

法規名稱：Guidelines for the Conduct of International Aviation Accident Investigations Between the Aviation Safety Council, Taiwan and the Bureau Enquetes-Accidents, France

簽訂日期：民國 90 年 05 月 08 日

生效日期：民國 90 年 05 月 08 日

1 Purpose

During the past years, the Aviation Safety Council, Taiwan (ASC) and the Bureau Enquetes Accidents, France (BEA) have developed fruitful contacts.

Both agencies acknowledge the importance for the safety of world air transport that investigations be carried out with the greatest diligence and with the full cooperation of the concerned States.

In order to strengthen the links between the two agencies and facilitate the work in case of activities involving both agencies, it has been found useful to formalize the common working procedures for investigations in line with the spirit and the provisions of Annex 13 to the Convention of International Civil Aviation.

The purpose of these guidelines is to reinforce the cooperation between the ASC and the BEA to ensure maximum efficiency for the safety of world civil aviation. The guidelines are also intended to improve communication and exchanges of information between the two agencies.

2 Reference to Annex 13

The text of Annex 13 referred to in this document is that of the eighth edition dated July 1994.

The ASC and the BEA are in agreement with the spirit of and follows the procedures contained in Annex 13. Their procedures are in accordance with the standards and recommended practices contained in Annex 13 within the limits of the specific differences noted.

Insofar as the guidelines serve to reinforce joint work between the two investigating agencies, it is the spirit of Annex 1

3 that is to be applied. In particular, each agency intends to make its best efforts to overcome potential difficulties arising due to differences in languages, national cultures or geographic locations.

3 Definitions

For application of these guidelines, the definitions of the following words and phrases are to be those specified in or understood from Annex 13:

Accident

Incident

Serious incident

Investigator-in-charge

Draft final report

Differences

For the purpose of these guidelines, "agencies" are defined as the ASC and the BEA.

4 Purpose of Technical Investigations

The purpose of accident and incident investigations is to determine the facts, conditions and circumstances, to analyze and determine the probable causes of such accidents or incidents, to make recommendations to avoid their recurrence, and to safeguard human lives. It is not to impute fault or establish responsibility in terms of any person or agency or to exonerate any person or agency. Any safety recommendations produced by ASC or BEA as a result of accident and incident investigations are intended as a means to improve safety and preclude recurrence.

5 Notification of Accidents and Serious Incidents

When an agency becomes aware of an accident or a serious incident that involves the direct interests of the other agency, it is to inform the other agency by the most rapid means possible and provide the other agency with all available information consistent with Annex 13 provisions and the rules applicable to the notifying agency. The other agency will then inform the notifying agency:

- of the degree of involvement it intends to take in the investigation,
- whether it intends to appoint an accredited representative (person representing the agency for the investigation),
- and if such an accredited representative is appointed, of his or her name, contact details and whether he or she will be present at the investigation and, in the affirmative, the expected date of his or her arrival.

6 Procedures Relating to Investigations of Occurrences Wherein One State is the State of Manufacture, Design, Registration, or of the Operator, and the Other is the State of Occurrence

6.1 Participation in the Investigation

During investigations conducted by agencies of either State, domestic participants are to participate in the investigation in accordance with the organizational structure prescribed by the investigating agency. International participants are to participate in the investigation as advisers to the accredited representative of their relevant agency in accordance with the organizational structure prescribed in Annex 13.

Normal communication is to be conducted through accredited representative channels. The two agencies are to inform each other of any possible direct communications with a participant or an organization under the supervision of the other agency.

Organizations participating in the investigation other than the two agencies, may provide the investigating agency with submissions during the investigation.

6.2 Access to Data From an Investigation

In order to fulfill their responsibilities, both agencies need to have access to the information. Therefore, the agency responsible for conducting the investigation is to provide the accredited representative from the other agency access to all available material, as cited in paragraph 5.25 of Annex 13. The accredited representative is to receive the

material as soon as practicable. See paragraph 6.6 hereafter regarding proprietary or commercially sensitive information. Such data is to include, but is not to be limited to:

- An electronic copy of the raw, unmanipulated data obtained from the flight data recorder(s) (FDR), including data from all previous flights.

Note: Data obtained from Quick Access Recorders should be handled in the same manner as FDR data

- An electronic copy of the CVR recording
- Computer printouts, data files and plots of the data, once the accuracy of the data files has been established and agreed to by all participants.
- A copy of the air traffic control voice recording and transcript of radio communications, and any other available recordings.
- Radar data obtained from civilian sources in prescribed format and authorized, available military sources.

To ensure confidentiality of the sensitive information contained in CVRs and image recorders, readout, examination and analysis of the data derived from these recorders are to be performed only in the laboratories selected by the two agencies, participants should be limited strictly to:

- the investigator in charge and/or personnel from his/her agency that he/she will designate, as well as technically qualified advisers that he/she will designate, based on the procedures of his/her agency,
- the accredited representative or his/her designee,
- technically qualified advisers designated by the accredited representative.

The distribution of transcripts or reports derived from analyses of CVRs and image recorders is to be limited to the accredited representative until they have been released by the agency conducting the investigation.

All participants to the investigation will sign an engagement of confidentiality before they have access to information

and data.

6.3 Analysis, Conclusions, and Development of Safety Recommendations

6.3.1 Participation in the Analysis, Conclusions, and Development of Safety Recommendations

Analysis, and determination of probable causes are the full responsibility of the investigating agency. However, other agency will have the opportunity to provide its contribution on the study of the factual data and will be associated with the deliberations related to the analysis, conclusion and safety recommendations. This can best be achieved by regular contacts and discussions between the investigator in charge and accredited representative and by written submissions during the investigation process.

6.3.2 Drafting and Distribution of Safety Recommendations

Safety recommendations should be discussed throughout the investigation. Advisers should be part of this process. When the agency conducting the investigation plans to issue safety recommendations before the completion of the draft Final Report, that agency is to make every effort to share the content of the safety recommendations with the accredited representative of the other agency (and other agencies, if appropriate) as soon as practical. The accredited representative is to have the opportunity to comment on those recommendations and provide those comments to the investigating agency within a reasonable period of time based on the degree of urgency of the proposed recommendations. Both agencies agree to provide the other agency with a courtesy translation in English of the original text in their national language. The length of the comment period is to be determined by the investigating agency. If the accredited representative or his designee is present, he will be associated with the drafting process.

6.3.3 Distribution of Safety Recommendations

Safety Recommendations are to be sent to the other agency, along with copies to both aviation authorities, the Civil Aeronautics Administration, Taiwan (CAA) and the Direction Generale de l'Aviation Civile, France (DGAC).

6.4 Exchanges of Correspondence

In the event that formal correspondence is necessary, each agency may choose the most appropriate method to transmit correspondence and documents consistent with prompt receipt. In order to facilitate record keeping and to avoid the loss of correspondence, the recipient will acknowledge receipt of the correspondence.

6.5 Consultation

Regarding consultations on the draft Final Report outlined in Annex 13, each agency should seek comments from the other agency. In addition, the agency conducting the investigation may give participants an opportunity to review the draft Final Report and to provide observations through their accredited representative.

6.6 Confidentiality

The agency that receives materials from the other agency should handle the materials according to their confidentiality or proprietary status, within the bounds of the respective applicable rules. Drafts, internal, or working documents that have been transmitted, except when explicitly indicated to the contrary, are to be considered as proprietary/confidential documents and treated as such. Drafts should be destroyed after use.

6.7 Informing the News Media

The agency conducting the investigation is to be the sole organization that releases information about the investigation to the news media. After an accident or serious incident, the news media and relatives of the victims will be contacting their respective agencies. Therefore, the press officers of both agencies are to establish working procedures to ensure that information can be mutually developed and coord-

inated as much as possible. Also, whenever possible, such information is to be transmitted by the investigating agency to the other agency before it is made public. If there are differences of opinion, efforts are to be made to resolve them before the information is released.

7 Cooperation Between the Two Agencies

7.1 Assistance in the Supervision of Examination of a Component Part

The agency that conducts the investigation may request that the other agency assist in supervising the examination, testing, or disassembling component parts that have been removed to the location of a manufacturer or other facility on the territory under the responsibility of the other agency. The other agency is to provide such assistance to the extent possible. In all cases, the agency that conducts the investigation is to provide updates as soon as practicable to the other agency of all investigation activities being carried out in its territory and is to invite the other agency to participate.

7.2 Training of Personnel

To the extent possible, the two agencies are to welcome personnel from the other agency for training and development, including as observers at major investigation accident sites and subsequent off-scene investigative activities.

7.3 Exchange of Information

Either agency may request information on the progress of investigations by the other agency. The other agency is to do everything possible to provide the information. This information is then to be treated with the same rules of confidentiality as those to which the providing agency is itself bound, in accordance with the rules applicable to them.

7.4 Conduct of the Agency Invited to Assist an Agency, other than an ASC and BEA, in charge of an Investigation

If one of the two agencies is requested by an agency, other than ASC and BEA, in charge of an investigation to provide technical ass-

instance for that investigation in which the other agency is participating, or should be participating, under the provisions of Annex 13, the response to the request should be coordinated with the other agency. The two agencies should work together to ensure that the investigation is conducted in accordance with the spirit and procedures of Annex 13. Specifically, all the necessary to fulfill the responsibilities described in Annexes 6 and 8, including FDR and CVR information and copies of the recordings, should be made available to the agency involved as soon as practicable. Both agencies are to update and refine data as it becomes available and are to coordinate to ensure that the best data set is available as the investigation progresses.

8 Victims and Relatives

Both agencies are to work in a fully coordinated manner to better meet the expectations of the victims and their families to the extent provided for under the rules applicable to each agency.

9 Duration

To the extent consistent with their international obligations, participating agencies may cease following the procedures set forth in this document at any time, except that they should continue to follow such procedures for purposes of any investigations in progress at that time. Regarding investigations in progress, confidentiality of information previously provided under these guidelines should continue consistent with domestic rules.

To take into account any changes to international or national rules or policies, these guidelines are to be reviewed periodically by both agencies.

Signed at Taipei on May 8, 2001 in duplicate in the French, Chinese and English languages. The English version will be authenticate.

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