another concern is closely related to the previous one and refers to organization and staffing. Unfortunately, only a few NACC States assign adequate personnel (in quantity and quality) to meet AIG requirements. In most cases, being under the CAA is a large contributor, as investigative activities are generally not seen as a CAA priority for resource allocation when competing to other areas of authority.

1.3 The third major concern is related to the conduct of the investigation and is mainly based on the lack of adequately implemented documentation (procedures, guidance material, policies, etc.). As a result, the CAR Region presents a significant gap between desirable and existing investigation services.

1.4 In response to this scenario, the ICAO NACC Regional Office developed the NACC AIG Turnkey Project, whose implementation started in 2022.

2. Development

2.1 The purpose of the Turnkey Project is to foster the development of the necessary elements to allow States to comply with all the obligations related to the AIG arising from the Chicago Convention and its Annex 13.

2.2 The Project is being sponsored by Transport Canada, the Federal Aviation Administration (FAA) of United States, and Project RLA09801 - Multi-Regional Assistance Programme for Civil Aviation (MCAAP), and has been structured in two phases, as follows:

- a) Phase 1 – a series of five training sessions; and
- b) Phase 2 – a series of three on-site assistance missions tailored to each participant State.

2.3 Phase 1 concluded its implementation at the beginning of 2023, with the participation of 95% of the NACC States, for which five theoretical sessions were given. The Project is currently in Phase 2, which includes carrying out on-site assistance missions to support the development of legislative modifications, procedures, processes, training criteria, etc.

2.4 One of the great challenges for the success of the Project is the need for commitment from the States. During Phase 1, the participating States were expected to start developing the necessary documents to meet the international requirements based on the lessons provided by the Project. However, until the beginning of Phase 2, none of the States reported having started the activities that corresponded to them.

2.5 The lack of initiative on the part of the States could lead to the failure of Phase 2 of the Project, since the time allocated for on-site missions is dedicated to reviewing and correcting the documents previously developed by the States. The lack of this previous work will imply the need to use the time of the mission for the preparation of documents, it will significantly reduce the deliveries of the Project.

2.6 As an example, the second mission of Phase 2 is dedicated to the development of procedures, so if the State has prepared in advance all those required for AIG (approximately 28), taking into account the lessons of Phase 1 of the Project, the ICAO team will probably be able to perform a complete review of all procedures, leaving them ready for approval. On the contrary, if the State does not develop them previously, the five days allocated for the mission will only allow the production of six procedures at most.

2.7 Therefore, the successful implementation of the Project is highly dependent on the commitment of the State to carry out the tasks under its responsibility.

2.8 In preparation for Phase 2, the ICAO NACC RO sent a request to the States, through the letter Ref.: NT-N1-7.3 — E.OSG-NACC96612, dated 13 March 2023, (**Appendix** refers) to prepare:

- a) A comparative table of primary aviation legislation and Critical Element 1 requirements.
- b) A comparative table of AIG regulations and Critical Element 2 requirements.
- c) The schedule for the development of all AIG procedures required by the USOAP within a period of 14 weeks.

2.9 Continuing with the Project, each State is expected to implement the development schedule for the aforementioned procedures, in order to ensure that all the required procedures in AIG matters are prepared in the second semester of this year.

2.10 As part of this process, it is essential that each State upload each of the AIG procedures, as they are developed, in the self-assessment part of the USOAP Online Framework (OLF), in the corresponding protocol question (PQ).

2.11 This will allow the ICAO project team to monitor the progress of each State, providing the opportunity to clarify doubts and provide personalized guidance.

2.12 To facilitate the follow-up and supervision of the States, the NACC RO will provide a dashboard in which the progress of each State in the AIG implementation process will be recorded.

2.13 States that have not yet sent the information mentioned in paragraph 2.8 above are requested to do so as soon as possible, since it is very important to make up for lost time and align with the implementation stage of other States, facilitating assistance from ICAO.

2.14 It is also recommended that all States, and in particular those that have not yet effectively participated in the Project, visit the Project page at <https://www.icao.int/NACC/Pages/nacc-aig-turnkey-project.aspx>. All the didactic material used in Phase 1 is stored there, constituting a valuable source of support.

2.15 It is important to point out that the Project has limited resources and that in order to carry out the missions, the interest shown by the State in relation to the implementation of the AIG will be taken into account. Thus, the States that wish to receive assistance missions from the Project must inform the NACC Regional Office, to allow the planning of activities for the second semester of 2023.

2.16 So far, the three assistance missions to Belize have already been carried out, and assistance to Costa Rica is ongoing. The NACC Regional Office will begin coordination for assistance to Cuba and the Dominican Republic in the second half of the year.

3. Conclusions

3.1 States are urged to endorse their commitment as signatories to the Chicago Convention in order to contribute to achieving the highest degree of safety in air operations by completing the aforementioned tasks.

3.2 Likewise, it is also recommended that States take advantage of this unique opportunity for assistance, made possible thanks to the financial support of Canada, United States and the RLA09801 MCAAP Project, and structured to cover the main applicable AIG requirements.

3.3 The dashboard of the NACC RO will publish the results of the progress in terms of AIG implementation as of the 2nd semester of 2023, allowing States to adequately monitor.

4. Recommended actions

4.1 It is recommended that States:

- a) that have not yet submitted the information mentioned in 2.8, do so as soon as possible, and before **3 July 2023**;
- b) implement the schedule for the development of procedures mentioned in 2.8 as soon as possible, and no later than **10 July 2023**;
- c) record on a weekly basis, as of **17 July 2023**, in the self-assessment area of the USOAP OLF, in the corresponding PQ, each of the AIG procedures prepared; and
- d) inform the NACC Regional Office, before **10 July 2023**, whether or not they are interested in receiving the AIG assistance missions of phase 2 of the Turnkey Project.



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المدني الدولي

国际民用
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When replying please quote:

Ref.: NT-N1-7.3 — **E.OSG-NACC96612**

13 March 2023

To: Bahamas, Barbados, Belize, Canada, Dominica, ECCAA, Haiti, and Trinidad and Tobago

Subject: **Summary of Discussions – NACC Aviation Accident and Incident Investigation (AIG) Turnkey Project**
Miami, United States, 27 February to 3 March 2023

Action

Required: **Send the documentation required in the action items by 13 April 2023**

Dear Sir/Madam,

In relation with the NACC Aviation Accident and Incident Investigation (AIG) Turnkey Project, I wish to attach the Summary of Discussions (SoD) of the special session for English-speaking States that was held at the IATA Americas Regional Office in Miami, United States, from 27 February to 3 March 2023.

Please take note of the results and of the following action items mentioned in the SoD, which require a response from your Administration by **13 April 2023**:

ACTION ITEM

NACC/TURNKEY/EN/1

Comparative Table of Primary Aviation Legislation and the requirements of Critical Element (CE) 1

ACTION ITEM

NACC/TURNKEY/EN/2

Comparative Table of AIG Regulations and the Requirements of Critical Element (CE) 2

ACTION ITEM

NACC/TURNKEY/EN/3

Review Schedule of all AIG Procedures Required by the USOAP

... / 2

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



Julio César Siu
Acting Regional Director
North American, Central American and
Caribbean (NACC) Regional Office

Enclosure: *As indicated*

N:\N - ICAO Regions\N 1- 7.3 - Accident Investigation Matters\23-AIGTurnkeyTrainingSessions\SummaryofDiscussions\NACC96612AIG-States-AIGTurnkeyProjectSummaryofDiscussionsFifthSession.docx / CLP

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**NACC AVIATION ACCIDENT AND INCIDENT INVESTIGATION (AIG)
TURNKEY PROJECT MEETING**

(Extra session in English)

Miami, United States, 27 February to 3 March 2023

SUMMARY OF DISCUSSIONS

1. Introduction

1.1 An extra session of the NACC Accident and Incident Investigation (AIG) Turnkey Project, carried out with funds from Project RLA09801 – Multi-Regional Civil Aviation Assistance Programme (MCAAP), was held at the premises of the IATA Americas Regional Office in Miami, United States, from 27 February to 3 March 2023.

2. Officers of the Meeting

2.1 Mr. Fernando Camargo, Regional Officer, Technical Assistance, served as instructor of the AIG Turnkey Project, assisted by Mr. Oliver López, Accident and Incident Investigation (AIG) Implementation Supporting Officer in the Secretariat duties.

3. Working Language and Documentation

3.1 The working language of the event was English. The presentations were available to participants and can be accessed at the following website:

<https://www.icao.int/NACC/Pages/nacc-aig-turnkey-project.aspx>

4. Attendance

4.1 The Meeting was attended by 7 English-speaking States from the NAM/CAR Regions as well as the Eastern Caribbean Civil Aviation Authority (ECCAA), totalling 8 delegates as indicated in the list of participants (**Appendix**).

5. Objectives

5.1 The NACC Aviation Accident and Incident Investigation (AIG) Turnkey Project has the following main objectives:

- 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 and Incident Investigation Organization (RAIO) approach.

5.2 The Project was structured into two phases: the first one initially planned with 4 sessions, in which all AIG requirements and matters were presented and discussed in accordance with the Protocol Questions (PQs) of the Universal Safety Oversight Audit Program (USOAP); and the second phase made up of on-site assistance missions.

5.3 With the remaining funds provided by the MCAAP project, it was possible to include two additional sessions, one in Spanish and one in English, to review the main AIG requirements studied throughout the four regular sessions, and to clarify the doubts of the participants, thus complementing phase 1 of the project.

6. Activities of the English Extra Session

6.1 The extra session included the review of PQs linked to the AIG field and others requested by participating States, including the following items:

- a. Presentation of the AIG Turnkey Project
- b. The Accident Investigation System
- c. *Critical Element 1 (CE-1) Primary aviation legislation* – requirements for AIG and example of provisions, as per the following PQs:
 - i. 1.001 - Has the State promulgated primary aviation legislation to enable it to address its obligations as a signatory to the Chicago Convention?
 - ii. 1.005 - Does the primary aviation legislation provide for the introduction/adoption and subsequent promulgation of specific operating regulations?
 - iii. 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?
 - iv. 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?
 - v. 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?
 - vi. 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?
 - vii. 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?
 - viii. 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?
 - ix. 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?
 - x. 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?
- d. *Critical Element 2 (CE-2) Specific operating regulations* – requirements and example provisions, as per the following PQs:

- i. PQ 6.006 - Does the State ensure the timely transposition of provisions of Annex 13 into its legal framework?
 - ii. PQ 6.017 - Has the State implemented a procedure for identifying and notifying differences, if any, to ICAO?
 - iii. PQ 6.113 - Has the State implemented a mechanism to ensure that the accident investigation authority has sufficient personnel to meet its national and international obligations related to aircraft accident investigations?
 - iv. PQ 6.383 – Has the State established a comprehensive system for providing assistance to aircraft accident victims and their families?
 - v. PQ 6.345 – Has the State established and implemented:
 - a. a process for investigating serious incidents, as well as
 - b. a process, based on risk analysis, to help determine which types of incidents will be investigated by the investigation authority, in conformance with Annex 13?
- e. Procedures, as per the following PQs:
- i. Mandatory incident reporting
PQ 6.501 – Has the State established and implemented (through the necessary legislation, procedures and guidance to the industry) a mandatory incident reporting system to facilitate the collection of information on actual or potential safety deficiencies?
 - ii. Initial response following the receipt of a notification
PQ 6.316 - Has the State established procedures and guidance, including a checklist, for the initial response following the receipt of a notification?
 - iii. Informs intention to appoint an accredited representative
PQ 6.325 – Has the State established and implemented procedures to ensure that it informs the State conducting the investigation if it intends to appoint an accredited representative and, if so, provides the associated details?
 - iv. Provision of relevant information regarding the aircraft and flight crew
PQ 6.327 – Has the State established and implemented procedures to ensure that it provides the State conducting the investigation with, as applicable, any relevant information regarding the aircraft and flight crew involved in an aircraft accident or serious incident as soon as possible?
 - v. Provision of details of dangerous goods on board
PQ 6.329 – Has the State, as the State of the Operator, established and implemented procedures to ensure that it provides the State conducting the investigation with the details of dangerous goods on board the aircraft with a minimum of delay and by the most suitable and quickest means available?
 - vi. Provision of all information and elements required throughout the investigation process
PQ 6.391 – Has the State, as a State participating in an aircraft accident or serious incident investigation, established and implemented procedures to ensure that it provides the State conducting an investigation with all the information and elements required throughout the investigation process?
 - vii. Sending an expert to the State of Occurrence as a State having suffered fatalities or serious injuries to its citizens

- PQ 6.397 – Has the State, as a State having suffered fatalities or serious injuries to its citizens, established and implemented procedures to send an expert to the State of Occurrence?
- viii. Forwarding notifications to other States and to ICAO
PQ 6.317 – Has the State, as State of Occurrence, established and implemented procedures to ensure the forwarding of accident/incident notifications to other States involved and, when applicable, ICAO?
- ix. Forwarding notifications – other cases
PQ 6.319 – Has the State established and implemented procedures to ensure the forwarding of accident/incident notifications to the States involved and, when applicable, ICAO in the following situations where it is not the State of Occurrence:
- As State of Registry, in the case of an occurrence in a non-Contracting State or outside the territory of any State?
 - As State of Registry or State of the Operator, when the State of Occurrence is not aware of an incident?
- x. Immediate initiation of an investigation through the designation of an experienced IIC
PQ 6.349 – Has the State established and implemented procedures to ensure the immediate initiation of an investigation through the designation of an experienced investigator as investigator-in-charge (IIC) and the appointment of an investigation team, as necessary?
- xi. Final Report and Interim Statement
PQ 6.405 – Has the State, as the State conducting the investigation, established and implemented procedures to ensure that the final report is completed as soon as possible and that, if the report is not made available within 12 months, an interim statement is made publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised?
- xii. Intended safety recommendations to be included in the draft final report
PQ 6.427 – Has the State, as the State conducting the investigation, established and implemented procedures to ensure that intended safety recommendations are included in the draft final report forwarded to the States and organizations concerned?
- xiii. Consultation on the draft final report
PQ 6.407 – Has the State established and implemented procedures to ensure the consultation on the draft final report with all States which participated in the investigation, inviting their substantiated comments on the report within sixty days from the date of the transmittal letter?
- xiv. Copy of the draft final report is sent for comments to the operator and to the organizations of type design/final assembly
PQ 6.409 – Has the State, as the State conducting the investigation, established and implemented procedures to ensure that a copy of the draft final report is sent for comments:
- a. through the State of the Operator to the air operator; and
 - b. through the State of Design and State of Manufacture to the organizations responsible for the type design and the final assembly of the aircraft?

- xv. Processing comments on the draft final report
PQ 6.411 – Has the State, as the State conducting the investigation, established and implemented procedures to ensure that it will either amend the draft final report to include the substance of the comments received or, if desired by the State, which provided the comments, append the comments to the final report?
- xvi. Sending the final report to ICAO and to all States involved
PQ 6.413 – Has the State, as the State conducting the investigation, established and implemented procedures to ensure that it sends the final report to ICAO, as applicable, and to all States involved, including any State having suffered fatalities or serious injuries to its citizens and any State, which provided relevant information, significant facilities or experts?
- xvii. Sending ADREP preliminary reports, ADREP accident data reports and ADREP incident data reports
PQ 6.431 – Has the State, as the State conducting the investigation, developed and implemented procedures to ensure that it sends ADREP preliminary reports, ADREP accident data reports and ADREP incident data reports to all involved States and, when applicable, to ICAO?
- xviii. Monitor the progress of received safety recommendations, and inform the proposing State within 90 days
PQ 6.425 – Has the State, as the State receiving safety recommendations from other States, established and implemented procedures:
 - a. to monitor the progress of any action taken in response to these safety recommendations, and
 - b. to ensure that it informs the proposing State within 90 days of the preventive action taken or under consideration or the reasons why no action will be taken?
- xix. Record responses to the safety recommendations it has issued
PQ 6.429 – Has the State developed and implemented procedures to record responses to the safety recommendations it has issued?
- xx. Determine the extent of an accident investigation
PQ 6.343 – Has the State established and implemented policies, procedures and guidelines to help determine the extent of an accident investigation (including the scope of the investigation and whether or not investigators will be deployed on site), depending on the circumstances of the accident and the safety lessons that it expects to draw from the investigation?
- xxi. Correct and up-to-date contact information of AIG authorities to be made available and used
PQ 6.211 – Does the State have means in place to ensure that correct and up-to-date contact information of aircraft accident investigation authorities of other States is made available to, and used by the personnel in charge of forwarding accident or incident initial notifications to other States?
- xxii. Timely recovery and effective read-out of the flight recorders
PQ 6.361 – Has the State established and implemented procedures to ensure the timely recovery and effective read-out of the flight recorders in compliance with Attachment D to Annex 13?

- xxiii. Provision of information to the families and accident survivors
PQ 6.381 – Has the investigation authority established and implemented procedures to ensure that relevant and timely information on the progress of the investigation will be provided to the families and accident survivors?
 - xxiv. Informs acts of unlawful interference
PQ 6.347 – Has the investigation authority established and implemented procedures to ensure that it informs the aviation security authorities immediately if an act of unlawful interference was involved or is suspected?
 - xxv. Protection of investigators against biological and other hazards
PQ 6.373 – Has the investigation authority established and implemented procedures and guidance material for the protection of investigators against biological hazards and other hazards at the accident site?
- f. Procedures, as per the following PQs:
- i. Training Programme
PQ 6.123 – Has the State/investigation authority developed a formal training programme detailing the type of training to be provided to its investigators?
 - ii. Training Records
PQ 6.129 – Has investigation authority established and implemented a system for the maintenance of training records for its technical personnel, including records on the OJT received?

7. Results

7.1 Throughout the extra session in English, the participants reviewed the main international requirements related to AIG in terms of primary legislation and regulations, processes and systems, procedures, and training, being now able to draft the relevant documents related to the implementation of the corresponding requirements.

7.2 Moreover, States were urged to complete a self-assessment in AIG, recording progress and uploading the corresponding evidence in the USOAP On-Line Framework (OLF), as well as informing the SAP Point of Contact (PoC) of each State to notify such progress. Likewise, the participants were reminded of the main processes associated with the activities of an accident investigation authority, as well as the measures and systems required for the efficiency of the investigation activities.

8. Conclusion

8.1 With the materialization of this extra session, Phase 1 of the NACC Turnkey Project on AIG is concluded, having contributed to reaffirm participants' knowledge and skills acquired throughout 2022, providing the States with various tools for the implementation of all the requirements in terms of AIG.

8.2 The completion of this Phase will allow the deployment of Phase 2, so that States will be able to effectively develop and implement the complete framework to provide support to AIG in an assisted manner, in the fields of primary legislation, regulation, and procedures.

9. Follow-up Actions

9.1 As part of the necessary measures to guarantee the progress of the participating States regarding the implementation of the AIG requirements, the following action items were agreed:

ACTION ITEM

NACC/TURNKEY/EN/1 COMPARATIVE TABLE OF PRIMARY AVIATION LEGISLATION AND THE REQUIREMENTS OF CRITICAL ELEMENT (CE) 1

The participating States to prepare and send to the NACC Regional Office, by **13 April 2023**, a comparative table of their primary aviation legislation and the requirements of CE 1, taking the following format as a reference:

What the civil aviation law establishes	PQ requirement	Drafting proposal/comments

ACTION ITEM

NACC/TURNKEY/EN/2 COMPARATIVE TABLE OF AIG REGULATIONS AND THE REQUIREMENTS OF CRITICAL ELEMENT (CE) 2

The participating States to prepare and send to the NACC Regional Office, by **13 April 2023**, a comparative table of AIG regulations, and the requirements of CE 2, taking the following format as a reference:

What the civil aviation regulations establishes	PQ requirement	Drafting proposal/comments

ACTION ITEM

NACC/TURNKEY/EN/3 REVIEW SCHEDULE OF ALL AIG PROCEDURES REQUIRED BY THE USOAP

The participating States to prepare and send to the NACC Regional Office, by **13 April 2023**, a reviewed schedule of all AIG procedures required by the USOAP, in which a critical path of the progress in the revision and implementation of those procedures is established, taking the following format as a reference:

Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13	Week 14
PQ 6.xxx													
PQ 6.xxx													



North American, Central American and Caribbean Office (NACC)
Oficina para Norteamérica, Centroamérica y Caribe (NACC)

NACC Aviation Accident and Incident Investigation (AIG) Turnkey Project
Miami, United States, 27 February to 3 March 2023

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