

# Part 19

## Aircraft Accident Reporting & Investigation Requirements

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**SUBPART A: GENERAL****19.001 APPLICABILITY**

- (a) This Part contains requirements of Vietnam pertaining to:
- (1) Notification, investigation, analysis and reporting of aircraft incidents and accidents and certain other occurrences in the operation of aircraft:
    - (i) When they involve Vietnam-registered aircraft, wherever they occur; and
    - (ii) When they involve foreign-registered civil aircraft, where the events occur in Vietnam;
  - (2) Preservation of aircraft wreckage, mail, cargo, and records involving all civil and state aircraft accidents in Vietnam;
  - (3) Conformance to the international Standards for accident and incident reporting.
- (b) This Part is applicable to the:
- (1) Organizations and operators that operate aircraft or provide services associated with the safe operation of aircraft; and
  - (2) All Government agencies necessary to ensure the timely and correct investigation and reporting of accidents.
- (c) This Part is also applicable to:
- (1) All persons associated with the safe operations of aircraft;
  - (2) The general public where they have information pertinent to an accident or incident investigation; and
  - (3) The technical persons that participate in the investigations.

**19.002 OBJECTIVE OF INVESTIGATIONS**

- (a) The sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents.
- (b) It is not the purpose of the activities subject to this Part to apportion blame or liability.

**19.003 DEFINITIONS**

- (a) All definitions applicable to this Part are contained in Part 1 (Appendix 1 to 1.007) of these regulations.

**19.005 ACRONYMS**

- (a) The meanings of acronyms in this Part are contained in Part 1 (Appendix 1 to 1.008) of these regulations.

**SUBPART B: PERSONAL RESPONSIBILITY: ACCIDENT REPORTING****19.009 APPLICABILITY**

- (a) This Subpart is applicable to operators and individuals who are involved in or have knowledge of an aircraft accident or serious incident:
- (1) Occurring within Vietnam airspace; or
  - (2) With a Vietnam-registered aircraft; or
  - (3) With a Vietnam operator.

**19.010 IMMEDIATE NOTIFICATION**

- (a) The operator of any civil aircraft, or any state aircraft not operated by the Armed Forces, or any foreign aircraft shall immediately, and by the most expeditious means available, notify the CAAV when an aircraft accident or any of the following listed incidents occur:
- (1) Flight control system malfunction or failure;
  - (2) Inability of any required flight crew member to perform normal flight duties as a result of injury or illness;

- (3) Failure of structural components of a turbine engine excluding compressor and turbine blades and vanes;
  - (4) In-flight fire; or
  - (5) Aircraft collide in flight.
  - (6) Damage to property, other than the aircraft, estimated to exceed \$25,000 for repair (including materials and labour) or fair market value in the event of total loss, whichever is less.
  - (7) For large multiengine aircraft (more than 12,500 pounds maximum takeoff weight);
    - (i) In-flight failure of electrical systems which requires the sustained use of an emergency bus powered by a backup source such as a battery, auxiliary power unit, or air driven generator to retain flight control or essential instruments;
    - (ii) In-flight failure of hydraulic systems that results in sustained reliance on the sole remaining hydraulic or mechanical system for movement of flight control surfaces;
    - (iii) Sustained loss of the power or thrust produced by two or more engines; and
    - (iv) An evacuation of an aircraft in which an emergency egress system is utilized.
- (b) This initial notification requirement also applies when an aircraft is overdue and is believed to have been involved in an accident.

*Note: The initial report may be made to the nearest air traffic service unit or flight information unit of Vietnam CAAV or directly to the Flight Safety Standards Department in Hanoi.*

#### **19.013 INFORMATION TO BE GIVEN IN NOTIFICATION**

- (a) The required notification shall contain the following information, if available:
- (1) Type, nationality, and registration marks of the aircraft;
  - (2) Name of owner, and operator of the aircraft;
  - (3) Name of the pilot in command;
  - (4) Date and time of the accident;
  - (5) Last point of departure and point of intended landing of the aircraft;
  - (6) Position of the aircraft with reference to some easily defined geographical point;
  - (7) Number of persons aboard, number killed, and number seriously injured;
  - (8) Nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and
  - (9) A description of any explosives, radioactive materials, or other dangerous articles carried.

#### **19.014 PRESERVATION & PROTECTION OF WRECKAGE & ACCIDENT SITE**

- (a) The operator and pilot-in-command shall ensure as much as is practical that the wreckage and accident site is protected and preserved in accordance with the requirements of Subpart D of this Part.
- (b) An operator shall ensure, to the extent possible, in the event the aircraft becomes involved in an accident or incident, the preservation of all related flight recorder records and, if necessary, the associated flight recorders, and their retention in safe custody pending their disposition as determined in accordance with this Part.

#### **19.015 FORWARDING OF AN OPERATOR ACCIDENT OR INCIDENT REPORT**

- (a) The operator of a civil, state or foreign aircraft shall file a report in the form and manner prescribed by the CAAV:
- (1) Within 10 days after an accident; or
  - (2) After 7 days if an overdue aircraft is still missing.
- (b) A Operator Incident Report on an incident for which immediate notification is required shall be filed only as requested by an authorized representative of the CAAV.

**19.016 CREW MEMBER STATEMENT**

- (a) Each crew member, if physically able at the time the formal report is submitted, shall attach a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him.
- (b) If the crew member is incapacitated, he shall submit the statement as soon as he is physically able.

**19.017 WHERE TO FILE THE REPORTS**

- (a) The operator of an aircraft shall file any initial notification or operator accident or incident report with the CAAV as specified in the Vietnam Aeronautical Information Publication.

**SUBPART C: MANDATORY & VOLUNTARY OCCURRENCE REPORTING****19.020 GENERAL APPLICABILITY**

- (a) This Subpart prescribes the general requirements and administrative rules for implementation and on-going administration of processes for mandatory and voluntary reporting of occurrences where such reports are required by the Civil Aviation Regulations.
- (b) The general requirements of this Subpart apply to all occurrence reports required by any Section of Civil Aviation Regulations.
- (c) The reporting requirements of this Subpart are mandatory for the persons and organizations involved when the occurrence is related to:
  - (1) Any aircraft operated under an AOC granted by the CAAV;
  - (2) Any turbine-powered aircraft which has a certificate of airworthiness issued by the CAAV.
- (d) In the case of organizations providing a service or facility for aircraft operating over or in Vietnam, any occurrence meeting the required criteria should be reported regardless of the nationality of the aircraft involved.

**19.023 APPLICABILITY TO PERSONS & ORGANIZATIONS INVOLVED**

- (a) The mandatory reporting requirements of this Subpart are applicable to persons and organizations involved in the:
  - (1) Operations, maintenance and support of Vietnam-registered aircraft worldwide;
  - (2) Operations, maintenance and support of aircraft operating in Vietnam; and
  - (3) The provision of services to aircraft and crews in the operational airspace controlled by Vietnam and the aerodromes located in Vietnam.
- (b) Persons and organizations included in this applicability are:
  - (1) The operator and the flight crew of a turbine-powered aircraft which has a certificate of airworthiness issued by the CAAV;
  - (2) The operator and the flight crew of an aircraft operated under an AOC granted by the CAAV;
  - (3) A person who carries on the business of manufacturing a turbine-powered or aircraft that is to be operated in commercial air transport, or any equipment or part thereof, in Vietnam;
  - (4) A person who carries on the business of maintaining or modifying a turbine-powered aircraft, which has a certificate of airworthiness issued by the CAAV, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
  - (5) A person who carries on the business of maintaining or modifying an aircraft, operated under an AOC granted by the CAAV, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
  - (6) A person who signs an airworthiness review certificate, or a certificate of release to service in respect of a turbine-powered aircraft, which has a certificate of airworthiness issued by the CAAV,

- and a person who signs an airworthiness review certificate or a certificate of release to service in respect of any equipment or part of such an aircraft;
- (7) A person who signs an airworthiness review certificate, or a certificate of release to service in respect of an aircraft, operated under an AOC granted by the CAAV, and a person who signs an airworthiness review certificate or a certificate of release to service in respect of any equipment or part of such an aircraft;
  - (8) A person who performs a function which requires him to be authorised by the CAAV as an air traffic controller or as a flight information service officer;
  - (9) A licensee and a manager of a licensed aerodrome or a manager of an airport;
  - (10) A person who performs a function in respect of the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities which are utilised by a person who provides an air traffic control service under an approval issued by the CAAV;
  - (11) A person who performs a function in respect of the ground-handling of aircraft, including fuelling, servicing, load sheet preparation, loading, de-icing and towing at an airport
- (c) This list of persons and organizations defines those who have to report, but any person or organization may file a report should they consider it necessary or pertinent to aviation safety.

#### **19.025 OBJECTIVE OF THE REPORTING REQUIREMENTS**

- (a) The sole objective of occurrence reporting is the prevention of accidents and incidents through the collection and dissemination of relevant safety information and not to attribute blame or liability.
- (b) The mandatory reporting requirements contribute to the improvement of air safety by ensuring free and full reporting of relevant information on safety is collected, stored, protected and disseminated.
- (c) The voluntary reporting of persons contribute to the improvement of air safety in the interest of flight safety through the same processes and policies applicable to the mandatory reporting requirements.

#### **19.027 ITEMS TO BE REPORTED**

- (a) The CAAV shall prescribe the mandatory occurrences that shall be reported under the provisions of this Subpart.
- (b) These reportable occurrences shall be categorised for purposes of assessing trends as:
  - (1) Aircraft flight operations (Appendix 1 to 19.027);
  - (2) Aircraft technical (Appendix 2 to 19.027); and
  - (3) Air navigation (Appendix 3 to 19.027).
- (c) A reportable occurrence in relation to an aircraft means any incident which endangers or which, if not corrected, would endanger an aircraft, its occupants or any other person.
- (d) A person required to make a mandatory report of an occurrence shall report any occurrence of which he has positive knowledge, even though this may not be first hand, unless he has good reason to believe that appropriate details of the occurrence have already been, or will be, reported by someone else.
- (e) A report should also be submitted on any occurrence which involves a defective condition or unsatisfactory behaviour or procedure which did not immediately endanger the aircraft but which, if allowed to continue uncorrected, or if repeated in different, but likely, circumstances, would create a hazard to aircraft safety.

#### **19.030 VOLUNTARY REPORTING**

- (a) The CAAV shall encourage and facilitate voluntary reporting to the same criteria across the whole spectrum of civil aviation operations.
- (b) The organization and procedures of the CAAV for processing and recording reports shall not substantially differentiate between voluntary and mandatory reports.



- (c) A voluntary occurrence report is that report made by a person or organization who are not required to report in accordance with the requirements of this Subpart.
- (d) The occurrences reported and trends developed shall be retained in a limited format which removes information and data which is likely to identify the person reporting.
- (e) The confidentiality of these voluntary reports shall be protected by the CAAV and information disclosed in these reports shall inadmissible for any future proceedings relating to the person reporting.

#### **19.033 SELF-DISCLOSURE OF NON-COMPLIANCE**

- (a) The CAAV shall encourage self-disclosure of non-compliance with regulations whether associated with associated with mandatory or voluntary reporting processes of this Subpart and shall not take legal enforcement action if the reporter is found to be in compliance with the conditions of paragraph (b).
- (b) In evaluating whether an apparent non-compliance is covered by this Section, the CAAV shall ensure that the following conditions are met:
  - (1) The regulated entity has notified the CAAV of the apparent non-compliance immediately after detecting it and before the CAAV has learned of it by other means.
  - (2) The notification did not occur during, or in anticipation of, an investigation or inspection by the CAAV or in association with an accident or incident.
  - (3) The apparent non-compliance with the regulations was inadvertent.
  - (4) The apparent non-compliance with regulations does not indicate a lack, or reasonable question, of qualification of the regulated entities.
  - (5) Immediate action, satisfactory to the CAAV was taken upon discovery to terminate the conduct that resulted in the apparent non-compliance.
  - (6) The regulated entity has developed or is developing a comprehensive fix and schedule of implementation satisfactory to the CAAV.
  - (7) The comprehensive fix includes a follow-up self-audit to ensure that the action taken corrects the noncompliance.
  - (8) This self-audit is in addition to any audits conducted by the CAAV.

#### **19.035 CONFIDENTIALITY OF REPORTS**

- (a) Without prejudice to the proper discharge of its responsibilities in this regard, the CAAV shall not disclose the name of the person submitting the report or of a person to whom it relates unless required to do so by law or unless, in either case, the person concerned authorises disclosure.
- (b) Should any flight safety follow-up action arising from a report be necessary, the CAAV shall take all reasonable steps to avoid disclosing the identity of the reporter or of those individuals involved in the reportable occurrence.

#### **19.037 ASSURANCE REGARDING PROSECUTION**

- (a) The CAAV shall not institute proceedings in respect of unpremeditated or inadvertent breaches of the law which come to its attention only because they have been reported under the mandatory or voluntary provisions of this Subpart, except in cases involving dereliction of duty amounting to gross negligence.

#### **19.040 ACTION IN RESPECT OF LICENCES & CERTIFICATES**

- (a) The CAAV has a duty under international treaties and conventions to vary, revoke or suspend a licence or certificate as appropriate if it ceases to be satisfied that the holder of the licence or certificate is competent, medically fit and a fit person to exercise the privileges of the licence.
- (b) If an occurrence report suggests that the licence or certification holder does not continue to meet the standards for issuance of the license or certificate, the CAAV must take appropriate action to re-

examine the holder. The purpose of this review is solely to ensure safety and shall not be conducted to penalize the holder.

#### **19.043 POSSIBLE ACTION BY EMPLOYERS**

- (a) Where a reported occurrence indicated an unpremeditated or inadvertent lapse by an employee, the employer shall act responsibly and to share its view that free and full reporting is the primary aim, and that every effort should be made to avoid action that may inhibit reporting.
- (b) Employers shall refrain from disciplinary or punitive action which might inhibit their staff from duly reporting incidents of which they may have knowledge, that, except to the extent that action is needed in order to ensure safety, and except in such flagrant circumstances.

### **SUBPART D: PRESERVATION OF WRECKAGE & RECORDS**

#### **19.050 APPLICABILITY**

- (a) This Subpart is applicable to all persons and organizations that have access to the wreckage and records that are critical to the investigation of the accident or serious incident.

#### **19.053 PRESERVATION & PROTECTION OF WRECKAGE**

- (a) All persons involved in the rescue, search and investigation of an accident shall take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of an investigation.
  - (1) Protection of evidence shall include the preservation, by photographic or other means of any evidence which might be removed, effaced, lost or destroyed.
  - (2) Safe custody shall include protection against further damage, access by unauthorized persons, pilfering and deterioration.
- (b) The operator of an aircraft involved in an accident or incident for which notification must be given is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including all recording mediums of flight, maintenance, and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen until the CAAV takes custody thereof or a release is granted.
- (c) The operator of an aircraft involved in an accident or incident shall retain all records, reports, internal documents, and memoranda dealing with the accident or incident, until authorized by the CAAV to the contrary.

#### **19.055 MOVING THE WRECKAGE**

- (a) Prior to the time the CAAV or its authorized representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail, or cargo may not be disturbed or moved except to the extent necessary:
  - (1) To remove persons injured or trapped;
  - (2) To protect the wreckage from further damage; or
  - (3) To protect the public from injury.
- (b) Where it is necessary to move aircraft wreckage, mail, or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the original positions and condition of the wreckage and any significant impact marks.
- (c) If a request is received from the State of Registry, the State of the Operator, the State of Design or the State of Manufacture that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, the investigator-in-charge shall take all necessary steps to comply with such request, so far as this is reasonably practicable and compatible with the proper conduct of the investigation; provided that the aircraft may be moved:

- (1) To the extent necessary to extricate persons, animals, mail and valuables;
- (2) To prevent destruction by fire or other causes; or
- (3) To eliminate any danger or obstruction to air navigation, to other transport or to the public, and
- (4) Provided that it does not result in undue delay in returning the aircraft to service where this is practicable.

#### **19.057 RELEASE FROM CUSTODY**

- (a) Subject to the provisions of Section 19.053 and 19.055, the investigator-in-charge shall release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required in the investigation, to any person or persons duly designated by the State of Registry or the State of the Operator, as applicable.
- (b) For this purpose the investigator-in-charge shall facilitate access to the aircraft, its contents or any parts thereof, provided that, if the aircraft, its contents, or any parts thereof lie in an area within which the investigator-in-charge finds it impracticable to grant such access, it shall itself effect removal to a point where access can be given.

### **SUBPART E: ACCIDENT & INCIDENT INVESTIGATION**

#### **19.060 APPLICABILITY**

- (a) This Subpart is applicable to the conduct of accident and incident investigations. the persons who conduct the investigations and those persons that have information or records pertinent to the investigations.

#### **19.063 RESPONSIBILITY FOR INVESTIGATION**

- (a) The CAAV is charged with fulfilling the obligations of Vietnam under Annex 13 to the Chicago Convention on International Civil Aviation and does so consistent with the requirements of the other departments of the Government of Vietnam.

*Note: Annex 13 contains specific requirements for the notification, investigation, and reporting of certain incidents and accidents involving international civil aviation.*

- (b) In the case of an accident or incident in a foreign state involving civil aircraft of Vietnam registry, where the foreign state is a signatory to Annex 13 to the Chicago Convention of the International Civil Aviation Organization, the state of occurrence is responsible for the investigation.
- (c) If the accident or incident occurs in a foreign state not bound by the provisions of Annex 13 to the Chicago Convention, or if the accident or incident involves a public aircraft (Annex 13 applies only to civil aircraft), the conduct of the investigation shall be in consonance with any agreement entered into between the Government of Vietnam and the foreign state.

#### **19.065 NATURE OF INVESTIGATION**

- (a) Accident and incident investigations are conducted by the CAAV to determine the facts, conditions, and circumstances relating to an accident or incident and the probable cause(s) thereof.
- (b) These results are then used to ascertain measures that would best tend to prevent similar accidents or incidents in the future.
- (c) The investigation includes the field investigation (on-scene at the accident, testing, teardown, etc.), report preparation, and, where ordered, a public hearing.
- (d) The investigation results in CAAV conclusions issued in the form of a report or "brief" of the incident or accident.
- (e) Accident/incident investigations are fact-finding proceedings with no formal issues and no adverse parties.
- (f) These investigations are not conducted for the purpose of determining the rights or liabilities of any person.

**19.067 RIGHT TO REPRESENTATION**

- (a) Any person interviewed by an authorized representative of the CAAV during the investigation, regardless of the form of the interview (sworn, unsworn, transcribed, not transcribed, etc.), has the right to be accompanied, represented, or advised by an attorney or non-attorney representative.

**19.070 ACCIDENT INQUIRY BOARD**

- (a) The Minister with the portfolio for aviation may appoint an independent accident inquiry board in accordance with the Civil Aviation Act, as amended, for any accident or serious incident subject to the requirements of this Part involving:
- (1) Aircraft with a maximum gross takeoff mass of more than 5700 kg; and
  - (2) Aircraft with a passenger-carrying capacity of 10 or more persons.
- (b) Nothing in paragraph (a) precludes the establishment of an accident inquiry board for any other aircraft accident or incident.
- (c) This accident inquiry board shall have the responsibility and CAAV for:
- (1) Ensuring the proper conduct and transparency of the investigation;
  - (2) Determining the findings and the possible causal factors;
  - (3) Developing safety recommendations based on the findings;
  - (4) Completion and distribution of a Final Report.
- (d) To meet these responsibilities, the accident inquiry board shall be able to, during the investigation:
- (1) Have the full support of the CAAV and its personnel;
  - (2) Have the support of other Ministries of the Government of Vietnam;
  - (3) Have access to all details, information, interviews, records and reports of technical experts;
  - (4) Hold public inquiries to interview witnesses and technical experts;
  - (5) Have access to the comments to the draft Final Report; and
  - (6) Determine the final contents of the Final Report.

**19.073 INVESTIGATOR-IN-CHARGE: DESIGNATION**

- (a) The CAAV shall designate the investigator-in-charge of the investigation and shall initiate the investigation immediately.
- (b) When an accident inquiry board is appointed, the investigator-in-charge shall be relieved of all other duties and detailed to the board until the Final Report is distributed.
- (c) The accident inquiry board may, after their appointment, replace the investigator-in-charge with a qualified person of their choice.

**19.075 INVESTIGATOR-IN-CHARGE: ACCESS & CONTROL**

- (a) The investigator-in-charge shall have unhampered access to the wreckage and all relevant material, including flight recorders and ATS records, and shall have unrestricted control over it to ensure that a detailed examination can be made without delay by authorized personnel participating in the investigation.

**19.077 INVESTIGATOR-IN-CHARGE**

- (a) The designated investigator-in-charge (IIC) organizes, conducts, controls, and manages the field phase of the investigation, regardless of what other representatives of the Government of Vietnam are also on-scene at the accident or incident site.
- (b) The IIC shall have the responsibility and authority to supervise and coordinate all resources and activities of all personnel, both government and civilians, involved in the on-site investigation.

- (c) The IIC shall continue to have considerable organizational and management responsibilities throughout later phases of the investigation, up to and including the CAAV's consideration and adoption of a report or brief of probable cause(s).

#### **19.080 AUTHORITY OF ACCIDENT INVESTIGATORS**

- (a) Upon presentation of appropriate credentials, an authorized representative of the CAAV is authorized to:
  - (1) Enter any property where an accident/incident subject to the CAAV's jurisdiction has occurred; or
  - (2) Wreckage from any such accident/incident is located; and
  - (3) Do all things considered necessary for proper investigation.
- (b) Further, upon demand of an authorized representative of the CAAV and presentation of credentials, any Government agency, or person having possession or control of any transportation vehicle or component thereof, any facility, equipment, process or controls relevant to the investigation, or any pertinent records or memoranda, including all files, hospital records, and correspondence then or thereafter existing, and kept or required to be kept, shall forthwith permit inspection, photographing, or copying thereof by such authorized person for the purpose of investigating an accident or incident, or preparing a study, or related to any special investigation pertaining to safety or the prevention of accidents.
- (c) The representative of the CAAV may issue a subpoena, enforceable in court, to obtain testimony or other evidence.
- (d) A representative of the CAAV may question any person having knowledge relevant to an accident/incident, study, or special investigation.
- (e) The representatives of the CAAV also have exclusive authority, on behalf of the CAAV, to decide the way in which any testing will be conducted, including:
  - (1) Decisions on the person that will conduct the test;
  - (2) The type of test that will be conducted; and
  - (3) Any individual who will witness the test.
- (f) The representative of the CAAV, upon presenting appropriate credentials, is authorized to examine and test to the extent necessary any civil or public aircraft, aircraft engine, propeller, appliance, or property aboard such aircraft involved in an accident in commercial air transport.

#### **19.083 AUTOPSY & MEDICAL EXAMINATIONS**

- (a) The investigator-in-charge, on behalf of the CAAV, conducting the investigation into a fatal accident shall arrange for complete autopsy examination of fatally injured flight crew and, subject to the particular circumstances, of fatally injured passengers and cabin crew members, by a pathologist, preferably experienced in accident investigation.
- (b) The representative of the CAAV is authorized to obtain, with or without reimbursement, a copy of the report of autopsy performed on any person who dies as a result of having been involved in a aircraft accident within the jurisdiction of the CAAV.
- (c) The investigator-in-charge, on behalf of the CAAV, may order an autopsy or seek other tests of such persons as may be necessary to the investigation, provided that to the extent consistent with the needs of the accident investigation, provisions of local law protecting religious beliefs with respect to autopsies shall be observed.
- (d) When appropriate, investigator-in-charge shall arrange for medical examination of the crew, passengers and involved aviation personnel, by a physician, preferably experienced in accident investigation.
- (e) The investigator-in-charge shall ensure these examinations shall be expeditious and complete.

**19.085 PARTIES TO THE INVESTIGATION**

- (a) The investigator-in-charge designates parties to participate in the investigation. Parties shall be limited to those persons, government agencies, companies, and associations whose employees, functions, activities, or products were involved in the accident or incident and who can provide suitable qualified technical personnel actively to assist in the investigation. No other entity is afforded the right to participate in accident investigations by the CAAV.
- (b) Participants in the investigation (i.e., party representatives, party coordinators, and/or the larger party organization) shall be responsive to the direction of representatives the CAAV and may lose party status if they do not comply with their assigned duties, actively proscriptions or instructions, or if they conduct themselves in a manner prejudicial to the investigation.
- (c) No party to the investigation shall be represented in any aspect of the CAAV's investigation by any person who also represents claimants or insurers.
  - (1) No party representative may occupy a legal position.
  - (2) Failure to comply with these provisions may result in sanctions, including loss of status as a party.
- (d) In addition to compliance with the provisions of paragraph (a) of this section, and to assist in ensuring complete understanding of the requirements and limitations of party status, all party representatives in aviation investigations shall sign a statement containing these requirements and limitations immediately upon attaining party representative status. Failure timely to sign that statement may result in sanctions, including loss of status as a party.

**19.087 ACCESS TO & RELEASE OF WRECKAGE, RECORDS, MAIL & CARGO**

- (a) Only the accident investigation personnel of the CAAV, and other persons authorized by the investigator-in-charge to participate in any particular investigation, examination or testing shall be permitted access to wreckage, records, mail, or cargo in the custody of the CAAV.
- (b) Wreckage, records, mail, and cargo in the custody of the CAAV shall be released when it is determined that the CAAV has no further need of such wreckage, mail, cargo, or records.

**19.090 NOTIFICATION OF AFFECTED STATES**

- (a) The investigator-in-charge shall ensure that the notifications of other States and the ICAO of the accident or incident and the instituting of the investigation.
- (b) The collection and recording of information shall not be delayed to await the arrival of an accredited representative.

**19.093 FLIGHT RECORDERS: ACCIDENTS & INCIDENTS**

- (a) Effective use shall be made of flight recorders in the investigation of an accident or an incident. The investigator-in-charge shall arrange for the read-out of the flight recorders without delay.
- (b) During the conduct of an accident or incident investigation, the investigator-in-charge determines that adequate facilities to read out the flight recorders are not available in Vietnam, he may use the facilities made available to by other States, giving consideration to the following:
  - (1) The capabilities of the read-out facility;
  - (2) The timeliness of the read-out; and
  - (3) The location of the read-out facility.

**19.095 COORDINATION: JUDICIAL AUTHORITIES**

- (a) The judicial authorities of Vietnam shall ensure support, coordination and access of the investigator-in-charge or his assigned representative during the conduct of an accident investigation.

- (b) This coordination and support shall include any evidence which requires prompt recording and analysis for the investigation to be successful, such as the examination and identification of victims and read-outs of flight recorder recordings.

#### **19.097 INFORMING AVIATION SECURITY AUTHORITIES**

- (a) If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, the investigator-in-charge shall immediately initiate action to ensure that the aviation security authorities of the State(s) concerned are so informed.

#### **19.100 FLOW & DISSEMINATION OF ACCIDENT OR INCIDENT INFORMATION**

- (a) Release of information during the field investigation, particularly at the accident scene, shall be limited to factual developments, and shall be made only through the designated representative of the Government of Vietnam.
- (b) All information concerning the accident or incident obtained by any person or organization participating in the investigation shall be passed to the IIC through appropriate channels before being provided to any individual outside the investigation.
- (c) Parties to the investigation may relay to their respective organizations information necessary for purposes of prevention or remedial action.
- (d) However, no information concerning the accident or incident may be released to any person not a party representative to the investigation (including non-party representative employees of the party organization) before initial release by the CAAV without prior consultation and approval of the IIC.

#### **19.103 PROPOSED FINDINGS**

- (a) *General.* Any person, government agency, company, or association whose employees, functions, activities, or products were involved in an accident or incident under investigation may submit to the CAAV written proposed findings to be drawn from the evidence produced during the course of the investigation, a proposed probable cause, and/or proposed safety recommendations designed to prevent future accidents.
- (b) *Timing of submissions.* To be considered, these submissions must be received before the matter is calendared for consideration at a meeting chaired by the CAAV. All written submissions are expected to have been presented to staff in advance of the formal scheduling of the meeting. This procedure ensures orderly and thorough consideration of all views.

#### **19.105 NON-DISCLOSURE OF RECORDS**

- (a) During the conduct of an investigation of an accident or incident, no person may make the following records available for purposes other than accident or incident investigation, unless Attorney-General determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations:
  - (1) All statements taken from persons by the investigation authorities in the course of their investigation;
  - (2) All communications between persons having been involved in the operation of the aircraft;
  - (3) Medical or private information regarding persons involved in the accident or incident;
  - (4) Cockpit voice recordings and transcripts from such recordings; and
  - (5) Recordings and transcriptions of recordings from air traffic control units; and
  - (6) Opinions expressed in the analysis of information, including flight recorder information.
- (b) These records shall be included in the final report or its appendices only when pertinent to the analysis of the accident or incident.
- (c) Those records or parts of the records collected during the investigation but not deemed relevant to the analysis shall not be disclosed.

**19.107 RE-OPENING OF THE INVESTIGATION**

- (a) If new and significant evidence becomes available after the investigation of an accident that occurred within the jurisdiction of Vietnam has been closed, the CAAV shall re-open the investigation.
- (b) If new and significant evidence becomes available to the CAAV regarding an accident that occurred in another State, that evidence shall be transmitted to the appropriate authorities of the State which instituted the original investigation.
- (c) If the CAAV would like to re-open an investigation that was not instituted by the Government of Vietnam, the consent of appropriate authorities of the State which instituted the investigation shall be obtained.

**SUBPART F: RESPONSIBILITY OF INVESTIGATING STATE****19.110 APPLICABILITY**

- (a) This Subpart is applicable to international obligations in the event of an accident or incident investigation where Vietnam is the State of Occurrence or the Investigating State.

**19.113 NOTIFICATION OF OTHER STATES**

- (a) In situations where Vietnam is the State of Occurrence, the CAAV shall ensure the forwarding of the notification of an accident or serious incident with a minimum of delay and by the most suitable and quickest means available to:
  - (1) The State of Registry;
  - (2) The State of the Operator;
  - (3) The State of Design;
  - (4) The State of Manufacture; and
  - (5) The International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2250kg.
- (b) In situations where Vietnam is the State of Registry and the CAAV institutes the investigation of an accident or serious incident, the investigator-in-charge shall forward a notification contain the format and content specified in Section 19.115, with a minimum of delay and by the most suitable and quickest means available, to the other States listed in paragraph (a).
- (c) In situations where Vietnam is either the State of Registry or the State of the Operator, if it is determined that the civil aviation authorities of the State of Occurrence is not aware of a serious incident, the CAAV shall forward a notification of such an incident to the:
  - (1) State of Design;
  - (2) State of Manufacture; and
  - (3) State of Occurrence

**19.115 FORMAT & CONTENT OF NOTIFICATION**

- (a) The notification shall be in plain language and contains as much of the following information as is readily available, but the notification process shall not be delayed due to the lack of complete information:
  - (1) For accidents the identifying abbreviation ACCID, for serious 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) Name of the pilot-in-command, and 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 investigation will be conducted or is proposed to be delegated by the State of Occurrence;
- (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 originating authority and means to contact the investigator-in-charge and the accident investigation authority of the State of Occurrence at anytime; and
- (13) Presence and description of dangerous goods on board the aircraft.

#### **19.117 LANGUAGE TO BE USED IN THE NOTIFICATION**

- (a) The notification shall be prepared in English, taking into account the language of the recipient(s), whenever it is possible to do so without causing undue delay.

#### **19.120 ADDITIONAL RELEVANT INFORMATION**

- (a) As soon as it is possible to do so, the CAAV shall dispatch the details omitted from the notification as well as other known relevant information to all applicable States..

#### **19.123 EXPECTATIONS OF PARTICIPATION OF STATES**

- (a) The State of Registry, the State of the Operator, the State of Design and the State of Manufacture should acknowledge receipt of the notification of an accident or serious incident.
- (b) If these acknowledgements do not occur in a timely fashion, the CAAV will contact the civil aviation authorities of the States on an informal and individual basis.
- (c) The State of Registry, the State of the Operator, the State of Design and the State of Manufacture are expected 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. The participation of their representatives are encouraged for the usefulness of their presence and participation in the investigation.

#### **19.125 EXPECTATIONS FOR INFORMATION FROM OTHER STATES**

- (a) Upon receipt of the notification, the State of Registry, the State of the Operator, the State of Design and the State of Manufacture should, as soon as possible, provide the CAAV with any relevant information available to them regarding the aircraft and flight crew involved in the accident or serious incident.
- (b) Upon receipt of the notification, the State of the Operator should, with a minimum of delay and by the most suitable and quickest means available, provide the CAAV with details of dangerous goods on board the aircraft.
- (c) Each State should also inform the CAAV:
  - (1) Whether it intends to appoint an accredited representative; and
  - (2) 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 travel to Vietnam.

#### **19.127 CONDUCT OF THE INVESTIGATION**

- (a) The CAAV shall ensure that the conduct of the investigation is accomplished within the authority and limitations of Subpart E of this Part.

#### **19.130 COORDINATION OF PARTICIPATION OF OTHER STATES**

- (a) The CAAV shall ensure the proper coordination and participation of the representative, advisors and technical experts in accordance with the provisions of Subparts H and I.

**19.133 TIMELY COMPLETION OF PERTINENT REPORTS**

- (a) The CAAV shall ensure the timely and completeness of all required reports specified in Subpart J.

**SUBPART G: VIETNAM NOT THE STATE OF OCCURRENCE****19.140 APPLICABILITY**

- (a) This Subpart is applicable to international obligations in the event of an accident or incident investigation where Vietnam is not the State of Occurrence, but is the:
- (1) State of Registry;
  - (2) State of the Operator;
  - (3) State of Manufacturer; and/or
  - (4) State of Design

**19.143 ACTIONS FOLLOWING RECEIPT OF NOTIFICATION**

- (a) The CAAV shall acknowledge receipt of the notification of an accident or serious incident from the State of Occurrence.
- (b) The CAAV shall also inform the State of Occurrence:
- (1) Whether it intends to appoint an accredited representative; and
  - (2) If such an accredited representative is appointed, the name and contact details; as well as
  - (3) The expected date of arrival if the accredited representative will be present at the investigation.

**19.145 TIMELY PROVISION OF RELEVANT INFORMATION**

- (a) Upon receipt of the notification, the CAAV shall, upon request, provide the State of Occurrence with any relevant information available to them regarding the flight crew and the aircraft involved in the accident or serious incident.
- (b) Upon receipt of the notification, the CAAV shall, with a minimum of delay and by the most suitable and quickest means available, provide the State of Occurrence with details of dangerous goods on board the aircraft.

**19.147 PROVISION OF ADDITIONAL INFORMATION**

- (a) The CAAV shall, on request from the State conducting the investigation of an accident or an incident, provide that State with all the relevant information available to the CAAV.
- (b) The CAAV shall, when the facilities or services of Vietnam have been, or would normally have been, used by an aircraft prior to an accident or an incident, and if it has information pertinent to the investigation, shall provide such information to the State conducting the investigation.

**19.150 PROTECTION & PROVISION OF FLIGHT RECORDER RECORDS**

- (a) When an aircraft involved in an accident or a serious incident lands in Vietnam, the CAAV shall, on request from the State conducting the investigation, furnish the latter State with the:
- (1) Flight recorder records; and
  - (2) If necessary, the associated flight recorders.

**19.153 PROVISION OF RELATED ORGANIZATION INFORMATION**

- (a) The CAAV shall, on request from the State conducting the investigation, shall provide pertinent information on any organization whose activities may have directly or indirectly influenced the operation of the aircraft.

**19.155 REQUIRED APPOINTMENT OF AN ACCREDITED REPRESENTATIVE**

- (a) When the State conducting an investigation of an accident to an aircraft of a maximum mass of over 2250 kg specifically requests participation of Vietnam, the CAAV shall appoint an accredited representative.

**19.157 ACTION ON SAFETY RECOMMENDATIONS**

- (a) When the CAAV receives proposed safety recommendations from another State based on an accident or incident investigation, an evaluation of the proposals shall be conducted.
- (b) Following that evaluation, the CAAV shall inform the proposing State of the:
- (1) Preventive action taken or under consideration; or
  - (2) Reasons why no action will be taken; or
  - (3) Alternative proposals for preventive action other than the original safety recommendations.

**SUBPART H: RIGHT OF PARTICIPATION IN INVESTIGATION****19.160 APPLICABILITY**

- (a) This Subpart provides the requirements for allowing the participation of accredited representatives, their advisors and other experts to assist in the accident investigation, reports and safety recommendations.
- (b) The investigator in charge will ensure that these persons are included in the accident and incident investigation to the extent of their entitlement.

**19.163 STATES ENTITLED TO APPOINT A REPRESENTATIVE**

- (a) The following States are entitled to appoint an accredited representative to participate in an accident or incident investigation conducted by the CAAV:
- (1) The State of Registry;
  - (2) The State of the Operator;
  - (3) The State of Design; and
  - (4) The State of Manufacture.
- (b) The State that designed or manufactured the powerplant or major components of the aircraft shall also be invited to participate in the investigation of an accident.
- (c) Any State which on request provides information, facilities or experts to the CAAV shall be entitled to appoint an accredited representative to participate in the investigation.
- (d) Any State that provides an operational base for field investigations, or is involved in search and rescue or wreckage recovery operations, or is involved as a State of a code-share or alliance partner of the operator, shall also be invited to appoint an accredited representative to participate in the investigation.

**19.165 ADDITIONAL INVITED PARTICIPANTS**

- (a) If neither the State of Registry, nor the State of the Operator appoint an accredited representative, the CAAV shall invite the operator to participate, subject to the procedures of the State conducting the investigation.
- (b) When neither the State of Design nor the State of Manufacture appoint an accredited representative, the CAAV shall invite the organizations responsible for the type design and the final assembly of the aircraft to participate, subject to the procedures of the CAAV.

**19.167 APPOINTMENT OF ADVISORS TO THE ACCREDITED REPRESENTATIVES**

- (a) The State of Registry or the State of the Operator may appoint one or more advisors, proposed by the operator, to assist its accredited representative.

- (b) The State of Design and the State of Manufacture shall be entitled to appoint one or more advisors, proposed by the organizations responsible for the type design and the final assembly of the aircraft, to assist their accredited representatives.

#### **19.170 STATES WITH FATALITIES OR SERIOUS INJURIES TO ITS CITIZENS**

- (a) A State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens shall, upon making a request to do so, be permitted by the CAAV to appoint an expert who shall be entitled to:
  - (1) Visit the scene of the accident;
  - (2) Have access to the relevant factual information;
  - (3) Participate in the identification of the victims;
  - (4) Assist in questioning surviving passengers who are citizens of the expert's State; and
  - (5) Receive a copy of the Final Report.

### **SUBPART I: ENTITLEMENT OF ACCREDITED REPRESENTATIVES**

#### **19.180 APPLICABILITY**

- (a) This Subpart provides the requirements that will be applied to the accredited representatives that participate in the investigation of aircraft accidents and incidents in Vietnam.
- (b) The investigator-in-charge shall ensure that these accredited representatives are accorded the appropriate entitlements.

#### **19.183 ACCREDITED REPRESENTATIVES & THEIR ADVISORS**

- (a) A State entitled to appoint an accredited representative shall also be entitled to appoint one or more advisors to assist the accredited representative in the investigation
- (b) A State participating in an investigation may call upon the best technical experts from any source and appointing such experts as advisors to its accredited representative.
- (c) Advisors assisting accredited representatives shall be permitted, under the accredited representatives' supervision, to participate in the investigation to the extent necessary to enable the accredited representatives to make their participation effective.

#### **19.185 PARTICIPATION**

- (a) The accredited representatives, their advisors and other invited participants may participate in all aspects of the investigation, under the control of the investigator-in-charge, in particular to:
  - (1) Visit the scene of the accident;
  - (2) Examine the wreckage;
  - (3) Obtain witness information and suggest areas of questioning;
  - (4) Have full access to all relevant evidence as soon as possible;
  - (5) Receive copies of all pertinent documents;
  - (6) Participate in read-outs of recorded media;
  - (7) Participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;
  - (8) Participate in investigation progress meetings including deliberations related to analysis, findings, causes and safety recommendations; and
  - (9) Make submissions in respect of the various elements of the investigation.
- (b) However, participation of States other than the State of Registry, the State of the Operator, the State of Design and the State of Manufacture may be limited to those matters which entitled such States to participation under Section 19.115.

**19.187 PROCEDURES**

- (a) All participants in the accident or incident investigation, or part thereof, shall be subject to the restrictions and procedures of Vietnam, as administered by the investigator-in-charge, or part thereof, is being conducted.

**19.190 LIMITS TO ENTITLEMENT**

- (a) Nothing in this Part precludes the CAAV from extending participation beyond the entitlement enumerated herein.
- (b) The pertinent documents referred to in subparagraph e) also include documents such as the reports on examinations of components or studies performed within the framework of the investigation.

**19.193 OBLIGATIONS**

- (a) Accredited representatives and their advisors:
  - (1) Shall provide the State conducting the investigation with all relevant information available to them; and
  - (2) Shall not divulge information on the progress and the findings of the investigation without the express consent of the CAAV conducting the investigation.
- (b) Nothing in paragraph (a) precludes prompt release of facts when authorized by the investigator-in-charge of the investigation, nor does this Section preclude accredited representatives from reporting to their respective States in order to facilitate appropriate safety actions.

**SUBPART J: ACCIDENT REPORTS****19.200 APPLICABILITY**

- (a) This Subpart is applicable to the reports that are completion, editing and distribution of the reports that are required in the accident and serious incident investigation process.
- (b) This Subpart is applicable to the personnel of the Accident Inquiry Board and their assigned investigators and the personnel of the CAAV supporting the investigation.

***Subdivision I: General*****19.203 SAFETY OF FLIGHT**

- (a) When matters directly affecting safety are determined to be involved in an accident or serious incident, the CAAV shall forward that information to the appropriate States and ICAO:
  - (1) As soon as the information is available; and
  - (2) By the most suitable and quickest means available.

**19.205 LANGUAGE**

- (a) All notifications and reports by the CAAV during the course of accident and incident investigation shall be submitted to appropriate States and to the ICAO in English.

**19.207 RELEASE OF INFORMATION: CONSENT**

- (a) No person may circulate, publish or give access to a draft report or any part thereof, or any documents obtained during an investigation of an accident or incident, without the express consent of the CAAV, unless such reports or documents have already been published or released by the government of Vietnam.

## ***Subdivision II: Preliminary Report***

### **19.210 REQUIRED REPORT**

- (a) During the investigation of an aircraft accident or serious incident, the CAAV shall complete a Preliminary Report outlining the facts, observations and findings of the investigators at the time of the report.

### **19.213 ACCIDENTS TO AIRCRAFT OVER 2,250 KG**

- (a) When an aircraft involved in an accident is of a maximum mass of over 2.250 kg, the CAAV shall send the Preliminary Report to:
- (1) The State of Registry or the State of Occurrence, as appropriate;
  - (2) The State of the Operator;
  - (3) The State of Design;
  - (4) The State of Manufacture;
  - (5) Any State that provided relevant information, significant facilities or experts; and
  - (6) The International Civil Aviation Organization.

### **19.215 ACCIDENTS TO AIRCRAFT OF 2,250 KG OR LESS**

- (a) When an aircraft, a maximum mass of 2,250 kg or less, is involved in an accident and when airworthiness or matters considered to be of interest to other States are involved, the CAAV shall forward the Preliminary Report to:
- (1) The State of Registry or the State of Occurrence, as appropriate;
  - (2) The State of the Operator;
  - (3) The State of Design;
  - (4) The State of Manufacture; and
  - (5) Any State that provided relevant information, significant facilities or experts.

### **19.217 TIMELY SUBMISSION OF THE PRELIMINARY REPORT**

- (a) The CAAV shall send the Preliminary Report by facsimile, e-mail, or airmail within thirty days of the date of the accident, unless the Accident/Incident Data Report has already been sent by that time.

## ***Subdivision III: Accident or Incident Data Report***

### **19.220 REQUIRED REPORT**

- (a) During the investigation of an aircraft accident or serious incident, the CAAV shall complete an Accident or Incident Data Report in the form and manner prescribed by ICAO.

### **19.223 ACCIDENTS TO AIRCRAFT OVER 2,250 KG**

- (a) When the aircraft involved in an accident is of a maximum mass of over 2,250 kg, the CAAV shall send, as soon as practicable after the investigation, the Accident Data Report to ICAO.

### **19.225 ADDITIONAL INFORMATION**

- (a) The CAAV shall, upon request, provide other States with pertinent information additional to that made available in the Accident/Incident Data Report.

### **19.227 INCIDENTS TO AIRCRAFT OVER 5,700 KG**

- (a) When the CAAV conducts an investigation into an incident to an aircraft of a maximum mass of over 5,700 kg, the Incident Data Report shall be sent to the ICAO as soon as practicable after the investigation..

## ***Subdivision IV: Final Report***

### **19.230 REQUIRED REPORT**

- (a) During the investigation of an aircraft accident or serious incident, the investigator-in-charge shall ensure the drafting, coordination and completion of a Final Report of that investigation in sufficient detail for analysis by the CAAV, other States and ICAO.

### **19.233 CONSULTATION WITH OTHER STATES**

- (a) The CAAV shall send a copy of the draft Final Report to the State that instituted the investigation and to all States that participated in the investigation, inviting their significant and substantiated comments on the report as soon as possible.
- (b) The draft Final Report of the investigation shall be sent for comments to:
  - (1) The State of Registry;
  - (2) The State of the Operator;
  - (3) The State of Design; and
  - (4) The State of Manufacture.
- (c) When sending the draft Final Report to recipient States, the CAAV shall use the most suitable and quickest means available, such as facsimile, email, courier service or express mail.

### **19.235 INVITING COMMENTS FROM OTHER INTERESTED PARTIES**

- (a) The CAAV shall also send, through the State of the Operator, a copy of the draft Final Report to the operator to enable the operator to submit comments on the draft Final Report.
- (b) The CAAV shall send, through the State of Design and the State of Manufacture, a copy of the draft Final Report to the organizations responsible for the type design and the final assembly of the aircraft to enable them to submit comments on the draft Final Report.

### **19.237 PROCESSING OF TIMELY COMMENTS**

- (a) If the CAAV receives comments within sixty days of the date of the transmittal letter, it shall either :
  - (1) Amend the draft Final Report to include the substance of the comments received; or
  - (2) If desired by the State that provided comments, append the comments to the Final Report.
- (b) If the CAAV receives no comments within sixty days of the date of the first transmittal letter, it shall issue the Final Report, unless an extension of that period has been agreed by the States concerned.
- (c) During the course of the investigation, the CAAV may consult with other States, such as those States which provided relevant information, significant facilities, or experts who participated in the investigation..
- (d) Comments to be appended to the Final Report are restricted to non-editorial-specific technical aspects of the Final Report upon which no agreement could be reached.

### **19.240 RECIPIENT STATES**

- (a) The CAAV shall send the Final Report of the investigation of an accident with a minimum of delay by the State conducting the investigation to:
  - (1) The State that instituted the investigation;
  - (2) The State of Registry;
  - (3) The State of the Operator;
  - (4) The State of Design;
  - (5) The State of Manufacture;
  - (6) Any State having suffered fatalities or serious injuries to its citizens; and
  - (7) Any State that provided relevant information, significant facilities or experts.

**19.243 RELEASE OF THE FINAL REPORT**

- (a) In the interest of accident prevention, the CAAV shall release the Final Report of an accident or serious incident as soon as possible.
- (b) The CAAV shall release the Final Report in the shortest possible time and, if possible, within twelve months of the date of the occurrence.
- (c) If the report cannot be released within twelve months, the CAAV shall release an interim report on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.
- (d) When the CAAV has released a Final Report of an investigation into an accident or an incident involving an aircraft of a maximum mass of over 5,700 kg, it shall send a copy of that report to the ICAO.

**19.245 SAFETY RECOMMENDATIONS**

- (a) At any stage of the investigation of an accident or incident, investigator-in-charge conducting the investigation shall recommend to the appropriate authorities, including those in other States, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.
- (b) The CAAV shall address, when appropriate, any safety recommendations arising out of its investigations to the accident investigation authorities of other State(s) concerned.

**19.247 WHEN ICAO DOCUMENTS ARE INVOLVED**

- (a) The CAAV shall address, when appropriate, any safety recommendations arising out of its investigations to ICAO, when ICAO documents are involved..
- (b) When Final Reports contain safety recommendations addressed to ICAO, because ICAO documents are involved, the CAAV shall ensure that these reports must be accompanied by a letter outlining the specific action proposed.

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## APPENDICES

### APPENDIX 1 TO 19.027: MANDATORY REPORTS: AIRCRAFT FLIGHT OPERATIONS

- (a) Occurrences during operations of an aircraft that involve:
- (1) Avoidance manoeuvres:
    - (i) Risk of collision with another aircraft, terrain or other object or an unsafe situation when avoidance action would have been appropriate;
    - (ii) An avoidance manoeuvre required to avoid a collision with another aircraft, terrain or other object;
    - (iii) An avoidance manoeuvre to avoid other unsafe situations.
  - (2) Take-off or landing incidents, including precautionary or forced landings. Incidents such as:
    - (i) Under-shooting, overrunning or running off the side of runways
    - (ii) Take-offs, rejected take-offs, landings or attempted landings on a closed, occupied or incorrect runway; and
    - (iii) Runway incursions.
  - (3) Inability to achieve predicted performance during take-off or initial climb.
  - (4) Critically low fuel quantity or inability to transfer fuel or use total quantity of usable fuel.
  - (5) Loss of control (including partial or temporary) regardless of cause.
  - (6) Occurrences close to or above V1 resulting from or producing a hazardous or potentially hazardous situation (e.g. rejected take-off, tail strike, engine-power loss etc.).
  - (7) Go around producing a hazardous or potentially hazardous situation.
  - (8) Unintentional significant deviation from airspeed, intended track or altitude (more than 300 ft) regardless of cause.
  - (9) Descent below decision height/altitude or minimum descent height/altitude without the required visual reference.
  - (10) Loss of position awareness relative to actual position or to other aircraft.
  - (11) Breakdown in communication between flight crew "CRM" (crew resource management) or between flight crew and other parties (cabin crew, ATC [air traffic control] engineering).
  - (12) Heavy landing - a landing deemed to require a "heavy landing check".
  - (13) Exceedance of fuel imbalance limits.
  - (14) Incorrect setting of an "SSR" (secondary surveillance radar) code or of an altimeter sub-scale.
  - (15) Incorrect programming of, or erroneous entries into, equipment used for navigation or performance calculations, or use of incorrect data.
  - (16) Incorrect receipt or interpretation of radio-telephony messages.
  - (17) Fuel system malfunctions or defects, which had an effect on fuel supply and/or distribution.
  - (18) Aircraft unintentionally departing from a paved surface.
  - (19) Collision between an aircraft and any other aircraft, vehicle or other ground object.
  - (20) Inadvertent and/or incorrect operation of any controls.
  - (21) Inability to achieve the intended aircraft configuration for any flight phase (e.g. landing gear and gear doors, flaps, stabilisers, slats etc.).
  - (22) A hazard or potential hazard which arises as a consequence of any deliberate simulation of failure conditions for training, system checks or training purposes.
  - (23) Abnormal vibration.
  - (24) Operation of any primary warning system associated with manoeuvring the aircraft, such as a configuration warning, stall warning (stick shaker), over-speed warning etc. unless:
    - (i) The crew conclusively established that the indication was false and provided that the false warning did not result in difficulty or hazard arising from the crew response to the warning; or

- (ii) Operated for training or test purposes.
- (1) "GPWS" (ground proximity warning system)/"TAWS" (terrain awareness and warning system) "warning" when:
  - (iii) The aircraft comes into closer proximity to the ground than had been planned or anticipated; or
  - (iv) The warning is experienced in instrument meteorological conditions or at night and is established as having been triggered by a high rate of descent (mode 1); or
  - (v) The warning results from failure to select landing gear or landing flaps by the appropriate point on the approach (mode 4); or
  - (vi) Any difficulty or hazard arises or might have arisen as a result of crew response to the "warning" e.g. possible reduced separation from other traffic. This could include warning of any mode or type i.e. genuine, nuisance or false.
- (25) GPWS/TAWS "alert" when any difficulty or hazard arises or might have arisen as a result of crew response to the "alert".
- (26) "ACAS" (air collision advisory system) "RA"s (resolution advisories).
- (27) Jet or prop blast incidents resulting in significant damage or serious injury.
- (28) Landing at the wrong aerodrome.
- (b) **Occurrences resulting in emergencies**, including:
  - (1) Fire, explosion, smoke or toxic or noxious fumes, even though fires were extinguished.
  - (2) The use of any non-standard procedure by the flight or cabin crew to deal with an emergency when:
    - (i) The procedure exists but is not used;
    - (ii) The procedure does not exist;
    - (iii) The procedure exists but is incomplete or inappropriate;
    - (iv) The procedure is incorrect;
    - (v) The incorrect procedure is used.
  - (3) Inadequacy of any procedures designed to be used in an emergency, including when being used for maintenance, training or test purposes.
  - (4) An event leading to an emergency evacuation.
  - (5) Depressurization.
  - (6) The use of any emergency equipment or prescribed emergency procedures in order to deal with a situation.
  - (7) An event leading to the declaration of an emergency ("Mayday" or "PAN").
  - (8) Failure of any emergency system or equipment, including all exit doors and lighting, to perform satisfactorily, including when being used for maintenance, training or test purposes.
  - (9) Events requiring any use of emergency oxygen by any crew member.
- (c) **Occurrences involving crew incapacitation**, including:
  - (1) Incapacitation of any member of the flight crew, including that which occurs prior to departure if it is considered that it could have resulted in incapacitation after take-off.
  - (2) Incapacitation of any member of the cabin crew which renders them unable to perform essential emergency duties.
- (d) **Occurrences involving injury**, including any occurrences which have or could have led to significant injury to passengers or crew but which are not considered reportable as an accident.
- (e) **Occurrences related to meteorology**, including–
  - (1) A lightning strike which resulted in damage to the aircraft or loss or malfunction of any essential service.
  - (2) A hail strike which resulted in damage to the aircraft or loss or malfunction of any essential service.

- (3) Severe turbulence encounter, an encounter resulting in injury to occupants or deemed to require a "turbulence check" of the aircraft.
  - (4) A windshear encounter.
  - (5) Icing encounter resulting in handling difficulties, damage to the aircraft or loss or malfunction of any essential service.
- (f) **Security occurrences**, including:
- (1) Unlawful interference with the aircraft including a bomb threat or hijack.
  - (2) Difficulty in controlling intoxicated, violent or unruly passengers.
  - (3) Discovery of a stowaway.
- (g) **Other occurrences**, including:
- (1) Repetitive instances of a specific type of occurrence which in isolation would not be considered "reportable" but which due to the frequency with which they arise, form a potential hazard.
  - (2) A bird strike which resulted in damage to the aircraft or loss or malfunction of any essential service.
  - (3) Wake-turbulence encounters.
  - (4) Any other occurrence of any type considered to have endangered or which might have endangered the aircraft or its occupants on board the aircraft or persons on the ground.

#### **APPENDIX 2 TO 19.070: MANDATORY REPORTS: AIRCRAFT TECHNICAL**

- (a) **Structural occurrences**, including:

*Note: Not all structural failures need to be reported. Engineering judgment is required to decide whether a failure is serious enough to be reported. The following examples can be taken into consideration:*

- (1) Damage to a "PSE" (principal structural element) that has not been designated as damage-tolerant (life-limited element). PSEs are those which contribute significantly to carrying flight, ground, and pressurization loads, and the failure of which could result in a catastrophic failure of the aircraft;
  - (2) Defect or damage exceeding admissible damages to a PSE that has been designated as damage-tolerant;
  - (3) Damage to or defect exceeding allowed tolerances of a structural element, the failure of which could reduce the structural stiffness to such an extent that the required flutter, divergence or control reversal margins are no longer achieved;
  - (4) Damage to or defect of a structural element, which could result in the liberation of items of mass that may injure occupants of the aircraft;
  - (5) Damage to or defect of a structural element, which could jeopardise proper operation of systems.
  - (6) Loss of any part of the aircraft structure in flight.
- (b) **Aircraft systems occurrences**, including:
- (1) Loss, significant malfunction or defect of any system, subsystem or set of equipment when standard operating procedures, drills etc. could not be satisfactorily accomplished;
  - (2) Inability of the crew to control the system, including:
    - (i) Uncommanded actions,
    - (ii) Incorrect and/or incomplete response, including limitation of movement or stiffness,
    - (iii) Runaway,
    - (iv) Mechanical disconnection or failure;
  - (3) Failure or malfunction of the exclusive function(s) of the system (one system could integrate several functions);

- (4) Interference within or between systems;
  - (5) Failure or malfunction of the protection device or emergency system associated with the system;
  - (6) Loss of redundancy of the system;
  - (7) Any occurrence resulting from unforeseen behaviour of a system.
  - (8) For aircraft types with single main systems, subsystems or sets of equipment, loss, significant malfunction or defect in any main system, subsystem or set of equipment.
  - (9) For aircraft types with multiple independent main systems, subsystems or sets of equipment, the loss, significant malfunction or defect of more than one main system, subsystem or set of equipment.
  - (10) Operation of any primary warning system associated with aircraft systems or equipment unless the crew conclusively established that the indication was false, provided that the false warning did not result in difficulty or hazard arising from the crew response to the warning;
  - (11) Leakage of hydraulic fluids, fuel, oil or other fluids which resulted in a fire hazard or possible hazardous contamination of aircraft structure, systems or equipment, or risk to occupants;
  - (12) Malfunction or defect of any indication system when this results in the possibility of misleading indications to the crew;
  - (13) Any failure, malfunction or defect if it occurs at a critical phase of the flight and is relevant to the system operation;
  - (14) Significant shortfall of the actual performances compared to the approved performance which resulted in a hazardous situation (taking into account the accuracy of the performance-calculation method) including braking action, fuel consumption etc.;
  - (15) Asymmetry of flight controls; e.g. flaps, slats, spoilers etc.
- (c) **Propulsion (including engines, propellers and rotor systems) and APUs (auxiliary power units):**
- (1) Flameout, shutdown or malfunction of any engine.
  - (2) Overspeed or inability to control the speed of any high-speed rotating component (for example: APU, air starter, air cycle machine, air turbine motor, propeller or rotor).
  - (3) Failure or malfunction of any part of an engine or powerplant resulting in any one or more of the following:
    - (i) Non-containment of components/debris;
    - (ii) Uncontrolled internal or external fire, or hot gas breakout;
    - (iii) Thrust in a direction different from that demanded by the pilot;
    - (iv) Thrust-reversing system failing to operate or operating inadvertently;
    - (v) Inability to control power, thrust or revolutions per minute;
    - (vi) Failure of the engine mount structure;
    - (vii) Partial or complete loss of a major part of the powerplant;
    - (viii) Dense visible fumes or concentrations of toxic products sufficient to incapacitate crew or passengers;
    - (ix) Inability, by use of normal procedures, to shutdown an engine;
    - (x) Inability to restart a serviceable engine.
    - (xi) An uncommanded thrust/power loss, change or oscillation which is classified as a "LOTC" (loss of thrust or power control):
      - (xii) For a single-engine aircraft; or
      - (xiii) Where it is considered excessive for the application; or
      - (xiv) Where this could affect more than one engine in a multi-engine aircraft, particularly in the case of a twin-engine aircraft; or

- (xv) For a multi-engine aircraft where the same, or similar, engine type is used in an application where the event would be considered hazardous or critical.
  - (4) Any defect in a life-controlled part causing its withdrawal before completion of its full life.
  - (5) Defects of common origin which could cause an in-flight shut-down rate so high that there is the possibility of more than one engine being shut down on the same flight.
  - (6) An engine limiter or control device failing to operate when required or operating inadvertently.
  - (7) Exceedance of engine parameters.
  - (8) "FOD" (foreign objects damage).
  - (9) Propellers and transmission
- (d) **Occurrences involving rotors and transmissions**, including:
- (1) Failure or malfunction of any part of a propeller or powerplant resulting in any one or more of the following:
    - (i) An overspeed of the propeller;
    - (ii) The development of excessive drag;
    - (iii) A thrust in the opposite direction to that commanded by the pilot;
    - (iv) A release of the propeller or any major portion of the propeller;
    - (v) A failure that results in excessive imbalance;
    - (vi) The unintended movement of the propeller blades below the established minimum in-flight low-pitch position;
    - (vii) An inability to feather the propeller;
    - (viii) An inability to change propeller pitch;
    - (ix) An uncommanded change in pitch;
    - (x) An uncontrollable torque or speed fluctuation;
    - (xi) The release of low-energy parts.
  - (2) Damage or defect of main rotor gearbox/attachment which could lead to in-flight separation of the rotor assembly and/or malfunctions of the rotor control.
  - (3) Damage to tail rotor, transmission and equivalent systems.
- (e) **Occurrences involving APUs**, including:
- (1) Shut down or failure when the APU is required to be available by operational requirements, e.g. ETOPS, "MEL" (minimum equipment list).
  - (2) Inability to shut down the APU.
  - (3) Overspeed.
  - (4) Inability to start the APU when needed for operational reasons.
- (f) **Human factors occurrences**, including any incident where any feature or inadequacy of the aircraft design could have led to an error of use that could contribute to a hazardous or catastrophic effect.
- (g) **Other aircraft technical occurrences**, including:
- (1) Any incident where any feature or inadequacy of the aircraft design could have led to an error of use that could contribute to a hazardous or catastrophic effect.
  - (2) An occurrence not normally considered as reportable (e.g., furnishing and cabin equipment, water systems), where the circumstances resulted in endangering the aircraft or its occupants.
  - (3) A fire, explosion, smoke or toxic or noxious fumes.
  - (4) Any other event which could endanger the aircraft, or affect the safety of the occupants of the aircraft, or people or property in the vicinity of the aircraft or on the ground.
  - (5) Failure or defect of passenger address system resulting in loss of, or inaudible, passenger address system.
  - (6) Loss of pilot seat control during flight,

**APPENDIX 3 TO 19.070: MANDATORY REPORTS: AIR NAVIGATION OCCURRENCES**

- (a) **Near collision incidents** (encompassing specific situations where one aircraft and another aircraft/the ground/a vehicle/person or object are perceived to be too close to each other):
- (1) Separation minima infringement;
  - (2) Inadequate separation;
  - (3) "Near-CFIT" (near-controlled flight into terrain);
  - (4) Runway incursion where avoiding action was necessary.
- (b) **Potential for collision or near collision** (encompassing specific situations having the potential to be an accident or a near collision, if another aircraft is in the vicinity):
- (1) Runway incursion where no avoiding action is necessary;
  - (2) Runway excursion;
  - (3) Aircraft deviation from ATC clearance;
  - (4) Aircraft deviation from applicable "ATM" (air traffic management) regulation:
    - (i) Aircraft deviation from applicable published ATM procedures;
    - (ii) Unauthorized penetration of airspace;
    - (iii) Deviation from aircraft ATM-related equipment carriage and operations, as mandated by applicable regulation(s).
- (c) **ATM-specific occurrences** (encompassing those situations where the ability to provide safe ATM services is affected, including situations where, by chance, the safe operation of aircraft has not been jeopardised. This shall include the following occurrences:
- (1) Inability to provide ATM services:
    - (i) inability to provide air traffic services;
    - (ii) inability to provide airspace management services;
    - (iii) inability to provide air traffic flow management services;
  - (2) Failure of Communication function;
  - (3) Failure of Surveillance function;
  - (4) Failure of Data Processing and Distribution function;
  - (5) Failure of Navigation function
  - (6) ATM system security.
  - (7) Examples of include:
    - (i) Provision of significantly incorrect, inadequate or misleading information from any ground sources, e.g. ATC, "ATIS" (automatic terminal information service), meteorological services, navigation databases, maps, charts, manuals, etc.
    - (ii) Provision of less than prescribed terrain clearance.
    - (iii) Provision of incorrect pressure reference data (i.e. altimeter setting).
    - (iv) Incorrect transmission, receipt or interpretation of significant messages when this results in a hazardous situation.
    - (v) Separation minima infringement.
    - (vi) Unauthorized penetration of airspace.
    - (vii) Unlawful radio communication transmission.
    - (viii) Failure of ANS ground or satellite facilities.
    - (ix) Major ATC/ATM failure or significant deterioration of aerodrome infrastructure.
    - (x) Aerodrome movement areas obstructed by aircraft, vehicles, animals or foreign objects, resulting in a hazardous or potentially hazardous situation.
    - (xi) Errors or inadequacies in marking of obstructions or hazards on aerodrome movement areas resulting in a hazardous situation.

- (xii) Failure, significant malfunction or unavailability of aerodrome lighting
- (d) "ATC" (air traffic control) Navigation and Communications - significant malfunction or deterioration of service.
- (e) An aircraft was or could have been endangered by impairment of any member of ground staff (e.g. ATC, "FD" (flight dispatchers), Maintenance, etc.).
- (f) ATC overload.
- (g) Failure or unplanned shutdown of a major operational ATC computer system, requiring reversion to manual back-up and resulting in disruption to the normal flow of air traffic.

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**ATTACHMENTS****ATTACHMENT 1 TO PART 19: SUMMARY OF AMENDMENTS**

This attachment contains a summary of all amendments that have been made to the original version of this Part:

Location	Revision	Description of Amendment
All Subparts and Sections	[1]2014	This Part was completely reformatted, revised and expanded to address Annex 13 SARPS with a more detailed approach consistent with the requirements of a Contracting State to incorporate all SARPS into regulations and/or guidance.

*End of Part 19*



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