

**ECAC CODE OF CONDUCT ON CO-OPERATION IN
THE FIELD OF CIVIL AVIATION
ACCIDENT/INCIDENT INVESTIGATION**

ECAC CODE OF CONDUCT ON CO-OPERATION IN THE FIELD OF CIVIL AVIATION ACCIDENT/INCIDENT INVESTIGATION

The permanent Bodies or Entities (hereinafter referred to individually as a Party and collectively as the Parties) which are in charge of investigations into civil aviation accidents and incidents within the Member States of the European Civil Aviation Conference:

Mindful of the international nature of civil aviation and of aviation safety;

Mindful of the importance for aviation safety to conducting appropriate technical investigations into aviation accidents and incidents;

Mindful of the collective trauma caused by certain aviation accidents and the coordinated reaction that it calls for;

Desirous of promoting Annex 13 and the provisions of Council Directive 94/56/EC within all ECAC Member States;

Desirous of optimising the means available to ECAC Member States to investigate into civil aviation accidents and incidents;

Desirous of facilitating the exchange of data in the course of an investigation;

Desirous of developing meaningful cooperation bonds between ECAC Member States outside the context of a specific investigation;

SUBSCRIBE to the following provisions:

ARTICLE I

Definitions

- a. **Annex 13.** Annex 13 to the Convention on International Civil Aviation (Chicago Convention).
- b. Unless otherwise specified, the terms used in this Code of Conduct have the meaning stated in Annex 13 when they are defined in that Annex.
- c. **Investigation.** A process conducted for the purpose of accident and incident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of cause(s) and, when appropriate, the making of safety recommendations.
- d. **Co-operation.** Any action undertaken by a Party when called upon, in order to facilitate or enhance the participation in or the conduct of an investigation by another Party, taking into account the international obligations and investigation commitments of the Party called upon and the resources available.

ARTICLE II

Scope of the Code of Conduct

- a. This Code of Conduct applies to investigations conducted by a Party, or to which a Party participates under provisions of Annex 13.
- b. Co-operation is foremost achieved within the institutional framework of Annex 13 and, for the States which are Members of the European Union, of Council Directive 94/56/EC, but also in the context of mutual assistance. This Code of Conduct shall apply according to the situation.
- c. The provisions of this Code of Conduct shall not commit a Party to providing any assistance in the conduct of an investigation whose sole objective is not the prevention of future accidents and incidents.

ARTICLE III

Investigation into incidents

- a. When a Party considers it appropriate to investigate into an incident involving other Parties, and in order to enhance safety, the concerned Parties shall consult each other with a view to entrusting with the conduct of the investigation the Party which is in the best position for this task. In the absence of mutual consent, provisions of Annex 13 shall prevail.
- b. When the conduct of the investigation has been delegated to a Party under the provisions of Article III (a), the other Parties shall facilitate the transmission of all relevant data accordingly.

ARTICLE IV

Collaboration during an investigation

- a. The Parties shall take appropriate steps, within the limits of resources available to them and domestic obligations which shall take precedence, to positively answer a request of assistance from another Party in one or several of the following investigative fields:
 - examination of accident scene, wreckage and aircraft equipment;
 - examination of parts in the Parties' facilities or country;
 - interview with witnesses or persons involved in the manufacture, the operation or the maintenance of the aircraft;
 - readout and evaluation of data from flight recorders;
 - computer storage and evaluation of air accident data.
- b. A Party may also request from another Party know-how and advice in organization of the investigation, drafting of the report, crisis management or communication. Such assistance shall be provided, as the case may be, by mail or telephone or through the appointment of an expert.
- c. The Parties shall endeavour to facilitate relations of other Parties with third countries whose culture is familiar to them or whose territory is in geographical proximity.

ARTICLE V

Resources management

- a. **Status of investigators.** In order to facilitate co-operation, and without prejudice to national laws, the Parties agree to recognise appointed experts from ECAC Member States' investigative bodies or entities, and grant them, under the authority of the Investigator in Charge, equal rights in relation to:
- access to the scene of the accident;
 - access to interviews with those involved in the operation or maintenance of aircraft, or to tests made on samples taken from such persons;
 - access to and analysis of flight recorders data.

For the duration of any period of co-operation, and without prejudice to national labour laws, the Party which requests assistance shall take appropriate steps to ensure that the qualifications of the experts from the assisting Parties shall be recognised by its national administration.

- b. **Facilities.** When required, a Party shall, as resources permit, provide investigators, observers or advisers from another Party with the basic facilities required to undertake their work. The Parties shall further facilitate domestic transport and accommodation, as well as issuing of visas when needed, and limit any practical obstructions to assistance or participation into an investigation.
- c. **Duration.** When assistance in an investigation is agreed on, this assistance shall continue until the termination of the specific tasks for which the assistance is requested, where this is practically possible. However, if during this period, unforeseen events or issues occur that may affect the possibilities to perform the agreed assistance, the involved Parties shall decide on transitional measures in order not to deprive the assisting Party of its experts' skills for a long period.
- d. **Allocation.** When long term assistance in an investigation is requested, the allocation of the assisting Party's resources shall be discussed rapidly with a view to determining any appropriate limitations. Also, an agreed procedure shall be established to allow proper co-operation to continue if and where disagreement occurs, whether this be related to the conduct of the investigation or the writing of the report.
- e. **Finance.** Assistance shall be free of charge, except possibly for travel expenses, unless the request for assistance implies the mobilisation of significant resources. In this case, the financing of operations shall be negotiated.

ARTICLE VI

Confidentiality

A Party that receives materials from another Party shall deal with the materials according to their confidentiality or proprietary status, within the limits of the respective laws of the two States, except where otherwise specifically stated. If a Party foresees any difficulty in protecting such confidentiality, this Party will inform the other Party as soon as possible.

ARTICLE VII

Training

- a. The Parties shall, where practicable, invite each other's investigators to attend general or specialist investigation courses and other training conducted by them.
- b. The Parties shall, where practicable, invite other Parties to simulations relating to reactions to an accident, or review their procedures through co-operation.
- c. The Parties shall, where practicable, facilitate the secondment of each other's investigators as observers to accident and serious incident investigations, with a view to enhancing the understanding of each other's investigative requirements and procedures, so as to favour effective cooperation in any investigation on a Party's territory pursuant to Annex 13.
- d. In addition, a Party may organise a training course to address a specific issue at the request of another party.

ARTICLE VIII

Establishment and Maintenance of contacts

- a. The Parties shall welcome representatives of other Parties so as to identify in advance areas of possible assistance or co-operation, particularly regarding available specialised equipment, facilities and trained personnel.
- b. The Parties likely to call upon other Parties for assistance shall facilitate the visit of the latter outside the context of an investigation, with a view to identifying any local issues which might have a bearing on the provision of this assistance and to permitting an appropriate risk assessment.
- c. The Parties shall endeavour to organise, on a regular basis, visits or meetings for investigators from other Parties with the aim of exchanging experience (feedback).

ARTICLE IX

Adherence to the Code of Conduct

- a. A Party will apply the terms of this Code of Conduct to other Parties after it has formally notified its acceptance of the text to the ECAC Secretariat. A Party may notify its intention to withdraw from the Code of Conduct by giving six months advance written notice to the ECAC Secretariat.
- b. In the event of a withdrawal, necessary steps shall be taken by the Parties to ensure that such withdrawal is not detrimental to on-going projects implemented within the framework of this Code of Conduct.

ARTICLE X

Amendments

This Code of Conduct may be amended or modified, pursuant to current ECAC procedures. Proposals for amendment shall in the first place be put forward and discussed during the meetings of the Group of experts on accident investigation (ACC).
