

Issued as part of the process of public consultation by the CAA

# **NOTICE OF PROPOSED AMENDMENT**

(NPA 07/19)

## **AMENDMENT OF**

## **AIR NAVIGATION TECHNICAL**

## **REGULATIONS**

### ***ANTR PART VI***

### ***(AIRCRAFT ACCIDENT/INCIDENT INVESTIGATION)***

**Who this NPA applies to:**

It is anticipated that this proposal will affect the following groups in the aviation industry:  
Operators of Bahraini registered aircraft, aircraft engineering facilities and CAA staff

**AERONAUTICAL LICENSING DIRECTORATE**

**NOTICE OF PROPOSED AMENDMENT**  
*(NPA 07/19)*

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# AERONAUTICAL LICENSING DIRECTORATE

## 1. INTRODUCTION

1.1 The Kingdom of Bahrain's aviation safety requirements are currently contained in the Civil Aviation Law and Air Navigation Technical Regulations. It has become CAA policy that the Air Navigation Technical Regulations will be gradually amended to reflect ICAO Annex SARPs and industry best practice (EASA). This NPA applies to Air Navigation Technical Regulations ANTR Part VI.

1.2 The purpose of this Notice of Proposed Rule Making (NPA) is to:

- (a) Continue the process of formal public consultation on proposed amendments of the Air Navigation Technical Regulations; and
- (b) Ensure the adequacy of regulations governing operations of CAA registered in accordance with ICAO SARPS and international best regulatory practices; and
- (c) Determine the effect on the aircraft operator of the proposed regulations.

1.3 The CAA now seeks comments on this proposal from the aviation industry and the concerned parties before proceeding further.

1.4 Abbreviations

NPA Notice of Proposed Amendment

SARPS ICAO Standards and Recommended Practices

CAA Civil Aviation Affairs of the Kingdom of Bahrain

## 2. OBJECTIVE

2.1 The objective of this NPA is to amend ANTR Part VI to the existing regulations for compliance with ICAO Annex 13 Amendment 17.

2.2 A number of regulatory criteria have been identified to guide the development of the Air Navigation Technical Regulations. The criteria require that the new regulation should:

- (a) be clear, concise and unambiguous;
- (b) be consistent with the Kingdom of Bahrain's international obligations;
- (c) be harmonized with ICAO SARPS and European standards, unless unique CAA circumstances require otherwise;
- (d) be outcome-based, to the greatest extent practicable;
- (e) be cost effective or cost neutral; and
- (f) be enforceable.

## AERONAUTICAL LICENSING DIRECTORATE

### 3. REGULATORY PROPOSAL

- 3.1 The CAA considers that revision and modification of existing regulations along the lines of ICAO (SARPs) and industry best practice (EASA), is appropriate and consistent with CAA future objectives and regional harmonization.
- 3.2 The CAA considers that revision and modification of existing regulation along the lines of the European model is appropriate and consistent with future objectives and regional harmonization.
- 3.3 Amendment action is planned for *12 January 2020*.

### 4 AFFECT OF CHANGES

- 4.1 The persons affected by this NPA are:
- 4.1.1 Operators of the Bahraini registered aircraft;
  - 4.1.2 Engineering facilities; and
  - 4.1.3 CAA staff.
- 4.2 Effect on Existing Regulation. This NPA contains all of the necessary amendments for compliance with amended ANTR Part VI in accordance with ICAO Annex 13 Amendment 17.
- 4.3 The effect of the proposed new regulations is considered to be generally cost neutral, with greater operational flexibility and guidance.
- 4.4 There would be no additional change in CAA inspections and compliance with the proposed regulations will be monitored and enforced through normal CAA surveillance activity.

### 5 PRESENTATION

The complete proposed amendment to the ANTRs is issued to Bahrain operators and published on CAA Q-Pulse System.

### 6 HOW TO SUBMIT COMMENTS ON THIS NPA

The Notice of Proposed Amendment process is the CAA's method of notifying and seeking comment from industry and the public with respect to proposed changes to rules. All submissions are evaluated and assessed with a view to incorporating any necessary changes to the draft regulations prior to their formal promulgation as law. In order to simplify collation and summarizing of comments, it is requested that responses be made on the NPA Response Sheet provided (Refer page 6) or a copy of the sheet, with additional comments attached as necessary. Responses can be individual or from industry working groups. Written comments quoting NPA 07/19 should be forwarded by *12 January 2020* to the CAA by post to P. O. Box 586, Kingdom of Bahrain or e-mail to [Aerolicensing@mtt.gov.bh](mailto:Aerolicensing@mtt.gov.bh).

## **AERONAUTICAL LICENSING DIRECTORATE**

### **7 SUMMARY OF RESPONSES**

Subsequent to the closing date for comments, a Summary of Responses will be made publicly available in conjunction with the issue of the Final Rules for each Part. The CAA may contact persons in respect to submissions in order to clarify issues but is not obliged to individually acknowledge or respond to comments or submissions.

AERONAUTICAL LICENSING DIRECTORATE

NPA 07/19 RESPONSE SHEET  
(ANTR Part VI)

Please return this response sheet by **12 January 2020** by post to P. O. Box 586, Kingdom of Bahrain, or e-mail to [Aerolicensing@mtt.gov.bh](mailto:Aerolicensing@mtt.gov.bh). Please indicate your acceptance or otherwise of the proposal by ticking [✓] the appropriate box below. Any additional constructive comments, suggested amendments or alternative action will be welcome and may be provided on this response sheet or by separate correspondence.

- The proposals are *acceptable without change*.
- The proposals are *acceptable but would be improved if the following changes were made:* (Please provide explanatory comment).

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- The proposals are *not acceptable but would be acceptable if the following changes were made:* (Please provide explanatory comment).

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- The proposals are *not acceptable under any circumstances.* (Please provide explanatory Comment).

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- Any other comments.

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Name.....Organization:.....

Address/Contact No:.....

Signed:.....Date:.....

Aviation Safety Rules & Regulations

# ANTR PART VI

Aircraft Accident & Incident Investigation

Adoption of Amendment 17 to Annex 13

## **Bahrain CAA Publication Revisions Highlight Sheet**

ANTR: Part VI       CAP: \_\_\_\_\_       TPM: \_\_\_\_\_

The following pages of ANTR PART VI (Aircraft Accident & Incident Investigation) has been revised to comply with Annex 13 Amendment 17.

Item	Pages/Paragraph Number	Reason
1	Pg. 1-2	Amendment to the definition for “accredited representative” to comply with Annex 13.
2	Pgs. 4-2 to 4-4	Alignment of provisions on notification and dissemination of final reports, to comply with Annex 13.  Amendment of the phrase ‘serious incidents’ to ‘incidents’, to align with Annex 13.
3	Pgs. 5-1 to 5-2	Timely Investigation of accidents and serious incident, to comply with Annex 13.  Amendment of responsibilities for instituting and conducting the investigation including delegation of investigations, to comply with Annex 13.  Paragraph 5.2.1 (d): amended to further specify all available evidential material.
4	Pgs. 5-11 to 5-12	Amendment of rights and entitlement of an expert.  Amendment of paragraph header to align with Annex 13.
5	Pg. 6-2 to 6-3	Timely release and dissemination of the final report, to comply with Annex 13.  Paragraph 6.4: Consultation of draft Safety Recommendations.
6	App. C-1	Amendment of list of list of examples of serious incident, to align with Annex 13.
7	App. D-1	Introduction to a new Appendix for delegation of investigations.



## 1.1 DEFINITIONS

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**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~~ the state's accident investigation authority.

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### 4.3.1 Responsibility of Bahrain as the State of Occurrence

#### (a) Applicability

This paragraph applies to the responsibility of the Kingdom of Bahrain as the State of Occurrence for the notification of an accident or serious incident to aircraft of another Contracting State.

#### (b) Forwarding

- (1) Bahrain, if the State of Occurrence, shall forward a notification of an accident, ~~or a serious incident,~~ or an incident to be investigated within the context of this Part, with a minimum of delay and by the most suitable and quickest means available to;
  - (i) the State of Registry;
  - (ii) the State of the Operator;
  - (iii) the State of Design;
  - (iv) the State of Manufacturer; and
  - (v) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2250 kg or is a turbojet powered airplane.
- (2) However, when Bahrain, as the State of Occurrence, is not aware of a serious incident, or an incident to be investigated, the State of Registry or the State of the Operator, as appropriate, shall forward a notification of such an incident to the State of Design, the State of Manufacture and the State of Occurrence.

*Note: Telephone, facsimile, e-mail or the Aeronautical Fixed Telecommunication Network (AFTN) will in most cases constitute "the most suitable and quickest means available". More than one means of communication may be appropriate.*

#### (c) Format and Content

The above notification shall be given 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:

- 1) for accidents the identifying abbreviation ACCID, for serious incidents **SINCID**, for incidents **INCID**;
- 2) manufacturer, model, nationality and registration marks, and serial number of the aircraft;
- 3) name of owner, operator and hirer, if any, of the aircraft;
- 4) qualification of the pilot-in-command; nationality of crew and passengers;
- 5) date and time (local time or UTC) of the accident or ~~serious~~ incident;
- 6) last point of departure and point of intended landing of the aircraft;
- 7) position of the aircraft with reference to some easily defined geographical point and latitude and longitude;
- 8) number of crew and passengers; aboard, killed and seriously injured; others, killed and seriously injured;
- 9) description of the accident or ~~serious~~ incident and the extent of damage to the aircraft so far as is known;
- 10) an indication to what extent the to be delegated by the Kingdom of investigation will be conducted or is proposed Bahrain to another State.
- 11) Physical characteristics of the accident or ~~serious~~ incident area; as well as an indication of access difficulties or special requirements to reach the site;
- 12) Identification of the BCAA and means to contact the investigator-in-charge and the Accident Investigation Unit of the State of Occurrence at any time; and
- 13) Presence and description of dangerous goods on board the aircraft.

**(d) Language**

The notification shall be prepared in the English language.

**(e) Additional information**

As soon as possible to do so, Bahrain, as the State of Occurrence, shall dispatch the details omitted from the notification as well as other known relevant information.

**(f) Notification to Security Authorities**

As soon as possible to do so, Bahrain, as the State of Occurrence, shall notify the appropriate security authorities if an act of unlawful interference was involved or suspected.

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

##### **4.4.1 Responsibility of the Kingdom of Bahrain as the State of Registry**

###### **(a) Forwarding**

Bahrain, when as the State of Registry, institutes the investigation of an accident or ~~serious~~ incident in the territory of the Kingdom of Bahrain, or in a Non-Contracting State or outside the territory of any State, Bahrain, as the State of Registry, shall forward a notification, in accordance with 4.3.1 (c) and (d) above, with a minimum of delay and by the most suitable and quickest means available, to:

- (1) the State of the Operator;
- (2) the State of Design;
- (3) the State of Manufacture; and
- (4) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2 250 kg or is a turbojet powered airplane.

##### **4.4.2 Responsibility of the Kingdom of Bahrain as the State of Operator**

###### **(a) Applicability**

This paragraph applies to the responsibility of Bahrain, as the State of Operator, upon receipt of notification from a State of Registry of an accident or ~~serious~~ incident in a Non-Contracting State or outside the territory of any State.

###### **(b) Forwarding**

- (1) Bahrain, as the State of Operator, shall acknowledge receipt of the notification of an accident or ~~serious~~ incident.
- (2) Upon receipt of the notification, Bahrain, as the State of Operator, shall, upon request, provide the State of Registry with any relevant information available to them regarding the aircraft and flight crew involved in the accident or ~~serious~~ incident. Bahrain shall also inform the State of Registry whether it intends to appoint an accredited representative and if such an accredited representative is appointed the name and contact details; as well as the expected date of arrival if the accredited representative will be present at the investigation.

*Note 1: Bahrain, as either the State of Registry or the State of Operator, has the right to appoint an accredited representative to participate in the investigation.*

*Note 2: Bahrain, as either the State of Registry or the State of Operator, is obliged to appoint an accredited representative when specifically requested to do so by the State conducting the investigation of an accident to an aircraft over 2 250 kg.*

- (3) Upon receipt of the notification, Bahrain, as the State of Operator shall, with a minimum of delay and by the most suitable and quickest means available, provide the State of Registry with details of dangerous goods on board the aircraft.

### 5.1.2 Within the Territory of the Kingdom of Bahrain

- (a) The Minister, shall institute an investigation into the circumstances of the accident. The Accident Investigation Unit shall be responsible for the conduct of the investigation, but may delegate the whole or any part of the conducting of such investigation to another State by mutual arrangement and consent. In any event, the Accident Investigation Unit shall use every means to facilitate the investigation.
- (b) The Minister, shall institute an investigation into the circumstances of a serious incident when the aircraft is of a maximum mass of over 2250 kg. The Accident Investigation Unit shall be responsible for the conduct of the investigation, but may delegate the whole or any part of the conducting of such investigation to another State by mutual arrangement and consent. In any event the Unit shall use every means to facilitate the investigation.
- (c) If the Minister does not institute and conduct an investigation, and does not delegate the investigation to another State or a regional accident and incident investigation organization, as set out in (a) and (b), the State of Registry or, in the following order, the State of the Operator, the State of Design or the State of Manufacture is entitled to request in writing the State of Occurrence to delegate the conducting of such investigation. If the State of Occurrence gives express consent or does not reply to such a request within 30 days, the State making the request should institute and conduct the investigation with such information as is available.

*Note 1: The investigation of a serious incident does not exclude other already existing types of investigation of incidents (serious or not) by other organisations.*

*Note 2: When the whole investigation is delegated to another State or a regional accident investigation organisation, 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 Accident Investigation Unit should retain the responsibility for the conduct of the investigation.*

*Note 3: In the case of serious incidents, the Accident Investigation Unit may consider delegating the investigation to the State of Registry or the State of the Operator, in particular those involving occurrences in which it might be beneficial or more practical for one of these States to conduct the investigation.*

*Note 4: The delegation of an investigation does not absolve the Kingdom of Bahrain as State of Occurrence from its obligation under this part.*

*Note 5: Paragraph 5.1.2 (c) does not necessarily give the State making the request the right to access the accident site, wreckage or any other evidence or information situated within the territory of the Kingdom of Bahrain as the State of Occurrence.*

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#### 5.1.4 Outside the Territory of any State

- (a) When the location of the accident or the serious incident cannot definitely be established as being in the territory of any State, Bahrain, as the State of Registry, shall institute and conduct an investigation of the accident or serious incident. However, it may delegate the whole or any part of the investigation to another State or a regional accident and incident investigation organisation by mutual arrangement and consent.
- (b) Should Bahrain be the State nearest the scene of an accident in international waters, it shall provide such assistance as it is able and shall, likewise, respond to requests by the State of Registry.
- (c) If the State of Registry is a non-Contracting State which does not intend to conduct an investigation in accordance with Annex 13, Bahrain, as the State of Operator or, failing that, the State of Design or the State of Manufacture shall endeavor to institute and conduct an investigation. However, it may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.
- (d) If the State of Registry does not institute and conduct an investigation, and does not delegate the investigation to another State or a regional accident and incident investigation organization, as set out in 5.3, the kingdom of Bahrain as the State of the Operator or, in the following order, the State of Design, or the State of Manufacture is entitled to request in writing the State of Registry to delegate the conducting of such investigation. If the State of Registry gives express consent or does not reply to such a request within 30 days, the State making the request should institute and conduct the investigation with such information as is available.

*Note: Paragraph 5.1.4 (d) does not absolve the State of Registry from its obligation under this part.*

#### 5.2.1 General

- (d) Any investigation conducted under the provisions of these regulations shall have unrestricted access to all available evidential material without delay and shall not be impeded by administrative or judicial investigations or proceedings.

### 5.12 ENTITLEMENT OF ACCREDITED REPRESENTATIVES AND ADVISORS

#### 5.12.1 Advisors

- (a) A State entitled to appoint an accredited representative shall also be entitled to appoint one or more advisers to assist the accredited representative in the investigation.

*Note 1: Nothing precludes a State that is participating in an investigation from calling upon the best technical experts from any source and appointing such experts as advisers to its accredited representative.*

*Note 2: Facilitation of the entry of the accredited representatives, their advisers and equipment is covered in Annex 9 — Facilitation. The carriage of an official or service passport may expedite the entry. Entry of investigation personnel and equipment may be expedited by the establishment of prior agreements between the accident investigation authority and immigration and customs authorities within the State.*

- (b) Advisors assisting an accredited representative shall be permitted by the Investigator-in-charge, under the accredited representative's supervision, to participate in the investigation to the extent necessary to enable the accredited representative to make his or her participation effective.

## **5.13 PARTICIPATION OF STATES HAVING SUFFERED FATALITIES OR SERIOUS INJURIES TO THEIR CITIZENS**

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

- (a) In the interest of accident prevention, the Accident Investigation Unit, as the authority of the State conducting the investigation, shall make the Final Report publicly available as soon as possible, and, if possible, within twelve months.
- (b) If the report cannot be made publicly available within twelve months, the Accident Investigation Unit shall make an interim statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised. If the State conducting the investigation does not make the Final Report or an interim statement publicly available within a reasonable timeframe, other States participating in the investigation are entitled to request in writing from the State conducting the investigation express consent to release a statement containing safety issues raised with such information as is available. If the State conducting the investigation gives express consent or does not reply to such a request within 30 days, the State making the request should release such a statement after coordinating with participating States.
- (c) When the Accident Investigation Unit, as the authority of the State that has conducted an investigation into an accident or a serious incident involving an aircraft of a maximum mass of over 5 700 kg, has released a Final Report, it shall send to the International Civil Aviation Organization a copy of the Final Report.

*Note: Guidance on what may constitute a “reasonable timeframe” for a State to make a Final Report and/or an interim statement publicly available is contained in the Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part IV - Reporting.*

## **6.4 SAFETY RECOMMENDATIONS**

- (a) At any stage of the investigation of an accident or serious incident, the Accident Investigation Unit, shall recommend in a dated transmittal correspondence to the appropriate authorities, including those in other States, any preventative action, which it considers necessary to be taken promptly to enhance aviation safety.

*Note: Nothing in this part is intended to preclude the State conducting the investigation from consulting States participating in the investigation on its draft safety recommendations, inviting their comments on the appropriateness and effectiveness of these recommendations.*

- (1) Precedence for the issuance of safety recommendations from an accident or serious incident investigation ~~should be~~ is given to the State conducting the investigation; however, in the interest of safety, other States participating in the investigation ~~may~~ shall be entitled to issue safety recommendations after coordinating with the State conducting the investigation.

*Note: Effective coordination of draft safety recommendations would avoid issuance of conflicting safety recommendations by the States participating in the investigation.*

- (b) The Accident Investigation Unit, as the authority of the State that has conducted an investigation, 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.

*Note: When Final Reports contain safety recommendations addressed to ICAO, because ICAO documents are involved, these reports must be accompanied by a letter outlining the specific action proposed.*

## **APPENDIX C – ~~EXAMPLES OF INCIDENTS LIKELY TO BE SERIOUS INCIDENTS~~ LIST OF EXAMPLES OF SERIOUS INCIDENTS**

1. The term “serious incident” is defined in Chapter 1 as follows:

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

2. There may be a high probability of an accident if there are few or no safety defences remaining to prevent the incident from progressing to an accident. To determine this, an event risk-based analysis, that takes into account the most credible scenario had the incident escalated and the effectiveness of the remaining defences between the incident and the potential accident, can be performed as follows:

- a) consider whether there is a credible scenario by which this incident could have escalated into an accident; and

- b) assess the remaining defences between the incident and the potential accident as:

– effective, if several defences remained and needed to coincidentally fail; or

– limited, if few or no defences remained, or when the accident was only avoided due to providence.

Consider both the number and robustness of the remaining defences between the incident and the potential accident. Ignore defences that already failed, and consider only those which worked and any subsequent defences still in place.

*Note 1: The most credible scenario refers to the realistic assessment of injury and/or damage resulting from the potential accident.*

*Note 2: Defences include crew, their training and procedures, ATC, alerts (within and outside the aircraft), aircraft systems and redundancies, structural design of the aircraft and aerodrome infrastructure.*

The combination of these two assessments helps in determining which incidents are serious incidents:

		b) Remaining defences between the incident and the potential accident	
		Effective	Limited
a) Most credible scenario	Accident	incident	Serious incident
	No accident	incident	

The following incidents listed are typical examples of incidents that are likely to be may be serious incidents. However, the list is not exhaustive and only serves as guidance to the definition of and, depending on the context, items on the list may not be classified as serious incidents if effective defences remained between the incident and credible scenario.

- (a) Near collisions requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate.
- (b) Collisions not classified as accidents.
- (c) Controlled flight into terrain only marginally avoided.
- (d) Aborted take-offs on a closed or engaged runway, on a taxiway\* or unassigned runway.
- (e) Take-offs from a closed or engaged runway, from a taxiway\* or unassigned runway.
- (f) Landings or attempted landings on a closed or engaged runway on a taxiway\* or unassigned runway or unintended landing locations such as roadways.
- (g) Retraction of a landing gear leg or wheels-up landing not classified as an accident.
- (h) Dragging during landing of a wing tip, an engine pod or any other part of the aircraft, when not classified as an accident.
- (i) Gross failures to achieve predicted performance during take-off or initial climb.
- (j) Fires and/or smoke in the cockpit, in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents.
- (k) Events requiring the emergency use of oxygen by the flight crew.



- (l) Aircraft structural failures or engine disintegrations, including uncontained turbine engine failures, not classified as an accident.
- (m) Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft.
- (n) Flight crew incapacitation in flight.
  - For single pilot operations (including remote pilot);
  - for multi-pilot operations for which flight safety was compromised because of a significant increase in workload for the remaining crew.
- (o) Fuel quantity level or distribution situations requiring the declaration of an emergency by the pilot, such as insufficient fuel, fuel exhaustion, fuel starvation, or inability to use all usable fuel on board.
- (p) Runway incursions classified with severity A.
 

*Note: The Manual on the Prevention of Runway Incursions (ICAO Doc 9870) contains information on the severity classifications.*
- (o) Take-off or landing incidents. Incidents, such as undershooting, overrunning or running off the side of runways.
- (p) System failures (including loss of power or thrust), weather phenomena, operations outside the approved flight envelope or other occurrences which caused or could have caused difficulties controlling the aircraft.
- (q) Failures of more than one system in a redundancy system mandatory for flight guidance and navigation.
- (r) The unintentional or, as an emergency measure, the intentional release of a slung load or any other load carried external to the aircraft.

*Note\*: Excluding authorized operations by helicopters.*

## **APPENDIX D – INVESTIGATION DELEGATION AGREEMENTS**

In accordance with paragraph 5.1.2, the State of Occurrence is responsible for instituting and conducting an investigation, but it may delegate the whole or any part of the conducting of such investigation to another State or a regional accident and incident investigation organization (RAIO) by mutual arrangement and consent. Similarly, delegation of the conducting of an investigation can take place when a State is required to institute an investigation of accidents or serious incidents occurring in the territory of a non-Contracting State that does not intend to conduct an investigation in accordance with Annex 13, or when the location of the accident or serious incident cannot definitely be established as being in the territory of any State.

Entering into an investigation delegation agreement normally begins with a decision made by the State responsible for instituting and conducting the investigation. In general, such a State may consider delegating the conducting of the investigation to another State or RAIO, in particular for those situations when it might be beneficial or more practical for the selected State or RAIO to

conduct the investigation, or when the State responsible for instituting the investigation lacks the resources or capability to investigate the occurrence in accordance with Annex 13.

Depending on the parties involved in the investigation, the scope of the investigation to be conducted by another State or RAIO would determine whether a formal investigation delegation agreement is required, or if a mutual understanding would suffice. In general, delegation of the whole investigation requires a formal investigation delegation agreement. In the case of delegation of part of the investigation, a formal delegation agreement would be at the discretion of the two parties.

When the whole investigation is delegated to another State or an RAIO, such State or RAIO 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 delegating State usually retains the responsibility for the conduct of the investigation, including the issuance of the Final Report and the ADREP reporting. In any event, the delegating State shall use every means to facilitate the investigation.

It is important to differentiate between the institution and the conduct of an investigation in terms of the triggering and terminating events of each function. *Instituting* the investigation begins from the time the accident investigation authority is informed about the accident or incident, and forwards the official notification of the occurrence to concerned States and to ICAO as required in paragraph 4.1. *Conducting* the investigation is the function of performing an investigation in accordance with Annex 13, and issuing reports including the Final Report.

It is important that the investigation delegation agreement achieves the purpose of the investigation and maintains conformity with the requirements of Annex 13. Therefore, the parties to the agreement should ensure that the responsibility of each party is clearly defined. The contents and details of the agreement depend on the scope of the delegation.

*Note: The Manual of Aircraft Accident and Incident Investigation, Part I — Organization and Planning (Doc 9756), Chapter 2, contains guidance material on the delegation of investigations and a model delegation agreement*