مكتب التحقيق في حوادث ووقائع الطائرات
Aircraft Accident & Incident
investigation office

الهيئة العامة للطيران المدني
Civil Aviation Authority
State of Kuwait | دولة الكويت

Date: 22 SEP 2026 التاريخ:

Ref: 10413 /16 الإشارة:

All KCASR Stockholders and Users

Subject.: ***Notice of Proposed Amendment's (NPA) No. 2026-15 to Kuwait Civil Aviation Safety Regulations AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION Rev 6.***

Dear Sir,

Purpose:

The purpose of this NPA is to announce to the KCASR users the intention of the Directorate General of Civil Aviation to amend ***AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION*** (issue 4) to comply with ICAO standers and recommended practices up to amendment (20).

Action Required:

All users of KCASR are required to refer to Kuwait Civil Aviation Authority\ AAIO website (https://www.dgca.gov.kw/Home/Menu?menu=9&page=98) for reviewing the NPA and mail or email (AIG@dgca.gov.kw) their comments to DGCA by 20/Oct/2026 using the attached NPA Response Sheet Forms No. 1501 or using NPA comments & feedback form on the website. If we do not receive your response by this date, it will be assumed that you do not have any comments on the proposal.

If required, the DGCA/ Aircraft Accidents and Incidents investigation office personnel are available to answer your questions on the interpretation and intended implementation of the proposed amendments.

This is for your information and distribution to the concerned parties.

Yours Sincerely,

President of Civil Aviation

Abdullah F. Alrajhi
Acting / Deputy Director General
for Aviation Safety, Air Transport & Aviation Security

CC: **Director General of Civil Aviation.**
Dy. Dir. Gen. Kuwait. Intel. Airport Affairs.
Dy. Dir. Gen. for Air Navigation Services Affairs.
Safety Management Coordination Center (SMCC).
Head of Technical Office.
Civil Aviation Security Department.
Aviation Safety Director.
Air Transport Director.
Inspection & oversight Superintendent.
Head of Standards & Aviation Safety Regulations Division.

الطيران المدني
Civil Aviation
State of Kuwait - دولة الكويت

State of Kuwait دولـــة الكـــويـــت

AAIO
Aircraft Accident & Incident Investigation
State of Kuwait
التحقيق في حوادث ووقائع الطائرات
دولة الكويت

KCASR AMENDMENT/PROPOSAL FORM

KP: -

Section (I): For Applicant Use

Amendment ☑	New Proposal ☐
KCASR Number: 13	Title: Aircraft Accident and Incident Investigation
KCASR Part / Volume No: 13	Attachments: ☑ Yes ☐ No
Page(s) No(s): 95	

Description:

See attached table for all proposed changes and the Revised version of KCASR 13

References:

Compliance with ICAO Annex 13 and other authorities practices, and clarify the role of Kuwait in aircraft accident and incident investigation.

Note: (If additional space is required, *please attach sheet*)

Other KCASR Parts Affected ☐ YES ☑ NO (If YES Please Specify)

Name: Meshari Almutairi- Farah Khawari	Signature: mishud - Farah
Designation: Investigator OJT	Date: 2 Sep 2026
Name: Anwar AlHuwais (Immediate Supervisor)	Signature:
Designation: Investigator	Date: 2. Sept. 2026
Organization/Division: AAIO/Technical Investigation & Support Devision	
E-Mail: Aig@dgca.gov.kw	Contact No.: 94067155/24341988

KP: -

Section (II): For Standards and Safety Regulations Division Use

No-Objection ☐	**Restriction** ☐	**Objection** ☐

Remarks:

Last Rev. No: Date: I (NPA 20 ..... -.....)

Minor Amendment: ☐ Major Amendment: ☐	Requires AAIO Director Approval Yes: ☐ No: ☐
DGCA/AAIO Regulator:	Signature: Date:
Head of Standards and Safety Regulations:	Signature: Date:

Section (III): For AAIO Director

AAIO Director

PROPOSAL APPROVED ☐ **PROPOSAL REJECTED** ☐

Remarks:.....

.....

.....

.....

Aircraft Accident & Incident Investigation Director:	Signature: Date:

Notes on the presentation of the Amendment
Notice Of Proposed Amendment
(NPA)

The text of the amendment is arranged to show deleted text in Red Color and with a line through it, new text to be inserted is in Blue color as shown below:

~~Text to be deleted is in Red and shown with a line through it.~~	**Text to be deleted**
New text to be inserted is in Blue Color.	**New text to be inserted**
~~Text to be deleted is in Red and shown with a line through it~~, followed by the replacement text which is in Blue Color.	**New text to replace existing text**
. . . Indicates that remaining text is unchanged in front or following the reflected amendment.	**Text is unchanged**

Notice Of Safety Regulation Amendment
(NPA, NSRA and Revisions)

Side bar indicates that text is changed or added.

الطيران المدني
Civil Aviation
State of Kuwait - دولة الكويت

Kuwait Civil Aviation Safety Regulations

KCASR 13 – AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION

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Amendment record

Amendment No	Date of Issue	Remarks

1	March 2018	NSRA 2018-104 Implemented
2	May 2018	NSRA 2018-07 to address ICAO (amendments up to 16) and Part Rename
3	July 2019	NPA 2019- updated to ICAO Annex 13 (Amendment 17)
4	Aug 2020	Based on NPA 2020-08 Updated to ICAO Annex 13 (Amendment 18)
5	Oct 2023	NPA 2023-10 Interdiction of (AAIO)
6	Oct 2024	Based on NPA 2024-12 Updated to ICAO Annex 13 (Amendment 19)
7	Oct. 2025	Format and editorial changes to clarify the regulations in investigation and the requirement to report to AAIO
8	~~July~~Nov. 2026	Based on NPA 2026-15 Updated to ICAO Annex 13 (Amendment 20)

Control of this Document

DC.1 Introduction

DC.1.1 Pursuant to Law No (85) of the year 2025 and (30) of the year 1960 and subsequent Ministerial Decisions No (3) of the year 1986, No (18) of the year 1990, and No (3) of the year 1996, based upon that Law, the President of the Kuwait Directorate General of Civil Aviation is empowered to adopt and amend Kuwait Civil Aviation Safety Regulations. In accordance herewith, the following Regulation is hereby established for compliance by all persons concerned. This regulation shall be known as Regulation – Aircraft Accident and Incident Investigation and any reference to this title shall mean referring to these regulations governing the basic requirements to be met for civil aviation in the State of Kuwait.

DC.1.2 In this Chapter, unless otherwise specified, wherever "accidents and incidents" term is mentioned, it shall be understood as 'accidents, serious incidents, and incidents.

DC. 1.3 "DGCA" means the Directorate General of Civil Aviation of the State of Kuwait.

DC. 1.4 Future amendments of this Chapter shall be harmonized with amendments to ICAO Annex 13 or any other national or international new requirements.

DC. 1.5 This Regulation – Aircraft Accident and Incident Investigation is issued on the authority of the President of the Kuwait Directorate General of Civil Aviation.

DC.1.6 "AAIO" means the Aircraft Accident Investigation Office, State of Kuwait

DC.2 Applicability

DC.2.1 This Regulation – Aircraft Accident and Incident Investigation is applicable to the aviation industry of the State of Kuwait.

DC.3 Scope

DC.3.1 KCASR 13 Aircraft Accident and Incident Investigation contains the basic requirements to be met for civil aviation in the State of Kuwait, and shows compliance with ICAO Annex 13. The regulations are separated into the following civil aviation safety regulations with cross references where applicable.

KCASR 0 – Basic Regulations
KCASR 1 – Personnel Licensing
KCASR 2 – Rules of the Air
KCASR 3 – Meteorological Service for International Air avigation
KCASR 4 – Aeronautical Charts
KCASR 5 – Units of Measurement
KCASR 6 – Operation of Aircraft
KCASR 7 – Aircraft Registration and Cancellation
KCASR 8 – Airworthiness of Aircraft and Continuous Airworthiness
KCASR 9 – Facilitation
KCASR 10 – Aeronautical Telecommunications
KCASR 11 – Air Traffic Services
KCASR 12 – Search and Rescue

KCASR 13 – Aircraft Accident and Incident Investigation
KCASR 14 – Aerodromes
KCASR 15 – Aeronautical Information Services
KCASR 16 – Environmental Protection
KCASR 17 – Aviation Security
KCASR 18 – The Safe Transportation of Dangerous Goods By Air
KCASR 19 – Safety Management
KCASR 22 – Unmanned Aircraft Systems
KCASR 23 – Light Sport Aircraft
KCASR 25 – Special Aviation Regulations
KCASR 26 – Enforcement and Sanctions
KCASR 27 – Charges and Fees

DC.4 Definitions

DC.4.1 Terms not defined shall have the meaning given to them in the relevant legal instruments or international legal instruments in which they appear, especially as they appear in the Convention and its Annexes. Kuwait AAIO is committed to ensuring its regulatory requirements meet or exceed the minimum requirements of ICAO SARPs. The legislation and amendments should be kept up to date.

CHAPTER 1 - DEFINITIONS

When the following terms are used in the requirements for Aircraft Accident and Incident Investigation, they have the following meanings:

Accident. An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which: **(a)** A person is fatally or seriously injured as a result of:

- being in the aircraft, or
- direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
- direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

(b) The aircraft sustains damage or structural failure which:

- adversely affects the structural strength, performance or flight characteristics of the aircraft, and
- would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to the engine, including its cowlings or accessories, to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome) ; or

(c) The aircraft is missing or is completely inaccessible.

Note 1: *For statistical uniformity only, an injury resulting in death within thirty days of the date of the accident is classified as a fatal injury by ICAO.*

Note 2: *An aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located.*

Note 3: *The type of unmanned aircraft system to be investigated is addressed in 2.3.*

Note 4: *Guidance for the determination of aircraft damage can be found in Attachment*

Aircraft Accident investigation Office (AAIO). The authority designated by the State of Kuwait as responsible for aircraft accident, serious incident and incident investigations within the context of this Part**.**

Accredited representative. A person designated by the state, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. The accredited representative would normally be from The State's accident investigation authority.

Adviser. A person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation.

Aircraft. Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

Authorization Means the powers vested upon the AAIO through civil laws and regulations

Automatic deployable flight recorder (ADFR). A combination flight recorder installed on the aircraft which is capable of automatically deploying from the aircraft.

C2 Link. (Applicable as of 26 November 2026) The data link between the remotely piloted aircraft and the remote pilot station for the purposes of managing the flight.

Causes. Actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident. The identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability.

Certified Aerodrome an aerodrome whose operator has been granted an aerodrome certificate.

Chicago Convention, signed at Chicago on 7 December 1944. Also known as Convention on International Aviation

Civil Aircraft means any aircraft registered in an ICAO Contracting State.

Civil Aviation Authority the competent civil aviation authority of the State of Kuwait responsible for the regulation, oversight, and administration of civil aviation in accordance with the applicable laws and regulations of the State of Kuwait.

Aviation Safety Department (ASD) which is empowered under the law of Kuwait to provide surveillance and regulatory oversight of aviation activities within the State of Kuwait.

Contracting State means any State which is party to the Convention on International Civil Aviation

Contributing factors. Actions, omissions, events, conditions, or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.

Director of Aircraft Accident Investigation Office. The head of the accident investigation authority responsible to institute aircraft accident and serious incident investigations, and has the final authority on investigations.

Fatal injury means any injury related to the accident which results in death within 30 days of the date of the accident.

Flight recorder. Any type of recorder installed in the aircraft for the purpose of complementing accident/incident investigation.

Automatic deployable flight recorder (ADFR). A combination flight recorder installed on the aircraft which is capable of automatically deploying from the aircraft.

Note: *See KCASR 6 applicable Parts for specifications relating to flight recorders.*

Incident. An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

Note: *The types of incidents which are of main interest to the International Civil Aviation Organization for accident prevention studies are listed in Attachment A.*

Investigation. A process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions,

including the determination of causes and, when appropriate, the making of safety recommendations.

Investigation Team Appointed by the DAAIO and empowered to conduct an aircraft accident/incident investigation under the control of the investigator-in-charge.

Investigator is a person charged, on the basis of his or her qualifications, with the responsibility to participate in the conduct an investigation.

Investigator-in-charge. A person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation.

Note: *Nothing in the above definition is intended to preclude the functions of an investigator-in-charge being assigned to a commission or other body.*

Landing Area. That part of a movement area intended for the landing or take-off of aircraft

Maximum mass. Maximum certificated take-off mass.

Operator. A person, organization or enterprise engaged in or offering to engage in an aircraft operation.

Note. *In the context of remotely piloted aircraft, an aircraft operation refers to the operation of an RPAS.*

Preliminary Report. The communication used for the prompt dissemination of data obtained during the early stages of the investigation.

Remote pilot station (RPS) (Applicable as of 26 November 2026). The component of the remotely piloted aircraft system containing the equipment used to pilot the remotely piloted aircraft.

Remotely piloted aircraft (RPA) (Applicable as of 26 November 2026). An unmanned aircraft which is piloted from a remote pilot station.

Remotely piloted aircraft system (RPAS) (Applicable as of 26 November 2026). A remotely piloted aircraft, its associated remote pilot station(s), the required C2 Link(s) and any other components as specified in the type design.

Safety recommendation. A proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which in no case has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies.

Safety recommendation of global concern (SRGC). A safety recommendation regarding a systemic deficiency having a probability of recurrence, with significant consequences at a global level, and requiring timely action to improve safety.

~~*Note.*~~ *Note. — The* Manual of Aircraft Accident and Incident Investigation *(Doc 9756), Part IV –* Reporting *contains the criteria for a recommendation to be classified as an SRGC.*

Serious incident. An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.

Note 1: *The difference between an accident and a serious incident lies only in the result.*

Note 2: *Examples of serious incidents can be found in Attachment A.*

Serious injury. An injury which is sustained by a person in an accident and which:

(a) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or

(b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or

(c) involves lacerations which cause severe hemorrhage, nerve, muscle or tendon damage; or

(d) involves injury to any internal organ; or

(e) involves second- or third-degree burns, or any burns affecting more than 5 per cent of the body surface; or

(f) involves verified exposure to infectious substances or injurious radiation.

State of Design. The State having jurisdiction over the organization responsible for the type design.

State of Manufacture. **(Applicable until 25 November 2026).** The State having jurisdiction over the organization responsible for the final assembly of the aircraft, engine or propeller.

State of Manufacture. (Applicable as of 26 November 2026). The State having jurisdiction over the organization responsible for the final assembly of the aircraft, remote pilot station, engine or propeller.

State of Occurrence. The State in the territory of which an accident or incident occurs.

State of the Operator. The State in which the operator's principal place of business is located or, if there is no such place of business, the operator's permanent residence.

State of Registry. The State on whose register the aircraft is entered.

Note: *In the case of the registration of aircraft of an international operating agency on other than a national basis, the States constituting the agency are jointly and severally bound to assume the obligations which, under the Chicago Convention, attach to a State of Registry. See, in this regard, the Council Resolution of 14 December 1967 on Nationality and Registration of Aircraft Operated by International Operating Agencies which can be found in Policy and Guidance Material on the Economic Regulation of International Air Transport (ICAO Doc 9587).*

State Safety Programme (SSP). An integrated set of laws, regulations, policies, objectives, processes, procedures and activities aimed at ~~improving~~ managing safety, at the State level

Substantial Damage. Means damage or failure, which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. For the purposes of this Chapter, the following conditions are not considered "substantial damage":

(1) for multi-engine aircraft: engine failure or damage limited to an engine if only one engine fails or is damaged,

(2) bent fairings or cowling, dented skin, small punctured holes in the skin or fabric,

(3) ground damage to rotor or propeller blades, and

(4) damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips.

Acts of unlawful interference. These are acts or attempted acts such as to jeopardize the safety of civil aviation, including but not limited to:

a) unlawful seizure of aircraft;

b) destruction of an aircraft in service;

c) hostage-taking on board aircraft or on aerodromes;

d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility,

e) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;

f) use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment;

g) communication of false information such as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility.

CHAPTER 2 - APPLICABILITY

2.1 Unless otherwise stated, this Part of the regulations shall apply to activities following accidents and incidents, wherever they occurred, to aircraft engaged in flight operations in the State of Kuwait, aircraft registered in the State of Kuwait and engaged in flight operations elsewhere and aircraft registered in another State and operated by the holder of an Air Operator Certificate issued by the State of Kuwait.

Note.— The application of this specification with respect to accidents or serious incidents occurring in the territory of a non-Contracting State, in an area of undetermined sovereignty or on the high seas is addressed in 5.2 and 5.3.

2.2 In this Part the regulations concerning the State of the Operator apply only when an aircraft is leased, chartered or interchanged and when that State is not the State of Registry and if it discharges, in respect of this Part, in part or in whole, the functions and obligations of the State of Registry.

2.3 Unless otherwise stated, the specifications in this Regulation apply to activities following accidents and incidents involving: a) manned aircraft; or

b) remotely piloted aircraft (RPA) certificated in accordance with KCASR 8 related to airworthiness of Aircraft and/or operated under an operator authorization.

Note.— The Standards and Recommendations in this Annex are not intended to preclude a State from instituting an investigation in other circumstances where it expects to draw safety lessons for the operation of manned and unmanned aircraft

(remotely piloted aircraft are a subset of unmanned aircraft).

2.4 This Regulation shall prescribe the role and position of the DAAIO in the event of aircraft accident/incident within the airspace of the State of Kuwait, or when a Kuwait registered aircraft experiences an accident or incident outside the State of Kuwait.

2.4.1 Designation of Investigator-in-charge (IIC);

2.4.2 Designation and composition of the Aircraft Accident/Incident Team;

2.4.3 Initial notification, investigation and final reporting of aircraft accidents and incidents and other occurrences in the operation of aircraft, when they involve civil aircraft of the State of Kuwait registration and foreign civil aircraft within the airspace & territory of the State of Kuwait.

2.4.4 Entitlement and participation of accredited representatives;

2.4.5 Air Operators consideration regarding incident/accident; and

2.4.6 Accident prevention measures.

The regulations in this KCASR are not intended to preclude AAIO of Kuwait from instituting an investigation in other circumstances where it expects to draw safety lessons for the operation of manned and unmanned aircraft (remotely piloted aircraft are a subset of unmanned aircraft).

CHAPTER 3 - GENERAL

Note.— Guidance material relating to the rights and obligations of the State of the Operator in respect of accidents and incidents involving leased, chartered or interchanged aircraft is provided in Attachment A.

3.1 Objective of the Investigation

The sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents. It is not the purpose of this activity to apportion blame or liability.

3.2 Independence of Investigations

The State of Kuwait established an accident investigation authority that is independent from State aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation.

The State of Kuwait has the role and responsibilities pertaining to the investigation of aircraft accidents and incidents within Kuwait or involving aircraft registered in Kuwait or the State of Kuwait is the registered State of the Operator. This authority shall be known as the Aircraft Accident investigation Office (AAIO). The AAIO has been assigned to develop and recommend regulations pertaining to aircraft accident and incident investigations.

~~*Note.— Guidance on the independence of an accident investigation authority is contained in the* Manual of Aircraft~~

~~Accident and Incident Investigation *(Doc 9756), Part I – Organization and Planning and the* Manual on Accident and Incident Investigation Policies and Procedures *(Doc 9962).*~~

Note 1.— Guidance on the independence of an accident investigation authority is contained in the Manual of Aircraft Accident and Incident Investigation *(Doc 9756), Part I* — Organization and Planning *and the* Manual on Accident and Incident Investigation Policies and Procedures *(Doc 9962).*

Note 2.— *Guidance for investigations when there may be a connection between a State and a suspected act of unlawful interference is contained in Attachment G.*

3.3 Protection of Evidence, Custody and Removal of Aircraft

When the State of Kuwait is the State of Occurrence for any accident/incident the Investigator-in-Charge 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.

Protection of evidence shall include the preservation, by photographic or other means of any evidence which might be removed, effaced, lost or destroyed. Safe custody shall include protection against further damage, access by unauthorized persons, pilfering and deterioration.

Note 1.— Control over the wreckage is dealt with in 5.6.
Note 2.— Protection of flight recorder evidence requires that the recovery and handling of the recorder and its recordings
be assigned only to qualified personnel.

(1) When a reportable accident occurs in or over the State of Kuwait, no person other than an authorized person shall have access to the aircraft involved in the

accident and neither the aircraft nor its contents shall be removed or otherwise interfered with, except under the authority of the IIC.

(2) The aircraft may be removed or interfered with so far as may be necessary for the purpose of:

(i) rescue and firefighting;

(ii) extricating persons or animals;

(iii) removing any mail, valuables or dangerous goods carried by the aircraft;

(iv) preventing destruction by fire or other causes;

(v) preventing any danger or obstruction to the public, air navigation or any other transport;

(vi) removing any other property from the aircraft under the supervision of an Investigator or a person delegated by AAIO with the agreement of a Police Officer.

(3) After coming into the custody of the AAIO, the movement of the aircraft or any part of its wreckage or contents, or any other evidence, shall only take place under the supervision of the investigator- in-charge, or his delegate.

(4) The AAIO ~~Lead investigator~~ Investigator-in-charge may direct the owner, operator or hirer of the aircraft, or other person on whose behalf the Pilot was in command of the aircraft, as the case may be, to remove it to such place as he shall indicate.

(5) Should the aircraft be wrecked on water, the aircraft or any of its contents may be removed to such extent as may be necessary for bringing it or them to a place of safety.

(6) The owner or the operator of an aircraft involved in an accident or incident for which notification shall be given is responsible for preserving to the extent possible 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 AAIO takes custody thereof and a release is granted.

(7) The AAIO ~~Lead investigator~~ Investigator-in-charge ~~-~~may, in the absence of the owner, operator or hirer of the aircraft or other person referred to therein or in the event of the non-compliance with the directives given by him under (6) above, remove the aircraft and in such case, all expenses incurred in removing the aircraft shall be recoverable from the owner, operator or hirer of the aircraft, or other person on whose behalf the Pilot was in command of the aircraft.

(8) Where it is necessary to move aircraft wreckage or cargo, sketches, and descriptive notes, photographs shall be taken as a record, if possible, of the original position and condition of the wreckage and any significant impact marks.

(9) The AAIO investigator or an authorized person shall not be liable for any loss or damage occurring to any aircraft during its removal under these regulations or in the course of any subsequent investigation or otherwise.

(10) The operator, owner or hirer 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 AAIO to the contrary.

3.4 Request from concerned States of Registry, Operator, Design or Manufacture

If a request is received from the concerned States of Registry, the Operator, Design or 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 to the extent necessary: to extricate persons, animals, mail and valuables; to prevent destruction by fire or other causes; or to eliminate any danger or obstruction to air navigation, to other transport or to the public; and provided that it does not result in undue delay in returning the aircraft to service where this is practicable.

3.5 Release from Custody

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~~ to any duly designated person by the State of Registry or the Operator, as applicable. 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 State finds it impracticable to grant such access, it shall itself effect removal to a point where access can be given.

CHAPTER 4 – NOTIFICATION

Note 1.— Attachment B provides a notification and reporting checklist.
Note 2.— A list of addresses of aircraft accident investigation authorities can be found in the Manual of Aircraft Accident and Incident Investigation *(Doc 9756), Part I* – Organization and Planning *and on the ICAO Accident Investigation website.*

A.1 Immediate Notification & Report of Accident, Serious Incident, Incident & Overdue Aircraft to AAIO

i. Where an aircraft accident or serious incident occur in or over the State of Kuwait, the owner, operator, pilot-in-command and any crew member of the aircraft, the operator of the airport, and any air traffic controller having knowledge of an accident or incident shall notify to the AAIO and provide as much information as is possible as soon as possible and by the quickest means available.

ii. When an accident or a serious incident occurring outside Kuwait involving an aircraft registered in Kuwait of which Kuwait is the State of the Operator, the operator of the aircraft shall, as soon as possible and by the most suitable and quickest means available, provide the authority of the State conducting the investigation and the AAIO with relevant information available regarding the aircraft and flight crew involved in the accident or serious incident, and provide a copy of the passenger manifest and details of any dangerous goods or cargo on board the aircraft.

iii. The notification to the AAIO shall contain as much of the information specified in II) below as is readily available; but, the dispatch of the notification shall not be delayed due to the lack of complete information.

(a) **Notification**

(1) The notification of an accident or serious incident shall be :

(i) immediately utilizing A A I O **+965 24341988 – Mob: +965 94067155 or**

(ii) **visit the AAIO website (** https://www.dgca.gov.kw/Home/Menu?menu=9&page=98 **)**

(iii) for the outside office; contact number or **Email**: **AIG@dgca.gov.kw**

(iv) followed by a report to AAIO through Notification of Accident, Serious Incident & Incident (Attachment A), within 24 hours or after the 7th day if an overdue aircraft is still missing.

(2) A report on an incident for which notification is required by Attachment A, shall be filed within 72 hours of the occurrence of the incident.

(b) Crew Member Statement. Each crew member, if able at the time when the report is submitted, shall attach a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to them. If the crew member is incapacitated, they shall submit the statement as soon as they are able.

A.2 Information to be given in Notification to AAIO

The required notification shall contain the following information, if available:

(a) Type, manufacturer, nationality and registration marks, and serial number of the aircraft;

(b) Name of owner, operator and hirer, if any, of the aircraft;

(c) Name of the pilot-in-command, and nationality of crew and passengers;

(d) Date and time (local time or UTC) of the accident or incident;

(e) Last point of departure and point of intended landing of the aircraft;

(f) Position of the aircraft with reference to some easily defined geographical point and latitude and longitude;

(g) Number of crew and passengers aboard, killed and seriously injured;

(h) Description of the accident or incident and the extent of damage to the aircraft so far as is known;

(i) Physical characteristics of the accident or incident area, as well as an indication of access difficulties or special requirements to reach the accident site;

(ii) Presence and description of dangerous goods on board the aircraft.

A.3 Accident, Serious Incident and Incident Notification

The initial notification regarding accident, serious incident/incident shall be done through any of the following:

(a) The pilot-of the aircraft involved at the time of the accident, or if they were killed or incapacitated, then the operator of the aircraft;

(b) In the case of an accident occurring on or adjacent to the State of Kuwait airport, the airport authority;

(c) Nearest Air Traffic Control unit;

(d) Rescue Coordination Centre (RCC);

(e) Directly to the AAIO;

(f) Directly through the Directorate General of Civil Aviation (DGCA); or (g) Through local or administrative units of the government of Kuwait.

4.1 Forwarding Notification to other States

The Investigator-in-Charge shall forward a notification of an accident, a serious incident or an incident to be investigated within the context of this Regulation, with a minimum of delay and by the most suitable and quickest means available in the ICAO website *https://www.icao.int/safety/AIA/Pages/default.aspx.* to :

i. the State of Registry;

ii. the State of the Operator;

iii. the State of Design;

iv. the State of Manufacture; and

v. the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2250 kg or is a turbojet powered airplane.

However, the State of Registry or the State of the Operator, as appropriate is not aware of a serious incident or an incident to be investigated, the State of Kuwait shall forward a notification of such an incident to those States.

Note 1.— Telephone, facsimile, e-mail or the Aeronautical Fixed Telecommunication Network (AFTN) will in most cases constitute "the most suitable and quickest means available". More than one means of communication may be appropriate.

Note 2.— Provision for the notification of a distress phase to the State of Registry by the rescue coordination centre is contained in Annex 12 – Search and Rescue.

4.2 Format and Content

The notification shall be in English and contain as much of the following information as is readily available, but its dispatch shall not be delayed due to the lack of complete information:

i. for accidents the identifying abbreviation ACCID, for serious incidents SINCID, for incidents INCID;

ii. manufacturer, model, nationality and registration marks, and serial number of the aircraft;

iii. name of owner, operator and hirer, if any, of the aircraft;

iv. name of the pilot-in-command, and nationality of crew and passengers;

v. date and time (local time or UTC) of the accident or incident;

vi. last point of departure and point of intended landing of the aircraft;

vii. position of the aircraft with reference to some easily defined geographical point and latitude and longitude;

viii. number of crew and passengers; aboard, killed and seriously injured; others, killed and seriously injured;

ix. description of the accident or incident and the extent of damage to the aircraft so far as is known;

x. an indication as to what extent the investigation will be conducted or is proposed to be delegated;

xi. physical characteristics of the accident or incident area, as well as an indication of access difficulties or special requirements to reach the site;

xii. identification of the originating authority and means to contact the investigator-in-charge and the accident investigation authority in the State of Kuwait at any time; and

xiii. presence and description of dangerous goods on board the aircraft.

Note 1.— The 4-letter designator "YLYX" in association with an ICAO 4-letter location indicator forms the 8-letter addressee indicator for messages sent over the AFTN to authorities responsible for aircraft accident and incident investigations. For messages sent over the public telecommunication service the addressee indicator cannot be used and a postal or telegraphic address must be substituted. The 8-letter addressee indicators and the corresponding postal and telecommunications addresses, when notified to ICAO, are published in the Designators for Aircraft Operating Agencies, Aeronautical Authorities and Services *(Doc 8585).*

Note 2.— The Manual of Aircraft Accident and Incident Investigation *(Doc 9756), Part I –* Organization and Planning

contains guidance material concerning the preparation of notification messages and the arrangements to be made for their

~~xiii.~~ *prompt delivery to the addressee.*

4.3 Language

The notification shall be prepared in English or Arabic language, taking into account the language of the recipient(s).

4.4 Additional Information

As soon as it is possible to do so, the Investigator-in-Charge shall dispatch the details omitted from the notification as well as other known relevant information.

4.5 Information – Participation

The State of Kuwait as the State of Registry, Operator, the State of Design, Manufacture should acknowledge receipt of notification of an accident or incident.

4.6 Upon receipt of the notification

The State of Kuwait as the State of Registry, the State of the Operator, the State of Design and the State of Manufacture upon receipt of notification**,** shall, as soon as possible, provide the Investigator-in Charge with any relevant information available to them regarding the aircraft and flight crew involved in the accident or incident. The State of Kuwait shall also inform the Investigator-in-Charge whether it intends to appoint an accredited representative and if such an accredited representative is appointed, the name and contact details; as well as the expected date of arrival if the accredited representative will travel to the State of Occurrence.

When the State of Occurrence is not aware of an accident, serious incident or an incident, Kuwait as the State of Registry or Operator; as appropriate, shall forward a notification of such incident to the State of Design, the State of Manufacturer, and the State of Occurrence.

Note 1.— In accordance with 5.18, the State of Registry, the State of the Operator, the State of Design and the State of Manufacture have the right to appoint an accredited representative to participate in the investigation.

Note 2.— In accordance with 5.22, the attention of the State of Registry, the State of the Operator, the State of Design and the State of Manufacture is drawn to their obligation 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. Their attention is also drawn to the usefulness of their presence and participation in the investigation.

4.7 Upon receipt of the notification - the State of the Operator

Upon receipt of the notification, the State of the Operator shall, with a minimum of delay and by the most suitable and quickest means available, provide the Investigator-in-Charge with details of dangerous goods on board the aircraft.

4.8 Forwarding

When an accident or the serious incident or incident has occurred in the territory of a non-Contracting State which does not intend to conduct an investigation in accordance with Annex 13 to the Convention on International Civil Aviation, the State of Kuwait as the State of Registry may institute the investigation of an

accident or incident. In such case, the Investigator in-Charge shall forward a notification, in accordance with 4.2 and 4.3 above, with a minimum of delay and by the most suitable and quickest means available, to:

i. ~~i.~~ the State of the Operator; ii. the State of Design; iii. the State of Manufacture; and iv. the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2250 kg or is a turbojet powered airplane.

Note 1.— Telephone, facsimile, e-mail or the Aeronautical Fixed Telecommunication Network (AFTN) will in most cases constitute "the most suitable and quickest means available". More than one means of communication may be appropriate.

Note 2.— Provision for the notification of a distress phase to the State of Registry by the rescue coordination centre is contained in Annex 12 – Search and Rescue.

4.9 Information – Participation – the State of Operator, Design and Manufacture

Para 4.~~1~~ 4 refers

4.10 Upon receipt of the notification - the State of Operator, Design and Manufacture

Para 4.~~6~~ 9refers

Note 1.— In accordance with 5.18, the State of the Operator, the State of Design and the State of Manufacture have the right to appoint an accredited representative to participate in the investigation.

Note 2.— In accordance with 5.22, the attention of the State of the Operator, the State of Design and the State of Manufacture is drawn to their obligation 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. Their attention is also drawn to the usefulness of their presence and participation in the investigation.

4.11 Upon receipt of the notification – AAIO, the State of Kuwait

Upon receipt of the notification, the State of Kuwait as the State of the Operator shall, with a minimum of delay and by the most suitable and quickest means available, provide the Investigator-in-Charge with details of dangerous goods on board the aircraft.

CHAPTER 5 - INVESTIGATION

5.1 State of Kuwait as the State of Occurrence

The State of Kuwait shall institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation, but may delegate the whole or any part of the conduct of such investigation to another State or a Regional Accident and Incident Investigation Organization (RAIO) by mutual arrangement and consent. In any event the State of Kuwait shall use every means possible to facilitate the investigation.

5.1.1 The State of Kuwait should institute an investigation into the circumstances of a serious incident, but may delegate the whole or any part of the conduct of such investigation to another State or a regional accident and incident investigation organization by mutual arrangement and consent. In case of any delegation, the State of Kuwait should use every means possible to facilitate the investigation.

5.1.2 The State of Kuwait shall institute an investigation into the circumstances of a serious incident when the aircraft is of a maximum mass of over 2250kg. The State of Kuwait may delegate the whole or any part of the conducting of such investigation to another State or a regional accident and incident investigation organization by mutual arrangement and consent. In case of any delegation, the State of Kuwait shall use every means to facilitate the investigation.

5.1.3 If the State of Kuwait does not institute and conduct an investigation, and does not delegate the investigation to another State or a regional accident and incident investigation organization, the State of Registry or, in the following order, the State of the Operator, the State of Design or the State of Manufacture is entitled

to request in writing the State of Kuwait to delegate the conducting of such investigation. If the State of Kuwait gives express consent or does not reply to such a request within 30 days, the State making the request should institute and conduct the investigation with such information as is available.

5.1.3.1 The investigation of a serious incident does not exclude other already existing types of investigation of incidents (serious or not).

5.1.3.2 In the case of serious incidents, the State of Kuwait may consider delegating the investigation to the State of Registry or the State of the Operator, in particular those involving occurrences in which it might be beneficial or more practical for one of these States to conduct the investigation.

5.1.3.3 The delegation of an investigation does not absolve the State of Kuwait from its obligation under this Regulation.

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

Note 2.— When the whole investigation is delegated to another State or a regional accident and incident investigation organization, such a State is expected to be responsible for the conduct of the investigation, including the issuance of the Final Report and the ADREP reporting. When a part of the investigation is delegated, the State of Occurrence usually retains the responsibility for the conduct of the investigation.

Note 3.— In the case of investigation of an unmanned aircraft system, the requirement in accordance with Chapter 2 is only for remotely piloted aircraft certificated in accordance with Annex 8 – Airworthiness of Aircraft and/or operated under

an operator authorization in accordance with Annex 6 – Operation of Aircraft, *Part IV* – International Operations – Remotely Piloted Aircraft Systems.

Note 4.— In the case of serious incidents, the State of Occurrence may consider delegating the investigation to the State of Registry or the State of the Operator, in particular those involving occurrences in which it might be beneficial or more practical for one of these States to conduct the investigation.

Note 5.— Guidance related to the establishment and management of an RAIO is contained in the Manual on Regional Accident and Incident Investigation Organization *(Doc 9946).*

Note 6.— The delegation of an investigation does not absolve the State of Occurrence from its obligation under this Annex.

Note 7.— Paragraph 5.1.3 does not necessarily give the State making the request the right to access the accident site, wreckage or any other evidence or information situated within the territory of the State of Occurrence.

5.2 State of Registry – State of Kuwait

When the accident or the serious incident has occurred in the territory of a non-Contracting State which does not intend to conduct an investigation in accordance with ICAO Annex 13, the State of Kuwait as the State of Registry or, failing that, the State of the Operator should endeavor to institute and conduct an investigation in cooperation with the State of Occurrence but, failing such cooperation, should itself conduct an investigation with such information as is available.

5.3 State of Registry – location cannot be defined in the territory of any State

When the location of the accident or the serious incident cannot definitely be established as being in the territory of any State, the State of Kuwait if it is the State of Registry shall institute and conduct any necessary investigation of the accident or serious incident. However, it may delegate the whole or any part of the investigation to another State or a regional accident and incident investigation organization by mutual arrangement and consent.

5.3.1 If the State of Kuwait is nearest to the scene of an accident in international waters, the State of Kuwait shall provide such assistance as it is able and shall, likewise, respond to requests by the State of Registry to the greatest possible extent.

5.3.2 If the State of Kuwait does not institute and conduct an investigation, and does not delegate the investigation to another State or a regional accident and incident investigation organization, the State of the Operator or, in the following order, the State of Design or the State of Manufacture is entitled to request in writing the State of-Kuwait to delegate the conducting of such investigation. If the State of Kuwait gives express consent or does not reply to such a request within 30 days, the State making the request should institute and conduct the investigation with such information as is available.

Note.— Paragraph 5.3.2 does not absolve the State of Registry from its obligation under this Annex.

5.3.3 If the State of Registry is a non-Contracting State which does not intend to conduct an investigation in accordance with Annex 13, the State of the Operator or, failing that, the State of Design or the State of Manufacture shall endeavor to institute and conduct an investigation. However, such a State may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.

Note.— The Manual of Aircraft Accident and Incident Investigation *(Doc 9756) contains guidance material for the organization, conduct and control of an investigation.*

5.3.3.1 Responsibility for Investigation

(1) In conformity with the Convention on International Civil Aviation, the State of Kuwait shall institute an inquiry into the circumstances of an accident or serious incident. In the case of an accident, the Director of AAIO shall appoint an accident investigation Team and an Investigator-in-Charge to carry out the investigation.

In the case of an accident or incident in a foreign State involving civil aircraft of the State of Kuwait registry, where the foreign State is a Contracting State, the State of Occurrence is responsible for the investigation, but Kuwait as a State of Registry, State of the Operator, State of Design or State of Manufacture shall be entitled to appoint an accredited representative to participate in the investigation. The State of Kuwait shall appoint an accredited representative who is competent to represent the State.

Note.— Nothing in the following provisions is intended to preclude the State conducting the investigation from calling upon the best technical expertise from any source.

5.4 General

The State of Kuwait shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of this Part of KCASR. The investigation shall include:

(a) the gathering, recording and analysis of all relevant information on that accident or incident;

(b) the protection of certain accident and incident investigation records in accordance with 5.12;

(c) timely, public dissemination of factual information, as appropriate;

(d) if appropriate, the issuance of safety recommendations;

(e) if possible, the determination of the causes of the accident or incident and/ or contributing factors; and (f) the completion of the final report.

Where feasible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses. The extent of the investigation and the procedure to be followed in carrying out such an investigation shall be determined by the Investigator-in-Charge, depending on the lessons he/she expects to draw from the investigation for the improvement of safety and prevention of accidents.

5.4.1 Any investigation conducted in accordance with the provisions of this Regulation shall be separate from any judicial or administrative proceedings to apportion blame or liability.

Note.— Separation can be achieved by the investigation being conducted by State accident investigation authority experts,

and any judicial or administrative proceedings being conducted by other appropriate experts. Coordination, as per 5.10, between the two processes would likely be required at the accident site and in the gathering of factual information, with due consideration to the provisions in 5.12.

5.4.2 The State of Kuwait develop policies and procedures detailing its accident investigation duties in the Accident and Incident Investigation Policies and Procedures Manual, which contains organization and planning; investigation; and reporting.

Note.— Guidance related to policies and procedures for investigations is provided in the Manual on Accident and Incident Investigation Policies and Procedures *(Doc 9962).*

5.4.3 Any investigations conducted under the provisions of this Regulation shall have unrestricted access to all ~~available~~ evidential material without delay.

5.4.4 The State of Kuwait should ensure cooperation between the AAIO and judicial authorities so that an investigation is not impeded by administrative or judicial investigations or proceedings. The signing of

a Memorandum of Understanding on the role and responsibilities of each party should be made concluded in advance to achieve cooperation in the investigation.

Note.— Cooperation may be achieved by legislation, protocols, agreements or other arrangements, and may cover the following subjects: access to the site of the accident; preservation of and access to evidence; initial and ongoing debriefings of the status of each process; exchange of information; appropriate use of safety information; and resolution of conflicts.

5.4.5 For accidents or incidents that draw heightened public attention, the State of Kuwait would publicly release relevant factual information within the early days of the investigation.

Note 1.— Attachment B provides a notification and reporting checklist.
Note.2— The provision of factual information in the early days of the investigation is intended to address the substantial
public interest in the accident or incident and to help ensure that the information in the public domain is as accurate as possible.
Guidance on accidents and incidents, that draw heightened public attention, and various formats and methods for the provision
of information is contained in the Manual of Aircraft Accident and Incident Investigation *(Doc 9756), Part II* – Procedures and
Checklists.

5.4.6 For accidents or incidents that draw heightened public attention, the State of Kuwait would publish a written Preliminary Report within thirty days of the accident or incident containing established factual information and indicating the progress of the investigation.

Note 1.— Attachment B provides a notification and reporting checklist
Note ~~1~~2.— Guidance on the purpose, format, and content of the written Preliminary Report is contained in the Manual of
Aircraft Accident and Incident Investigation *(Doc 9756), Part IV* – Reporting.
Note ~~2~~3.— The Recommendation in 5.4.6 does not intend to preclude the State conducting the investigation from consulting
States participating in the investigation before publishing the written Preliminary Report.
Note 3.— A list of examples of accidents and incidents that draw heightened public attention is contained in the Manual

of Aircraft Accident and Incident Investigation *(Doc 9756), Part IV* – Reporting.

5.5 Investigator-in-Charge - Designation

The State of Kuwait shall designate the investigator-in- charge of the investigation and shall initiate the investigation immediately.

(a) The State of Kuwait shall determine whether an investigation shall be carried out into any accident or incident to which any Regulations may apply and the form of the investigation.

(b) Without any prejudice to the powers of an investigator to seek such advice or assistance as he may deem necessary in making an investigation, the Director AAIO may at the request of the IIC, appoint additional experts from whatever source, to assist the Investigator in a particular investigation and such person(s) shall for the purpose of so doing have such of the powers of an investigator under any Regulations, as may be specified in their appointment.

(c) The State of Kuwait shall entitle the State of Registry, the State of the Operator, the State of Design and the State of Manufacture to appoint an accredited representative to participate in the investigation.

(d) In the case that aforementioned States did not appoint representatives, the State of Kuwait could invite the operator to participate in the investigation. Any State which on request provides information, facilities or experts shall be entitled to appoint an accredited representative to participate in the investigation.

(e) Any 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 to appoint an expert.

~~(f)~~ Participants in the investigation shall be responsive to the direction of the IIC and may lose participation status if they do not comply with their appointed obligations or instructions, or if they conduct themselves in a manner prejudicial to the investigation.

~~(g)~~ An accredited representative, including his advisers, shall confer entitlement to participate in all aspects of the investigation, under the authorization of the IIC, with reference to section (5.25). ~~in particular to:~~

~~(0) Visit the scene of the accident;~~
~~(0) Examine the wreckage;~~
~~(0) Obtain witness information and suggest areas of questioning;~~
~~(0) Have full access to all relevant evidence as soon as possible;~~
~~(0) Receive copies of all pertinent documents;~~
~~(0) Participate in read-outs of recorded media;~~
~~(0) Participate in all off-scene investigative activities such as component examinations, technical briefings, tests and simulations;~~
~~(0) Participate in all Team meetings including deliberations related to analysis, findings, causes and safety recommendations;~~
(f) ~~Make submissions in respect of the various elements of the investigation.~~

~~(1)~~

(h) With purpose of compliance with aforementioned requirements, and to assist in ensuring complete understanding of the requirements and limitations of participation status, the same shall sign a statement containing these requirements and limitations immediately upon attaining participation status. Failure to timely

sign that statement may result in loss of status as a participant. The statement contents shall be determined by the State of Kuwait.

~~(p)~~

5.6 Investigator-in-Charge - Access and Control

The investigator-in-charge shall have unhampered access to the wreckage and all relevant material, including flight recorders and Air Traffic Service 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.

(a) The investigator-in-charge organizes, conducts, controls and manages the field phase of the investigation, regardless of what other representatives of the State are also on-scene at the accident or incident site.

(b) The IIC has 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) Upon presentation of appropriate identification, an IIC is authorized to enter any property where an accident or incident subject to the Kuwait jurisdiction, has occurred, or wreckage from any such accident or incident is located, and to do all things considered necessary for proper investigation.

(d) Upon demand of an IIC and presentation of identification, any Kuwait 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.

(e) An IIC may question any person having knowledge relevant to an accident or incident, study, or special investigation. The IIC also has exclusive authority, on behalf of the State of Kuwait, to decide the way in which any testing will be conducted, including decisions on the person that will conduct the test, the type of test that will be conducted, and any individual who will witness the test.

(f) The IIC, upon presenting appropriate identification, is authorized to examine and test to the extent necessary any civil or public aircraft, aircraft engines, propellers, appliances, or property aboard such aircraft involved in an accident in commercial air transport.

5.6.1 Investigation Team

(a) For the purpose of carrying out an investigation into the circumstances and causes of accidents to which these Regulations apply, the Director AAIO shall convene an Accident Investigation Team immediately to initiate the investigation. Composition and size of the investigation Team shall be determined by complexity of the aircraft accident or incident and by proposal of the IIC.

(b) When an accident, serious incident, or incident involves a civil and a military aircraft, the Accident Investigation Team shall be composed of investigators appointed by the Director AAIO. The investigation Team shall be under the direction of the IIC.

(c) The accident or incident Investigation Team is conducted by the IIC. The Investigation Team, if necessary, shall establish working groups composed of experts, which are not necessarily members of the Team. The group Chairman is a member of the Team and charged to direct the group.

(d) The Investigation Team shall have ready access to sufficient funds for all types of investigations including major accidents, to enable investigation to be properly conducted. It is responsibility of the relevant Kuwait Ministry and the State of Kuwait to make those funds available.

(e) Aircraft accident or incident investigation is a specialized task, which shall be undertaken by qualified investigators. Within the State of Kuwait appropriately qualified personnel shall be identified (list of subject matter experts) with skills appropriate for type of aircraft. The IIC and members of the Team shall have practical background in aviation acquired by working as professional pilots, aeronautical engineers, aircraft maintenance engineers or working in some specialized areas of aviation including operations, airworthiness, air traffic services, meteorology, human factors and organization, safety and quality management.

(f) If, after the investigation has been closed, new and significant evidence becomes available in relation to the occurrence, the Director AAIO shall reopen the investigation after reviewing the new and significant evidence and agrees that it is indeed the new and significant evidence and it warrant the reopening of the investigation. In the event that State of Kuwait did not institute an investigation, other States shall first obtain the consent of the State of Kuwait before they institute any reopening of the investigation, where Kuwait was the State of Occurrence and the investigation was delegated.

(g) The State of Kuwait 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 purpose of an investigation. Protection of evidence shall include the preservation, by photographic or other means of any evidence, which might be removed, effaced, lost or destroyed. Safe custody shall include protection against further damage, access by unauthorized persons, pilfering and deterioration.

(h) Until the arrival of the IIC and the Investigation Team, the wreckage shall not be disturbed except in the extent necessary to rescue survivors and extrication of victims from aircraft wreckage. All disturbed parts of the wreckage shall be kept at the site of accident. The aircraft may be moved to the extent necessary in accordance with paragraph 3.3 of this Regulation.

(i) Where it is necessary to move aircraft wreckage, mail or cargo, then sketches, descriptive notes and photographs shall be made, if possible, of the original positions and condition of the wreckage and any significant impact marks.

~~**5.6.2 Furnishing of information**~~

~~Where an accident or incident to which these regulations apply occurs, whether in or over the State or elsewhere, the owner, operator, pilot-in-command, hirer or any other person involved in the loading or operation of the aircraft shall, if so required by notice in writing given to him by the IIC, send to the IIC, within such time as may be specified in the notice, such information as is in his possession or control with respect to the accident and in such form as the IIC may require.~~

5.6.2~~3~~ Powers of Investigators

For the purpose of the investigation of any accident or incident to which any Regulations apply, or any inquiries undertaken with a view to determining whether any such investigation shall be held, an investigator shall have power:

(a) by summons to call before them and examine all persons as they deem fit, to require such persons to answer any questions or furnish any information or

procure copies of any documents, and articles which the investigator may consider relevant and to retain copies of any such books, papers, documents and articles until the completion of the investigation, or, as the case may be, it is determined that an investigation shall not be carried out;

(b) to take statements from all such persons as they deem fit and to require any such person to make and sign a declaration of the truth of the statements made by them;

(c) to have access to and examine any aircraft involved in any such accident and the place where the accident occurred and to require any such aircraft or any part of equipment thereof to be preserved unaltered pending investigation;

(d) to examine, remove, test and take measures for the preservation of, or otherwise deal with, the aircraft involved in the accident, or, where it appears to the investigator to be necessary for the purposes of such investigation, any other aircraft, or any part of such aircraft or anything contained therein; on production, if required, of his credentials, to enter and inspect any place, building or aircraft, the entry or inspection whereof appears to the investigator to be necessary for the purpose of any such investigation except that an investigator shall not have power to enter any premises which at the time are being used as a dwelling;

(e) to take such measures for the preservation of evidence as they consider appropriate;

(f) The AAIO as the accident investigation authority shall retain, where possible, only copies of records obtained in the course of an investigation.

5.6.34 Obstructions of Investigations

(a) The investigators, in exercising any powers or duties granted by the regulations during an investigation, shall have unrestricted access and no interference in the conduct of investigation.

(b) A person shall not, without reasonable excuse, fail to comply with any summons or requisition of an investigator conducting an investigation or undertaking any inquiries with a view to determining whether any investigation shall be held under the powers and regulations granted to the State of Kuwait.

5.6.5 Form and Conduct of Investigations

(a) The extent of investigations and the procedure to be followed in carrying out investigations required or authorized under this Regulations shall be determined by the IIC in consultation with the DAAIO and objectives of this regulations and the lessons they expect to draw from the accident or incident for the improvement of safety.

(b) Public notice that a formal investigation is taking place shall be given in such a manner as the IIC may decide following consultation with DAAIO and shall invite any persons who desire to make representations concerning the circumstances or causes of the accident, to do so in writing within the time to be specified in the notice.

(c) All investigations shall be held in private.

(d) Where it appears to the investigator in the course of any investigation that in order to resolve any conflict of evidence or that for any other reason it is expedient to do so, they may permit any person to appear before them and to call evidence and examine witnesses.

(e) The DAAIO, in co-ordination with the IIC, may determine that any investigation being carried out into an accident shall be discontinued. In the event of a formal investigation being discontinued no report shall be made thereon.

(f) However, public notice shall be given, in such a manner as the State of Kuwait may determine, that the investigation has been discontinued.

(g) Following the discontinuance of any investigation, the IIC shall submit to the DAAIO such information as they consider desirable in the interest of the avoidance of accidents and incidents in the future.

Note.— In the case of a remotely piloted aircraft system, relevant material in 5.6 includes the remotely piloted aircraft, its associated remote pilot station(s), the required C2 Link(s), any other components as specified in the type design, and any associated recordings and documents.

~~(g)~~

5.7 Flight Recorders

The State of Kuwait shall effectively make use 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.

5.7.1 The State of Kuwait should use adequate facilities to read out the flight recorders. It should use the facilities made available to it by other States, giving consideration to the following:

(a) the capabilities of the read-out facility;

(b) the timeliness of the read-out; and

(c) the location of the read-out facility.

Note.— The requirements for the recording of flight data are contained in Annex 6 – Operation of Aircraft, *Parts I, II, III* ~~(c)~~ *and IV.*

5.8 Ground-based recordings

The State of Kuwait shall effectively make use of available ground-based recordings in the investigation of an accident or an incident

Note.— The requirements for the recording of surveillance data and ATS communications are contained in Annex 11 – Air Traffic Services, *Chapter 6.*

5.9 Autopsy Examinations

The Investigator-in-Charge shall arrange for complete autopsy examination of fatally injured flight crew and, subject to the particular circumstances, of fatally injured passengers and cabin attendants, by a pathologist, preferably experienced in accident investigation. These examinations shall be expeditious and complete.

(a) The IIC is authorized to obtain a copy of the report of autopsy performed on any person who dies as a result of having been involved in an aircraft accident within the jurisdiction of the State of Kuwait.

(b) The IIC, following consultation with the Director AAIO and relevant Government Ministry, 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.

(c) The IIC, when appropriate, shall arrange for medical examination of the crew, passengers and involved aviation personnel by a physician preferably experienced in accident investigation and these examinations shall be expeditious.

Note.— Guidance material related to autopsies is provided in detail in the Manual of Civil Aviation Medicine *(Doc 8984)*
and the Manual of Aircraft Accident and Incident Investigation *(Doc 9756), the former containing detailed guidance on*

~~(b)~~ *toxicological testing.*

5.9.1. Medical Examinations

When appropriate, the Investigator-in-Charge should arrange for medical examination of the crew, passengers and involved aviation personnel, by a physician, preferably experienced in accident investigation. These examinations should be expeditious.

Note 1.— Such examinations may also determine whether the level of physical and psychological fitness of flight crew and other personnel directly involved in the occurrence is sufficient for them to contribute to the investigation.

Note 2.— The Manual of Civil Aviation Medicine *(Doc 8984) contains guidance on medical examinations.*

5.10 Coordination - Judicial and other Authorities

The Investigator-in-Charge shall recognize the need for coordination between the investigator-in-charge and the judicial authorities, search and rescue, fire-fighting, police, coroner's office, medical personnel, airport authority and other military and civil authorities so that an investigation is not impeded by administrative or judicial investigations or proceedings. Particular attention shall be given to 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.

~~(a) For the purpose of creating adequate conditions and in achieving good cooperation with other authorities, the Director of AAIO provides necessary working conditions for the IIC and the Investigation Team.~~

Note 1.— The responsibility of the State of Occurrence for such coordination is set out in 5.1.
Note 2.— Possible conflicts between investigating and judicial authorities regarding the custody of flight recorders and their recordings may be resolved by an official of the judicial authority carrying the recordings to the place of read-out, thus maintaining custody.
Note 3.— Possible conflicts between investigating and judicial authorities regarding the custody of the wreckage may be resolved by an official of the judicial authority accompanying the wreckage to the place of examination and being present at such examination when a modification of the condition of the wreckage is required, thus maintaining custody.

5.11 Informing Aviation Security Authorities

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 of Kuwait is so informed.

Note.— *An act of unlawful interference, does not relieve the State of Occurrence from the responsibility to complete an investigation in accordance with the provisions of this Annex and to publish a Final Report.*

5.12 Protection of Accident and Incident Investigation Records

The AAIO shall not make the following records available for purposes other than accident or incident investigation, ~~unless the Ministry of Justice in the State of Kuwait determines~~, in accordance with national laws, that their disclosure or use outweighs the likely adverse domestic and international impact such action may have on that or any future investigations:

a) Cockpit voice recordings and airborne image recordings and any transcripts from such recordings; and

b) Records in the custody or control of the State of Kuwait being:

1) all statements taken from persons by the accident investigation authority 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) recordings and transcripts of recordings from air traffic control units;

5) analysis of and opinions about information, including flight recorder information, made by the accident investigation authority and accredited representatives in relation to the accident or incident; and

6) The draft Final Report of an accident or incident investigation.

7) Any other records obtained or generated by the State of Kuwait, as a part of an accident or incident investigation.

5.12.1 The States of Kuwait should determine whether any other records obtained or generated, as a part of an accident or incident investigation, need to be protected in the same way as the records listed in 5.12.

5.12.2 The records listed in 5.12 shall be included in the Final Report or its appendices only when pertinent to the analysis of the accident or incident. Parts of the records not relevant to the analysis shall not be disclosed.

Note.— The records listed in 5.12 include information relating to an accident or incident. The disclosure or use of such information for purposes where the disclosure or use is not necessary in the interest of safety may mean that, in the future, the information will no longer be openly disclosed to investigators. Lack of access to such information would impede the investigation process and seriously affect aviation safety.

~~**5.12.2**~~

5.12.3 The names of the persons involved in the accident or incident shall not be disclosed to the public by the State of Kuwait.

5.12.4 The State of Kuwait shall ensure that requests for records in the custody or control are directed to the original source of the information, where available.

5.12.4.1 The State of Kuwait should retain, where possible, only copies of records obtained in the course of an investigation.

5.12.4.2 Any other investigation conducted by other agencies for the purpose of determining the party at fault or any civil or criminal liability shall be conducted without reference to any findings determined by the investigation team.

5.12.5 The State of Kuwait shall ensure that audio content of cockpit voice recordings as well as image and audio content of airborne image recordings are not disclosed to the public.

5.12.6 The State of Kuwait issuing or receiving a draft Final Report shall take measures to ensure that it is not disclosed to the public.

Note.— Appendix 2 contains additional provisions on the protection of accident and incident investigation records. These

~~**5.12.6**~~ *provisions appear separately for convenience but form part of the SARPs.*

5.13 Re-opening of Investigation

If, after the investigation has been closed, new and significant evidence becomes available, the State of Kuwait, shall re-open it. If the State which conducted the investigation is State other than the State of Kuwait, a request to re-open it shall be made to the investigating State. However, when the State which conducted the investigation did not institute it, that State of Kuwait shall first obtain the consent of the State which instituted the investigation.

Note.— Where an aircraft which was considered missing following an official search is subsequently located,
consideration may be given to reopening the investigation.

5.14 Information - Accidents and Incidents

The State of Kuwait shall, on request from a State conducting the investigation of an accident or an incident, provide that State with all the relevant information as stated in 5.16 available to it.

Note.— See also 5.16.

5.14.1 The State of Kuwait should cooperate to determine the limitations on disclosure or use that will apply to information before it is exchanged with other States for the purposes of an accident or incident investigation.

5.14.2 If a State of Kuwait has any data available from a flight recorder of an aircraft involved in an accident or incident, shall:

a) without delay, provide the State conducting the investigation with all such data that the State of Kuwait has available; and

b) not divulge such data without the express consent of the State conducting the investigation.

5.15 Facilities and Services

Any facilities or services of the State of Kuwait which have been, or would normally have been, used by an aircraft prior to an accident or an incident, and which have information pertinent to the investigation, shall provide such information to the State conducting the investigation.

5.16 Flight Recorders - Accidents and Serious Incidents

When an aircraft involved in an accident or a serious incident lands in a State other than the State of Occurrence, the State of Kuwait as the State of Registry or the State of the Operator of that aircraft shall, on request from the State conducting the investigation, furnish the latter State with the flight recorder records and, if necessary, the associated flight recorders.

Note.— In implementing 5.16, the State of Registry or the State of the Operator may request the cooperation of any other

State in the retrieval of the flight recorder records.

5.17 Organizational Information

When the State of Kuwait as the State of Registry and/or the State of the Operator, on request from the State conducting the investigation, it shall provide pertinent information on any organization whose activities may have directly or indirectly influenced the operation of the aircraft.

Note.— Nothing in this Annex is intended to imply that the accredited representative and advisers of a State have to be always present in the State in which the investigation is conducted.

5.18 Rights

The State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall each be entitled to appoint an accredited representative to participate in any investigation conducted by the State of Kuwait.

Note.— Nothing in this Standard is intended to preclude the State that designed or manufactured the powerplant or major components of the aircraft from requesting participation in the investigation of an accident.

5.19 Adviser to Accredited Representative

The State of Registry or the State of the Operator shall appoint one or more advisers, proposed by the operator, to assist its accredited representative.

5.19.1 When neither the State of Registry, nor the State of the Operator appoint an accredited representative, the State of Kuwait should invite the operator to participate.

5.20 Adviser

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

5.21 No accredited representative appointed

When neither the State of Design nor the State of Manufacture appoint an accredited representative, the State of Kuwait should invite the organizations responsible for the type design and the final assembly of the aircraft to participate, subject to the procedures of Kuwait conducting the investigation.

5.22 Obligations

When the State conducting an investigation of an accident to an aircraft of a maximum mass of over 2250 kg specifically requests State of Kuwait participation as the State of Registry, the State of the Operator, the State of Design or the State of Manufacture, the State of Kuwait shall each appoint an accredited representative.

Note 1.— Nothing in 5.22 is intended to preclude the State conducting an investigation from requesting the State that designed or manufactured the powerplant or major components of the aircraft to appoint an accredited representative whenever the former State believes that a useful contribution can be made to the investigation or when such participation might result in increased safety.

Note 2.— Nothing in 5.22 is intended to preclude the State conducting an investigation from requesting the State of Design and the State of Manufacture to give assistance in the investigation of accidents other than those in 5.22.

5.23 Rights – Participation of other States

Any State which on request provides information, facilities or experts to the State of Kuwait shall be entitled to appoint an accredited representative to participate in the investigation.

Note.— 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, may also be invited to appoint an accredited representative to participate in the investigation.

5.24 Advisers – Entitlement of Accredited Representatives

Any States participated in an investigation are entitled to appoint one or more advisers to assist the accredited representative in the investigation.\

Note 1.— Nothing in the above provisions is intended to preclude a State participating in an investigation from calling upon the best technical experts from any source and appointing such experts as advisers to its accredited representative.

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

5.24.1 Advisers 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.

5.25 Participation – Accredited Representatives

Participation in the investigation shall confer entitlement to participate in all aspects of the investigation, under the control of the investigator-in-change, in particular to:

(a) visit the scene of the accident;

(b) examine the wreckage;

(c) obtain witness information and suggest areas of questioning;

(d) have full access to all relevant evidence as soon as possible;

(e) receive copies of all pertinent documents;

(f) participate in read-outs of recorded media;

(g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;

(h) participate in investigation progress meetings including deliberations related to analysis, findings, causes, contributing factors, and safety recommendations; and

(i) make submissions in respect of the various elements of the investigation.

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 5.23.

Note 1.— It is recognized that the form of participation would be subject to the procedures of the State in which the investigation, or part thereof, is being conducted.

Note 2.— The collection and recording of information need not be delayed to await the arrival of an accredited representative.

Note 3.— Nothing in this Standard precludes the State conducting the investigation from extending participation beyond the entitlement enumerated.

Note 4.— 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.

5.26 Obligations – Accredited Representatives and their advisers

Accredited representatives and their advisers:

(a) shall provide the State of Kuwait as the State conducting the investigation with all relevant information available to them; and

(b) shall not divulge information on the progress and the findings of the investigation without the express consent of the State conducting the investigation.

Note.— Nothing in this Standard precludes prompt release of facts when authorized by the State conducting the investigation, nor does this Standard preclude accredited representatives from reporting to their respective States in order to

~~(b)~~ *facilitate appropriate safety actions.*

5.27 Rights and Entitlement – States Suffered Fatalities or Serious Injuries

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 State of Kuwait to appoint an expert who shall be entitled to:

(a) visit the scene of the accident;

(b) have access to the relevant factual information which is approved for public release by the State conducting the investigation, and information on the progress of the investigation;

(c) participate in the identification of the victims;

(d) assist in questioning surviving passengers who are citizens from that State; and

(e) receive a copy of the Final Report.

Note.— Guidance related to assistance to aircraft accident victims and their families is provided in the Manual on

~~(e)~~ Assistance to Aircraft Accident Victims and their Families *(Doc 9973).*

5.28 Progress of investigation

The State of Kuwait should release, at least during the first year of the investigation, established factual information and indicate the progress of the investigation in a timely manner.

5.29 Access to and Release of Wreckage, Records, Mail and Cargo

- Only the accident investigation personnel and persons authorized by the IIC to participate in an investigation, examination or testing shall be permitted access to wreckage, records, mail or cargo in the custody.
- Wreckage, records, mail and cargo in the custody shall be released when it is determined that the State of Kuwait have no further need of such wreckage, mail, cargo or records. This decision shall be brought by the IIC in consultation with Director AAIO and relevant Government Office if necessary.

5.30 Cooperation with the Media

- Release of information during the field investigation, particularly at the accident scene, shall be limited to factual developments, and shall be made only through a person designated by the Director AAIO in cooperation with Ministry of Interior. 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.

- No information concerning the accident or incident may be released to any media or any person before initial release by the Director AAIO with prior consultation of the IIC.

CHAPTER 6 - FINAL REPORT

Note.— Attachment B provides a notification and reporting checklist.

6.1 The format of the Final Report

The format of the Final Report in Appendix 1 should be used. However, it may be adapted to the circumstances of the accident or incident.

6.1.1 The Final Report is prepared by the IIC and the investigation Team. The report shall cover in detail all relevant aspects of the investigation. The Final Report is approved and issued by the State of Kuwait.

6.2 Release of Information - Consent

The State of Kuwait shall not 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 State which conducted the investigation, unless such reports or documents have already been published or released by that latter State.

6.3 Consultation

The State of Kuwait shall send a copy of the draft Final Report to the following States inviting their significant and substantiated comments on the report as soon as possible:

(a) the State that instituted the investigation;

(b) the State of Registry;

(c) the State of the Operator;

(d) the State of Design;

(e) the State of Manufacture; and

(f) any State that participated in the investigation as per Chapter 5.

The usual consultation period shall be thirty days from the date of the transmittal correspondence. The consultation period shall be extended to sixty days by the State conducting the investigation if it is notified of the need for additional time by the State invited to comment. If the Investigator-in-charge receives comments within the consultation period, he shall either amend the draft Final Report to include the substance of the comments received or, if desired by the State that provided comments, append the comments to the Final Report. If the Investigator-in-charge receives no comments within the consultation period, it shall issue the Final Report in accordance with 6.4, unless further extension of that period has been agreed by the States concerned.

Note 1.— Nothing in this Standard is intended to preclude the State conducting the investigation from consulting other States, such as those States which provided relevant information, significant facilities, or experts who participated in the investigation under 5.27.

Note 2.— 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.

Note 3.— When sending the draft Final Report to recipient States, the State conducting the investigation may consider using the most suitable and quickest means available, such as facsimile, e-mail, courier service or express mail.

Note 4.— Intended safety recommendations are to be included in the draft Final Report.

6.3.1 The State of Kuwait should 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.

6.3.2 The State of Kuwait should 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.

6.4 Recipient States

The Final Report of the investigation shall be sent with a minimum of delay by the Investigator-in-charge to: (a) the State that instituted the investigation;

(b) the State of Registry;

(c) the State of the Operator;

(d) the State of Design;

(e) the State of Manufacture;

(f) any State that participated in the investigation;

(g) the ICAO for an aircraft having mass over ~~5700~~ 2250 kg or is powered by jet turbine

engines;

(h) any State having suffered fatalities or serious injuries to its citizens; and

(i) any State that provided relevant information, significant facilities or experts.

Comments to be appended to the Final Report are restricted to noneditorial-specific technical aspects of the Final Report upon which no agreement could be reached.

6.5 Release of the Final Report

In the interest of accident prevention, the State of Kuwait shall make the Final Report publicly available as soon as possible and, if possible, within twelve months.

Note.— Making a Final Report publicly available can be achieved by posting the Final Report on the Internet, and does not necessarily require a hard-copy publication of the Final Report.

6.6 Twelve months timeframe

If the report cannot be made publicly available within twelve months, the State of Kuwait shall make an interim statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.

At any stage of the accident or incident investigation if the IIC recommend any preventive action that it considers necessary to be taken to enhance aviation safety, safety recommendation shall be distributed within the State, to other State(s) and when ICAO documents are involved, to ICAO.

6.6.1 If the State of Kuwait as the State conducting the investigation does not make the Final Report or an interim statement publicly available within a reasonable

timeframe, other States participating in the investigation are entitled to request in writing from the State of Kuwait express consent to release a statement containing safety issues raised with such information as is available. If the State of Kuwait gives express consent or does not reply to such a request within 30 days, the State making the request should release such a statement after coordinating with participating States.

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

6.6.2 When the State of Kuwait receives a draft report, the State of Kuwait shall not 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 State which conducted the investigation, unless such reports or documents have already been published or released by that latter State.

6.6.3 Publication of Reports

The Director AAIO shall, unless in their opinion there are good reasons to the contrary, cause the report to be made public, wholly or in part, in such manner as they consider appropriate.

6.6.4 In the interest of accident prevention, the Director AAIO shall make the Final Report publicly available as soon as possible and, if possible, within twelve months of the date of the occurrence. Making a Final Report publicly available can be achieved by posting the Final Report on the AAIO website: www.dgca.gov.kw and does not necessarily

require a hard-copy publication of the final report

6.7 International dissemination of the Final Report

When the State of Kuwait has conducted an investigation into an accident or an incident involving an aircraft of a maximum mass of over ~~5700~~ 2 250 kg has released a Final Report; the State of Kuwait shall send to the International Civil Aviation Organization a copy of the Final Report.

Note 1.— Whenever practicable, the Final Report sent to ICAO is to be prepared in one of the working languages of the Organization and in the form shown in Appendix 1.

Note 2.— Final Reports are recorded in an ICAO central database, the e-Library of Final Reports, *which is publicly available.*

Note 3.— The copy of the Final Report sent to ICAO is preferably prepared in an electronic format to facilitate its upload onto the e-Library of Final Reports.

6.8 Safety Recommendations

At any stage of the investigation of an accident, serious incident or incident, the State of Kuwait shall recommend in a dated transmittal correspondence to the appropriate authorities, including those in other States, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.

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

6.8.1 Precedence for the issuance of safety recommendations from an accident or incident investigation is given to the State of Kuwait as the State conducting the investigation; however, in the interest of safety, other States participating in the investigation shall be entitled to issue safety recommendations after coordinating with the State conducting the investigation.

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

6.9 Safety Recommendations Transmittal

The State of Kuwait shall address, when appropriate, any safety recommendations arising out of his investigations to the accident investigation authorities of other State(s) concerned and, when ICAO documents are involved, to ICAO.

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

6.9.1 When the State of Kuwait issues a safety recommendation of global concern (SRGC) it shall inform ICAO of the issuance of that recommendation and its responses in dated transmittal correspondence, even when the SRGC is not addressed to ICAO.

Note.— SRGC and responses are recorded in an ICAO central database that is made publicly available.

6.10 Action on safety recommendations

If the State of Kuwait receives safety recommendations from another State it shall inform the proposing State, within ninety days of the date of the transmittal correspondence, of the preventive action taken or under consideration, or the reasons why no action will be taken.

Note.— Nothing in this Standard is intended to preclude the State conducting the investigation from making proposals for preventive action other than safety recommendations.

6.11 States Conducting or Issuing safety recommendation

If the State of Kuwait conducting the investigation or issuing a safety recommendation shall implement procedures to record the responses received under 6.10 to the safety recommendation issued.

6.12 State of Kuwait receiving a safety recommendation

If the State of Kuwait receives a safety recommendation the State of Kuwait should implement procedures to monitor the progress of the action taken in response to that safety recommendation.

Note.— Guidance on the identification, drafting and follow-up of safety recommendations is contained in the Manual of Aircraft Accident and Incident Investigation *(Doc 9756), Part IV* – Reporting.

CHAPTER 7 - ~~ADREP~~ ACCIDENT/INCIDENT DATA REPORTING (ADREP)

Note 1.— Attachment B provides a notification and reporting checklist.

~~*Note 2.— The provisions of this Chapter may require two separate reports for any one accident or incident. They are:*~~

~~*Preliminary Report*~~

~~*Accident/Incident Data Report.*~~

~~7.1 Accidents to Aircraft Over 2250 kg~~

~~When the aircraft involved in an accident is of a maximum mass of over 2250 kg, the Investigator-in-charge shall send the Preliminary Report to:~~

~~the State of Registry or the State of Occurrence, as appropriate;~~

~~(a) the State of the Operator;~~

~~(a) the State of Design;~~

~~(a) the State of Manufacture;~~

~~(a) any State that provided relevant information, significant facilities or experts; and~~

~~(a) the International Civil Aviation Organization.~~

~~7.2 Accidents to Aircraft of 2250 kg or less~~

~~When an aircraft, not covered by 7.1, is involved in an accident and when airworthiness or matters considered to be of interest to other States are involved, the Investigator-in-charge shall forward the Preliminary Report to:~~

~~( ) the State of Registry or the State of Occurrence, as appropriate;~~

~~( ) the State of the Operator;~~

~~( ) the State of Design;~~

~~( ) the State of Manufacture; and~~

~~( ) any State that provided relevant information, significant facilities or experts.~~

~~7.3 Submit the preliminary report~~

~~The Preliminary Report shall be submitted to appropriate States and to the International Civil Aviation Organization in English language.~~

~~7.4 Dispatch~~

~~The Preliminary Report shall be sent by facsimile, e-mail, or airmail~~

~~within thirty days of the date of the accident unless the Accident/Incident Data Report has been sent by that time. When matters directly affecting safety are involved, it shall be sent as soon as the information is available and by the most suitable and quickest means available.~~

Accident/Incident data report

The ICAO ADREP database of accident, serious incident and incident information is used to provide States with flight safety information and in order to assist them in their accident, serious incident or incident investigation and prevention efforts.

7.~~5~~.1 Accidents to Aircraft over 2250 kg

~~When the aircraft involved in~~ The Investigator-in-charge conducting the investigation into an accident ~~is~~ or an incident to an aircraft of a maximum mass of over 2250 kg, ~~the Investigator-in-charge~~ shall send, as soon as practicable after the investigation, the Accident/Incident Data Report to the International Civil Aviation Organization.

7.~~6~~.2 Additional Information

The Investigator-in-charge should, upon request, provide other States with pertinent information additional to that made available in the Accident/Incident Data Report.

~~7.7 Incidents to Aircraft over 5700 kg~~

~~If the Investigator-in-charge conducts an investigation into an incident to an aircraft of a maximum mass of over 5700 kg, the Investigatorin-charge shall send, as soon as is practicable after the investigation, the Incident Data Report to the International Civil Aviation Organization.~~

~~*Note. — The types of incidents which are of main interest to the International Civil Aviation Organization for accident prevention studies are listed in Attachment C.*~~

CHAPTER 8 – ACCIDENT PREVENTION MEASURES

Note.— In addition to the provisions of this Chapter, other provisions relative to the promotion of accident prevention by collection and analysis of safety data and by a prompt exchange of safety information, as part of the State safety programme (SSP), are included in Annex 19 – Safety Management *and, to this effect, are applicable to this Annex. Further guidance is contained in the* Safety ~~Management~~ Intelligence Manual *(Doc ~~9859~~ 10159).*

8.1 Database and Preventive Actions

The State of Kuwait has established an accident and incident database to facilitate the effective analysis of information on actual or potential safety deficiencies, and to determine any preventive actions required.

Note.— Additional information on which to base preventive actions may be contained in the Final Reports on accidents and incidents that have been investigated.

8.2 State Safety Programme

For implementation of the SSP, the AAIO have access to the accident and incident database referenced in 8.1 to support their safety responsibilities

Note.— Safety data and safety information in An accident and incident database ~~may be included in a safety database, which may refer to a single or multiple~~

~~*database(s).*~~ *contribute to the safety data collection and processing system (SDCPS) of a State. Further provisions on* ~~*a safety database*~~ *SDCPS* ~~-~~*are contained in Annex 19 –* Safety Management. *Additional guidance is also included in the* Safety ~~Management~~ Intelligence ~~–~~Manual *(Doc* ~~*9859*~~ *10159).*

8.3 Safety Recommendations Transmittal

In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies. If safety recommendations are addressed to an organization in another State, they shall also be transmitted to that State's Accident Investigation Authority. The State of Kuwait shall promote the establishment of safety information sharing networks among all users of the aviation system and shall facilitate the free exchange of information on actual and potential safety deficiencies.

APPENDIX 1 – FORMAT of the FINAL REPORT

Purpose

The purpose of this format is to present the Final Report in a convenient and uniform manner.

Format

Title. The Final Report begins with a title comprising:

name of the operator; manufacturer, model, nationality and registration marks of the aircraft; place and date of the accident or incident.

Synopsis. Following the title is a synopsis describing briefly all relevant information regarding:

notification of accident to national and foreign authorities; identification of the accident investigation authority and accredited representation; organization of the investigation; authority releasing the report and date of publication; and concluding with a brief résumé of the circumstances leading to the accident.

Body. The body of the Final Report comprises the following main headings:

1. Factual information
2. Analysis
3. Conclusions
4. Safety recommendations

each heading consisting of a number of subheadings as outlined in the following.

Appendices. Include as appropriate.

Note.— In preparing a Final Report, using this format, ensure that:
a) all information relevant to an understanding of the factual information, analysis and conclusions is included under each appropriate heading;
b) where information in respect of any of the items in 1.— Factual information is not available, or is irrelevant to the circumstances leading to the accident, a note to this effect is included under the appropriate subheadings.

1. Factual Information

1.1 History of the flight.

A brief narrative giving the following information:

(a) Flight number, type of operation, last point of departure, time of departure (local time or UTC), point of intended landing.

(b) Flight preparation, description of the flight and events leading to the accident, including reconstruction of the significant portion of the flight path, if appropriate.

(c) Location (latitude, longitude, elevation), time of the accident (local time or UTC), whether day or night.

1.2 Injuries to persons.

Completion of the following (in numbers):

Injuries	Crew	Passengers	Others

Fatal			
Serious			
Minor/None			

Note.— Fatal injuries include all deaths determined to be a direct result of injuries sustained in the accident. Serious injury is defined in Chapter 1.

1.3 Damage to aircraft.

Brief statement of the damage sustained by aircraft in the accident (destroyed, substantially damaged, slightly damaged, no damage).

1.4 Other damage.

Brief description of damage sustained by objects other than the aircraft.

1.5 Personnel information:

(a) Pertinent information concerning each of the flight crew members including: age, validity of licenses, ratings, mandatory checks, flying experience (total and on type) and relevant information on duty time.

(b) Brief statement of qualifications and experience of other crew members.

(c) Pertinent information regarding other personnel, such as air traffic services, maintenance, etc., when relevant.

1.6 Aircraft information:

(a) Brief statement on airworthiness and maintenance of the aircraft (indication of deficiencies known prior to and during the flight to be included, if having any bearing on the accident).

(b) Brief statement on performance, if relevant, and whether the mass and center of gravity were within the prescribed limits during the phase of operation related to the accident. (If not and if of any bearing on the accident give details.) **(c)** Type of fuel used.

1.7 Meteorological information:

(a) Brief statement on the meteorological conditions appropriate to the circumstances including both forecast and actual conditions, and the availability of meteorological information to the crew.

(b) Natural light conditions at the time of the accident (sunlight, moonlight, twilight, etc.).

1.8 Aids to navigation. Pertinent information on navigation aids available, including landing aids such as ILS, MLS, NDB, PAR, VOR, visual ground aids, etc., and their effectiveness at the time.

1.9 Communications. Pertinent information on aeronautical mobile and fixed service communications and their effectiveness.

1.10 Aerodrome information. Pertinent information associated with the aerodrome, its facilities and condition, or with the take-off or landing area if other than an aerodrome.

1.11 Flight recorders. Location of the flight recorder installations in the aircraft, their condition on recovery and pertinent data available therefrom.

1.12 Wreckage and impact information. General information on the site of the accident and the distribution pattern of the wreckage; detected material failures or component malfunctions. Details concerning the location and state of the different pieces of the wreckage are not normally required unless it is necessary to indicate a break-up of the aircraft prior to impact. Diagrams, charts and photographs may be included in this section or attached in the Appendices.

1.13 Medical and pathological information. Brief description of the results of the investigation undertaken and pertinent data available therefrom.

~~**1.13**~~ *Note.— Medical information related to flight crew licences should be included in 1.5 – Personnel information.*

1.14 Fire. If fire occurred, information on the nature of the occurrence, and of the firefighting equipment used and its effectiveness.

1.15 Survival aspects. Brief description of search, evacuation and rescue, location of crew and passengers in relation to injuries sustained, failure of structures such as seats and seat-belt attachments.

1.16 Tests and research. Brief statements regarding the results of tests and research.

1.17 Organizational and management information. Pertinent information concerning the organizations and their management involved in influencing the operation of the aircraft. The organizations include, for example, the operator; the air traffic services, airway, aerodrome and weather service agencies; and the regulatory authority. The information could include, but not be limited to, organizational structure and functions, resources, economic status, management policies and practices, and regulatory framework.

1.18 Additional information. Relevant information not already included in 1.1 to 1.17.

1.19 Useful or effective investigation techniques. When useful or effective investigation techniques have been used during the investigation, briefly indicate the reason for using these techniques and refer here to the main features as well as describing the results under the appropriate subheadings 1.1 to 1.18.

2. Analysis

Analyze, as appropriate, only the information documented in 1. - Factual information and which is relevant to the determination of conclusions and causes and/or contributing factors.

3. Conclusions

List the findings, causes and/or contributing factors established in the investigation. The list of causes and/or contributing factors should include both the immediate and the deeper systemic causes and/or contributing factors.

Note.— As stated in Chapter 6, 6.1, the Final Report format presented in this Appendix may be adapted to the circumstances of the accident or incident. Thus, States may use either "causes" or "contributing factors", or both, in the Conclusions.

4. Safety Recommendations

As appropriate, briefly state any recommendations made for the purpose of accident prevention and identify safety actions already implemented.

Appendices

Include, as appropriate, any other pertinent information considered necessary for the understanding of the report.

APPENDIX 2 – PROTECTION of ACCIDENT and INCIDENT INVESTIGATION RECORDS

1. Introduction

Note 1 *- The disclosure or use of records listed in Chapter 5, 5.12, in criminal, civil, administrative or disciplinary proceedings, or their public disclosure, can have adverse consequences for persons or organizations involved in accidents and incidents, likely causing them or others to be reluctant to cooperate with accident investigation authorities in the future. The determination on disclosure or use required by 5.12 is designed to take account of these matters.*

Note 2.— In accordance with 5.12, the provisions specified in this Appendix are intended to:
a) assist States in developing national laws, regulations and policies to protect accident and incident investigation records appropriately; and
b) assist the competent authority in making the determination as required by 5.12.

Throughout this Appendix:

a) *balancing test* refers to the determination by the competent authority, in accordance with 5.12, of the impact the disclosure or use of accident and incident investigation records may have on current or future investigations; and

b) *record(s)* refers to those listed in 5.12.

Note 3.— Provisions on the use and protection of safety information and related sources other than accident and incident

~~b)~~ *investigation records are included in Annex 19* – Safety Management.

2. General

2.1 The State of Kuwait shall accord the protections in 5.12 and this Appendix to the entire recording of the cockpit voice recorder and airborne image recorder, and any transcripts from such recordings. These protections shall apply from the time an accident or incident occurs and continue after the publication of the Final Report.

2.2 The State of Kuwait shall accord the protections in 5.12 and this Appendix to the other records listed in 5.12 b). These protections shall apply from the time they come into the custody or control of the accident investigation authority and continue after the publication of the Final Report.

2.3 The State of Kuwait shall take action to achieve the non-disclosure of audio content of cockpit voice recordings as well as image and audio

content of airborne image recordings to the public, as per 5.12.5 of this Part, such as:

a) prevention of disclosure through the adoption of national laws, regulations and policies; or

b) adoption of authoritative safeguards such as protective orders, closed proceedings or in-camera review; or

c) prevention of disclosure of recordings, through technical means such as encrypting or overwriting, before returning the cockpit voice recorders or airborne image recorders to the owners.

Note.— Ambient workplace recordings, such as cockpit voice recordings and airborne image recordings, required by
SARPs contained in the Annexes to the Chicago Convention may be perceived as constituting an invasion of the privacy of

~~c)~~ *operational personnel if disclosed or used for purposes other than those for which the recordings were made.*

3. Competent Authority

In accordance with 5.12, the State of Kuwait shall designate a competent authority or competent authorities appropriate to the task of administering the balancing test.

Note.— Different competent authorities may be designated for different circumstances. For example, the competent

authority designated for applying the balancing test in criminal or civil proceedings may be a judicial authority. Another competent authority may be designated for applying the balancing test in cases where the purpose of the request for disclosure is for public accessibility.

4. Administration of the Balancing Test

4.1 Where the request is for a record to be disclosed or used in a criminal, civil, administrative or disciplinary proceeding, the competent authority shall be satisfied that a material fact in question in the proceedings cannot be determined without that record, before administering the balancing test.

Note.— A material fact in question is a legal term used to refer to a fact that is significant or essential to the matter at hand, that one party alleges and that the other controverts, and is to be determined by the competent authority administering the balancing test.

4.2 When administering the balancing test, the competent authority shall take into consideration factors such as:

a) the purpose for which the record was created or generated;

b) the requester's intended use of that record;

c) whether the rights or interests of a person or organization will be adversely affected by the disclosure or use of that record;

d) whether the person or organization to whom that record relates has consented to make that record available;

e) whether suitable safeguards are in place to limit the further disclosure or use of that record;

f) whether that record has been or can be de-identified, summarized or aggregated;

g) whether there is an urgent need to access that record to prevent a serious risk to health or life;

h) whether that record is of a sensitive or restrictive nature; and

i) whether that record reasonably indicates that the accident or incident may have been caused by an act or omission considered, in accordance with national laws and regulations, to be gross negligence, willful misconduct, or done with criminal intent.

Note 1.— The administration of the balancing test can be done once for a certain category of records and the result incorporated into national laws and regulations.

Note 2.— The competent authority may need to administer a balancing test for determining whether to permit the disclosure of a record, and a separate balancing test for determining whether to permit the use of a record.

Note 3.— Guidance material on the balancing test can be found in the Manual on Protection of Safety Information

~~i)~~ *(Doc 10053), Part I* – Protection of Accident and Incident Investigation Records.

5. Records of the Decisions

The State of Kuwait should record the reasons for its determination when administering the balancing test. The reasons should be made available and referred to as necessary for subsequent decisions.

Note.— States may submit the decisions recorded to the International Civil Aviation Organization in one of the working languages of the Organization to be archived in a public database.

6. Final Report

In order to limit the use of the Final Report for purposes other than the prevention of accidents and incidents, The State of Kuwait should consider:

a) instituting a separate investigation for those other purposes; or

b) differentiating between the parts of the Final Report in order to allow the use of factual information contained therein while preventing use of analysis, conclusions and safety recommendations for apportioning blame or liability; or

c) preventing the use of the Final Report as evidence in proceedings to apportion blame or liability.

Note.— In accordance with Chapter 6, 6.5, Final Reports are publicly available in the interest of accident prevention and are not subject to protection under 5.12. However, the use of portions of the Final Report, in particular the analysis, conclusions and safety recommendations, as evidence before national courts in view of assigning blame or determining liability is against

~~c)~~ *the purposes for which the investigation was undertaken.*

7. Accident and Incident Investigation Personnel

In the interest of safety and in accordance with Chapter 3, 3.1, of this Part, the State of Kuwait should consider that accident investigation personnel not be compellable to give an opinion on matters of blame or liability in civil, criminal, administrative or disciplinary proceedings.

ATTACHMENT A – LIST of EXAMPLES of SERIOUS INCIDENTS

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

Serious incident. An incident involving circumstances indicating that there was a high probability of an accident and associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down.

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

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

b) Assess the remaining defenses between the incident and the potential accident as:

- Effective, if several defenses remained and needed to coincidently fail; or
- Limited, if few or no defenses remained, or when the accident was only avoided due to providence.

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

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

Note 2.— Defences include crew, their training and procedures, ATC, alerts (within and outside the aircraft), aircraft

~~2.1~~ *systems and redundancies, structural design of the aircraft and aerodrome infrastructure.*

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

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

2.3 In the case of an unmanned aircraft, consider whether the most credible outcome, had the incident escalated into an accident, could have resulted in a person being fatally or seriously injured. Fatal and serious injuries are more likely to justify an investigation than those occurrences where the most credible outcome was merely damage to or loss of the unmanned aircraft. The risk of fatal or serious injury may also influence the extent of the investigation to be conducted.

3 The incidents listed are examples of incidents that may be serious incidents. However, the list is not exhaustive and, depending on the context, items on the list may not be classified as serious incident if effective defenses remained between the incident and the credible scenario.

- Near collisions requiring an avoidance maneuver to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate.
- Collision not classified as accidents

- Controlled flight into terrain only marginally avoided.
- Aborted take-offs on a closed or engaged runway. on a taxiway1 or unassigned runway.
- Take-offs from a closed or engaged runway, from a taxiway1 or unassigned runway.
- Landings or attempted landings on a closed or engaged runway on a taxiway1 on unassigned runway or unintended landing locations such as roadways.

  (taxiway1- excluding authorized operations by helicopters)
- Retraction of a landing gear leg or wheels-up landing not classified as an accident.
- Dragging during landing of a wing tip, an engine pod or any other part of the aircraft, when not classified as an accident.
- Gross failures to achieve predicted performance during take-off or initial climb.
- Fires and/or smoke in the cockpit, in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents.
- Events requiring the emergency use of oxygen by the flight crew.
- Aircraft structural failures or engine disintegrations, including uncontained turbine engine failures not classified as an accident.
- Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft.
- Flight crew incapacitation in flight:
  a) for single pilot operations (including remote pilot);

b) for multi-pilot operations for which flight safety was compromised because of a significant increase in workload for the remaining crew.

- Fuel quantity level or distribution situations requiring the declaration of an emergency by the pilot such as insufficient fuel, fuel exhaustion, fuel starvation, or inability to use all usable fuel on board.
- Runway incursions classified with severity A. The Manual on the Prevention of Runway Incursions (Doc 9870) contains information on the severity classifications.
- Take-off or landing incidents. Incidents such as undershooting, overrunning or running off the side of runways.
- System failures (including loss of power or thrust), weather phenomena, operations outside the approved flight envelope or other occurrences which caused or could have caused difficulties controlling the aircraft.
- Failures of more than one system in a redundancy system mandatory for flight guidance and navigation.
- The unintentional or, as an emergency measure, the intentional release of a slung load or any other load carried external to the aircraft.

ATTACHMENT B – GUIDANCE for the DETERMINATION of AIRCRAFT DAMAGE

1. If an engine separates from an aircraft, the event is categorized as an accident even if damage is confined to the engine.
2. A loss of engine cowls (fan or core) or reverser components which does not result in further damage to the aircraft is not considered an accident.
3. Occurrences where compressor or turbine blades or other engine internal components are ejected through the engine tail pipe are not considered an accident.
4. A collapsed or missing radome is not considered an accident unless there is related substantial damage in other structures or systems.
5. Missing flap, slat and other lift augmenting devices, winglets, etc., that are permitted for dispatch under the configuration deviation list (CDL) are not considered to be an accident.
6. Retraction of a landing gear leg, or wheels-up landing, resulting in skin abrasion only. If the aircraft can be safely dispatched after minor repairs, or patching, and subsequently undergoes more extensive work to effect a permanent repair, then the occurrence would not be classified as an accident.
7. If the structural damage is such that the aircraft depressurizes, or cannot be pressurized, the occurrence is categorized as an accident.

8. The removal of components for inspection following an occurrence, such as the precautionary removal of an undercarriage leg following a low speed runway excursion, while involving considerable work, is not considered an accident unless significant damage is found.

9. Occurrences that involve an emergency evacuation are not counted as an accident unless someone receives serious injuries or the aircraft has otherwise sustained significant damage.

9.1 Regarding aircraft damage which adversely affects the structural strength, performance or flight characteristics, the aircraft may have landed safely, but cannot be safely dispatched on a further sector without repair.

9.2 If the aircraft can be safely dispatched after minor repairs and subsequently undergoes more extensive work to effect a permanent repair, then the occurrence would not be classified as an accident. Likewise, if the aircraft can be dispatched under the CDL with the affected component removed, missing or inoperative, the repair would not be considered as a major repair and consequently the occurrence would not be considered an accident.

9.3 The cost of repairs, or estimated loss, such as provided by insurance companies may provide an indication of the damage sustained but should not be used as the sole guide as to whether the damage is sufficient to count the occurrence as an accident. Likewise, an aircraft may be considered a "hull loss" because it is uneconomic to repair, without it having incurred sufficient damage to be classified as an accident.

Note 1.— Regarding aircraft damage which adversely affects the structural strength, performance or flight characteristics,

the aircraft may have landed safely, but cannot be safely dispatched on a further sector without repair.

Note 2.— If the aircraft can be safely dispatched after minor repairs and subsequently undergoes more extensive work to effect a permanent repair, then the occurrence would not be classified as an accident. Likewise, if the aircraft can be dispatched under the CDL with the affected component removed, missing or inoperative, the repair would not be considered as a major repair and consequently the occurrence would not be considered an accident.

Note 3.— The cost of repairs, or estimated loss, such as provided by insurance companies may provide an indication of the damage sustained but should not be used as the sole guide as to whether the damage is sufficient to count the occurrence as an accident. Likewise, an aircraft may be considered a "hull loss" because it is uneconomic to repair, without it having

~~**9.3**~~ *incurred sufficient damage to be classified as an accident.*

Affected Pages from Last Update

Current KCASR page no.	Current KCASR 13 Text	Proposed changes	Justification
Pg. 12	-	serious incident	Based on NPA 2026-04 Updated to ICAO Annex 13 (Amendment 20)
Pg.12	**Automatic deployable flight recorder (ADFR).** A combination flight recorder installed on the aircraft which is capable of automatically deploying from the aircraft.	~~**Automatic deployable flight recorder (ADFR).** A combination flight recorder installed on the aircraft which is capable of automatically deploying from the aircraft.~~	Duplication
Pg.13	**Civil Aviation Authority** is the Aviation Safety Department (ASD) which is empowered under the law of Kuwait to provide surveillance and regulatory oversight of aviation activities within the State of Kuwait.	**Civil Aviation Authority** the competent civil aviation authority of the State of Kuwait responsible for the regulation, oversight, and administration of civil aviation in accordance with the applicable laws and regulations of the State of Kuwait. **Aviation Safety Department (ASD)** which is empowered under the law of Kuwait to provide surveillance and regulatory oversight of aviation activities within the State of Kuwait.	**additional**
Pg. 17	**State Safety Programme (SSP).** An integrated set of regulations, and activities aimed at improving safety,	**State Safety Programme (SSP).** An integrated set of laws, regulations, policies, objectives, processes, procedures and activities aimed at ~~improving~~ managing safety, at the State level	Based on NPA 2026-04 Updated to ICAO Annex 13 (Amendment 20)

Pg.17	**Team means** the body established to investigate the accident or incident (see Investigation Team).	~~**Team means** the body established to investigate the accident or incident (see Investigation Team).~~	
Pg.17	**additional**	**Acts of unlawful interference.** These are acts or attempted acts such as to jeopardize the safety of civil aviation, including but not limited to: a) unlawful seizure of aircraft; b) destruction of an aircraft in service; c) hostage-taking on board aircraft or on aerodromes; d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility, e) introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes; f) use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment; g) communication of false information such as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility.	Based on NPA 2026-04 Updated to ICAO Annex 13 (Amendment 20)
Pg.19 **Ch:2** **Para 2.1**	-	*Note.— The application of this specification with respect to accidents or serious incidents occurring in the territory of a non-Contracting State, in an area of undetermined sovereignty or on the high seas is addressed in 5.2 and 5.3.*	**Additional** Based on Annex 13
Pg.19 **Ch:2** **Para 2.2**	-	*Note.— The Standards and Recommendations in this Annex are not intended to preclude a State from instituting an investigation in other circumstances where it expects to draw safety lessons for the operation of manned and unmanned aircraft (remotely piloted aircraft are a subset of unmanned aircraft).*	**Additional** Based on Annex 13
Pg.20 **Ch.3** **Para 3.2**	-	*Note 1.— Guidance on the independence of an accident investigation authority is contained in the* Manual of Aircraft Accident and Incident Investigation *(Doc 9756), Part I —* Organization and Planning *and the* Manual on Accident and Incident Investigation Policies and Procedures *(Doc 9962).*	**Additional** Based on Annex 13

		Note 2.— *Guidance for investigations when there may be a connection between a State and a suspected act of unlawful interference is contained in Attachment G.*	
Pg.20 **Ch.3** **Para 3.3**	-	*Note 1.— Control over the wreckage is dealt with in 5.6.* *Note 2.— Protection of flight recorder evidence requires that the recovery and handling of the recorder and its recordings be assigned only to qualified personnel.*	**Additional** Based on Annex 13
Pg.20 **Ch.3** **Para 3.3** **Point (4)**	(4) The AAIO Lead Investigator may direct the owner, operator or hirer of the aircraft, or other person on whose behalf the Pilot was in command of the aircraft, as the case may be, to remove it to such place as he shall indicate.	(4) The AAIO ~~Lead Investigator~~ Investigator-in-charge may direct the owner, operator or hirer of the aircraft, or other person on whose behalf the Pilot was in command of the aircraft, as the case may be, to remove it to such place as he shall indicate.	Rephrasing
Pg.20 **Ch.3** **Para 3.3** **Point (7)**	(7) The AAIO Lead Investigator may, in the absence of the owner, operator or hirer of the aircraft or other person referred to therein or in the event of the non-compliance with the directives given by him under (6) above, remove the aircraft and in such case, all expenses incurred in removing the aircraft shall be recoverable from the owner, operator or hirer of the aircraft, or other person on whose behalf the Pilot was in command of the aircraft.	(7) The AAIO ~~Lead Investigator~~ Investigator-in-charge may, in the absence of the owner, operator or hirer of the aircraft or other person referred to therein or in the event of the non-compliance with the directives given by him under (6) above, remove the aircraft and in such case, all expenses incurred in removing the aircraft shall be recoverable from the owner, operator or hirer of the aircraft, or other person on whose behalf the Pilot was in command of the aircraft.	Rephrasing

Pg. 24 **Ch:3** **Para 3.5**	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 Operator	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~~ to any duly designated person by the State of Registry or the Operator	Based on NPA 2026-04 Updated to ICAO Annex 13 (Amendment 20)
Pg.26 **Ch.4**	-	*Note 1.— Attachment B provides a notification and reporting checklist.* *Note 2.— A list of addresses of aircraft accident investigation authorities can be found in the* Manual of Aircraft Accident and Incident Investigation *(Doc 9756), Part I* – Organization and Planning *and on the ICAO Accident Investigation website.*	**Additional** Based on Annex 13
Pg. 27 **Ch: 4** **Para (a)** **(i ,ii)**	(a) **Notification** (1) The notification of an accident or serious incident shall be : (i) immediately utilizing A A I O **+965 24341988 or visit the AAIO website (**Aircraft Accident and Incident Investgation Office**) for the outside office contact number or** email: **AIG@dgca.gov.kw**	(i) immediately utilizing A A I O **+965 24341988 – Mob: +965 94067155 or visit the AAIO website (** https://www.dgca.gov.kw/Home/Menu?menu=9&page=98	Clarify the role of Kuwait AAI in aircraft accidents and incidents investigation
Pg.29 **Ch.4** **Para 4.1**	-	*Note 1.— Telephone, facsimile, e-mail or the Aeronautical Fixed Telecommunication Network (AFTN) will in most cases constitute "the most suitable and quickest means available". More than one means of communication may be appropriate.* *Note 2.— Provision for the notification of a distress phase to the State of Registry by the rescue coordination centre is contained in Annex 12* – Search and Rescue.	**Additional** Based on Annex 13
Pg.30 **Ch.4** **Para 4.2**	-	*Note 1.— The 4-letter designator "YLYX" in association with an ICAO 4-letter location indicator forms the 8-letter addressee indicator for messages sent over the AFTN to authorities responsible for aircraft accident and incident investigations. For messages sent over the public telecommunication service the addressee indicator cannot be used and a postal or telegraphic address must be substituted. The 8-letter addressee indicators and the corresponding postal and telecommunications addresses, when notified to ICAO, are published in the*	**Additional** Based on Annex 13

		Designators for Aircraft Operating Agencies, Aeronautical Authorities and Services *(Doc 8585).* *Note 2.— The* Manual of Aircraft Accident and Incident Investigation *(Doc 9756), Part I* – Organization and Planning *contains guidance material concerning the preparation of notification messages and the arrangements to be made for their prompt delivery to the addressee.*	
Pg.31 **Ch.4** **Para 4.6**	-	*Note 1.— In accordance with 5.18, the State of Registry, the State of the Operator, the State of Design and the State of Manufacture have the right to appoint an accredited representative to participate in the investigation.* *Note 2.— In accordance with 5.22, the attention of the State of Registry, the State of the Operator, the State of Design and the State of Manufacture is drawn to their obligation 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. Their attention is also drawn to the usefulness of their presence and participation in the investigation.*	**Additional** Based on Annex 13
Pg.32 **Ch.4** **Para 4.8**	-	*Note 1.— Telephone, facsimile, e-mail or the Aeronautical Fixed Telecommunication Network (AFTN) will in most cases constitute "the most suitable and quickest means available". More than one means of communication may be appropriate.* *Note 2.— Provision for the notification of a distress phase to the State of Registry by the rescue coordination centre is contained in Annex 12* – Search and Rescue.	**Additional** Based on Annex 13
Pg.33 **Ch.4** **Para 4.10**	-	*Note 1.— In accordance with 5.18, the State of the Operator, the State of Design and the State of Manufacture have the right to appoint an accredited representative to participate in the investigation.* *Note 2.— In accordance with 5.22, the attention of the State of the Operator, the State of Design and the State of Manufacture is drawn to their obligation 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. Their attention is also drawn to the usefulness of their presence and participation in the investigation.*	**Additional** Based on Annex 13
Pg.37 **Ch.5** **Para** **5.1.3.3**	-	*Note 1.— The investigation of a serious incident does not exclude other already existing types of investigation of incidents (serious or not) by other organizations.* *Note 2.— When the whole investigation is delegated to another State or a regional accident and incident investigation organization, such a State is expected to be responsible for the conduct of the investigation, including the issuance of the Final Report and the ADREP reporting. When a part of the investigation is delegated, the State of Occurrence usually retains the*	**Additional** Based on Annex 13

		responsibility for the conduct of the investigation. *Note 3.— In the case of investigation of an unmanned aircraft system, the requirement in accordance with Chapter 2 is only for remotely piloted aircraft certificated in accordance with Annex 8 – Airworthiness of Aircraft and/or operated under an operator authorization in accordance with Annex 6 – Operation of Aircraft, Part IV – International Operations – Remotely Piloted Aircraft Systems.* *Note 4.— In the case of serious incidents, the State of Occurrence may consider delegating the investigation to the State of Registry or the State of the Operator, in particular those involving occurrences in which it might be beneficial or more practical for one of these States to conduct the investigation.* *Note 5.— Guidance related to the establishment and management of an RAIO is contained in the Manual on Regional Accident and Incident Investigation Organization (Doc 9946).* *Note 6.— The delegation of an investigation does not absolve the State of Occurrence from its obligation under this Annex.* *Note 7.— Paragraph 5.1.3 does not necessarily give the State making the request the right to access the accident site, wreckage or any other evidence or information situated within the territory of the State of Occurrence.*	
Pg.39 **Ch 5** **Para:** **5.3.2**	-	*Note.— Paragraph 5.3.2 does not absolve the State of Registry from its obligation under this Annex.*	**Additional** Based on Annex 13
Pg.39 **Ch 5** **Para:** **5.3.3**	-	*Note.— The Manual of Aircraft Accident and Incident Investigation (Doc 9756) contains guidance material for the organization, conduct and control of an investigation.*	**Additional** Based on Annex 13
Pg.40 **Ch 5** **Para:** **5.3.3.1**	-	*Note.— Nothing in the following provisions is intended to preclude the State conducting the investigation from calling upon the best technical expertise from any source.*	**Additional** Based on Annex 13
Pg.40 **Ch 5** **Para:** **5.4.1**	-	*Note.— Separation can be achieved by the investigation being conducted by State accident investigation authority experts, and any judicial or administrative proceedings being conducted by other appropriate experts. Coordination, as per 5.10, between the two processes would likely be required at the accident site and in the gathering of factual information, with due consideration to the provisions in 5.12.*	**Additional** Based on Annex 13
Pg.41 **Ch 5** **Para:** **5.4.2**	-	*Note.— Guidance related to policies and procedures for investigations is provided in the Manual on Accident and Incident Investigation Policies and Procedures (Doc 9962).*	**Additional** Based on Annex 13

Pg.41 **Ch 5** **Para:** **5.4.3**	Any investigations conducted under the provisions of this Regulation shall have unrestricted access to all available evidential material without delay.	Any investigations conducted under the provisions of this Regulation shall have unrestricted access to all ~~available~~ evidential material without delay.	Based on NPA 2026-04 Updated to ICAO Annex 13 (Amendment 20)
Pg.41 **Ch 5** **Para:** **5.4.4**	-	*Note.— Cooperation may be achieved by legislation, protocols, agreements or other arrangements, and may cover the following subjects: access to the site of the accident; preservation of and access to evidence; initial and ongoing debriefings of the status of each process; exchange of information; appropriate use of safety information; and resolution of conflicts.*	**Additional** Based on Annex 13
Pg.41 **Ch 5** **Para:** **5.4.5**	-	*Note.2— The provision of factual information in the early days of the investigation is intended to address the substantial public interest in the accident or incident and to help ensure that the information in the public domain is as accurate as possible. Guidance on accidents and incidents, that draw heightened public attention, and various formats and methods for the provision of information is contained in the Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part II – Procedures and Checklists.*	**Additional** Based on Annex 13
Pg.42 **Ch 5** **Para:** **5.4.6**	-	*Note 12.— Guidance on the purpose, format, and content of the written Preliminary Report is contained in the Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part IV – Reporting.* *Note 23.— The Recommendation in 5.4.6 does not intend to preclude the State conducting the investigation from consulting States participating in the investigation before publishing the written Preliminary Report.* *Note 3.— A list of examples of accidents and incidents that draw heightened public attention is contained in the Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part IV – Reporting.*	**Additional** Based on Annex 13
Pg.51 **Ch 5** **Para:** **5.6.5**	-	*Note.— In the case of a remotely piloted aircraft system, relevant material in 5.6 includes the remotely piloted aircraft, its associated remote pilot station(s), the required C2 Link(s), any other components as specified in the type design, and any associated recordings and documents.*	**Additional** Based on Annex 13
Pg.53 **Ch 5** **Para:** **5.7.1**	-	*Note.— The requirements for the recording of flight data are contained in Annex 6 – Operation of Aircraft, Parts I, II, III and IV.*	**Additional** Based on Annex 13
Pg. 53 **Ch 5** **Para: 5.8**	-	*Note.— The requirements for the recording of surveillance data and ATS communications are contained in Annex 11 – Air Traffic Services, Chapter 6.*	**Additional** Based on Annex 13

Pg. 53 **Ch 5** **Para: 5.9**	-	*Note.— Guidance material related to autopsies is provided in detail in the Manual of Civil Aviation Medicine (Doc 8984) and the Manual of Aircraft Accident and Incident Investigation (Doc 9756), the former containing detailed guidance on toxicological testing.*	**Additional** Based on Annex 13
Pg. 54 **Ch 5** **Para: 5.9.1**	-	*Note 1.— Such examinations may also determine whether the level of physical and psychological fitness of flight crew and other personnel directly involved in the occurrence is sufficient for them to contribute to the investigation.* *Note 2.— The Manual of Civil Aviation Medicine (Doc 8984) contains guidance on medical examinations.*	**Additional** Based on Annex 13
Pg. 55 **Ch 5** **Para: 5.10**	-	*Note 1.— The responsibility of the State of Occurrence for such coordination is set out in 5.1.* *Note 2.— Possible conflicts between investigating and judicial authorities regarding the custody of flight recorders and their recordings may be resolved by an official of the judicial authority carrying the recordings to the place of read-out, thus maintaining custody.* *Note 3.— Possible conflicts between investigating and judicial authorities regarding the custody of the wreckage may be resolved by an official of the judicial authority accompanying the wreckage to the place of examination and being present at such examination when a modification of the condition of the wreckage is required, thus maintaining custody.*	**Additional** Based on Annex 13
Pg. 56 **Ch 5** **Para: 5.12**	The State of Kuwait shall not make the following records available for purposes other than accident or incident investigation, unless the Ministry of Justice in the State of Kuwait determines, in accordance with national laws,	The State of Kuwait shall not make the following records available for purposes other than accident or incident investigation, ~~unless the Ministry of Justice in the State of Kuwait determines~~, in accordance with national laws,	Clarify the role of Kuwait AAI in aircraft accidents and incidents investigation
Pg. 57 **Ch 5** **Para: 5.12.2**	-	*Note.— The records listed in 5.12 include information relating to an accident or incident. The disclosure or use of such* *information for purposes where the disclosure or use is not necessary in the interest of safety may mean that, in the future, the* *information will no longer be openly disclosed to investigators. Lack of access to such information would impede the*	**Additional** Based on Annex 13

		investigation process and seriously affect aviation safety.	
Pg. 58 **Ch 5** **Para: 5.12.6**	-	*Note.— Appendix 2 contains additional provisions on the protection of accident and incident investigation records. These* *provisions appear separately for convenience but form part of the SARPs.*	**Additional** Based on Annex 13
Pg. 58 **Ch 5** **Para: 5.12**	-	*Note.— Where an aircraft which was considered missing following an official search is subsequently located,* *consideration may be given to reopening the investigation.*	**Additional** Based on Annex 13
Pg. 59 **Ch 5** **Para: 5.14**	-	*Note.— See also 5.16.*	**Additional** Based on Annex 13
Pg. 59 **Ch 5** **Para: 5.16**	-	*Note.— In implementing 5.16, the State of Registry or the State of the Operator may request the cooperation of any other* *State in the retrieval of the flight recorder records.*	**Additional** Based on Annex 13
Pg. 60 **Ch 5** **Para: 5.17**	-	*Note.— Nothing in this Annex is intended to imply that the accredited representative and advisers of a State have to be* *always present in the State in which the investigation is conducted.*	
Pg. 60 **Ch 5** **Para: 5.18**	-	*Note.— Nothing in this Standard is intended to preclude the State that designed or manufactured the powerplant or major* *components of the aircraft from requesting participation in the investigation of an accident.*	
Pg. 61 **Ch 5** **Para: 5.22**	-	*Note 1.— Nothing in 5.22 is intended to preclude the State conducting an investigation from requesting the State that* *designed or manufactured the powerplant or major components of the aircraft to appoint an accredited representative* *whenever the former State believes that a useful contribution can be made to the investigation or when such participation might*	

		result in increased safety. *Note 2.— Nothing in 5.22 is intended to preclude the State conducting an investigation from requesting the State of Design* *and the State of Manufacture to give assistance in the investigation of accidents other than those in 5.22.*	
Pg. 61 **Ch 5** **Para: 5.23**	-	*Note.— 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, may also be invited* *to appoint an accredited representative to participate in the investigation.*	**Additional** Based on Annex 13
Pg. 62 **Ch 5** **Para: 5.24**	-	*Note 1.— Nothing in the above provisions is intended to preclude a State participating in an investigation from calling* *upon the best technical experts from any source and appointing such experts as advisers to its accredited representative.* *Note 2.— Facilitation of the entry of the accredited representatives, their advisers and equipment is covered in Annex 9 –* *Facilitation. The carriage of an official or service passport may expedite the entry. Entry of investigation personnel and* *equipment may be expedited by the establishment of prior agreements between the accident investigation authority and* *immigration and customs authorities within the State.*	**Additional** Based on Annex 13
Pg. 62 **Ch 5** **Para: 5.25**	-	*Note 1.— It is recognized that the form of participation would be subject to the procedures of the State in which the* *investigation, or part thereof, is being conducted.* *Note 2.— The collection and recording of information need not be delayed to await the arrival of an accredited* *representative.*	**Additional** Based on Annex 13

		Note 3.— Nothing in this Standard precludes the State conducting the investigation from extending participation beyond *the entitlement enumerated.* *Note 4.— 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.*	
Pg. 64 **Ch 5** **Para: 5.26**	-	*Note.— Nothing in this Standard precludes prompt release of facts when authorized by the State conducting the* *investigation, nor does this Standard preclude accredited representatives from reporting to their respective States in order to* *facilitate appropriate safety actions.*	**Additional** Based on Annex 13
Pg. 64 **Ch 5** **Para: 5.27**	-	*Note.— Guidance related to assistance to aircraft accident victims and their families is provided in the Manual on Assistance to Aircraft Accident Victims and their Families (Doc 9973).*	**Additional** Based on Annex 13
Pg: 68 **CH: 6** **Para: 6.3**	-	*Note 1.— Nothing in this Standard is intended to preclude the State conducting the investigation from consulting other* *States, such as those States which provided relevant information, significant facilities, or experts who participated in the* *investigation under 5.27.* *Note 2.— 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.* *Note 3.— When sending the draft Final Report to recipient States, the State conducting the investigation may consider* *using the most suitable and quickest means available, such as facsimile, e-mail, courier service or express mail.*	**Additional** Based on Annex 13

		Note 4.— Intended safety recommendations are to be included in the draft Final Report.	
Pg: 69 **CH: 6** **Para: 6.5**	-	*Note.— Making a Final Report publicly available can be achieved by posting the Final Report on the Internet, and does* *not necessarily require a hard-copy publication of the Final Report.*	**Additional** Based on Annex 13
Pg: 70 **CH: 6** **Para: 6.6.1**	-	*Note.— Guidance on what may constitute a "reasonable timeframe" for a State to make a Final Report and/or an interim* *statement publicly available is contained in the Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part IV – Reporting.*	**Additional** Based on Annex 13
Pg: 71 **CH: 6** **Para: 6.7**	a maximum mass of over 5700 kg	a maximum mass of over ~~5700~~ 2 250 kg	Based on NPA 2026-04 Updated to ICAO Annex 13 (Amendment 20)
Pg: 71 **CH: 6** **Para: 6.7**	-	*Note 1.— Whenever practicable, the Final Report sent to ICAO is to be prepared in one of the working languages of the* *Organization and in the form shown in Appendix 1.* *Note 2.— Final Reports are recorded in an ICAO central database, the* e-Library of Final Reports, *which is publicly* *available.* *Note 3.— The copy of the Final Report sent to ICAO is preferably prepared in an electronic format to facilitate its upload* *onto the* e-Library of Final Reports.	**Additional** Based on Annex 13
Pg: 71 **CH: 6** **Para: 6.8**	-	*Note.— Nothing in this Standard is intended to preclude the State conducting the investigation from consulting States*	**Additional** Based on Annex 13

		participating in the investigation on its draft safety recommendations, inviting their comments on the appropriateness and *effectiveness of these recommendations.*	
Pg: 71 **CH: 6** **Para: 6.8.1**	-	*Note.— Effective coordination of draft safety recommendations would avoid issuance of conflicting safety* *recommendations by the States participating in the investigation.*	**Additional** Based on Annex 13
Pg: 72 **CH: 6** **Para: 6.9**	-	*Note.— When Final Reports contain safety recommendations addressed to ICAO, because ICAO documents are involved,* *these reports must be accompanied by a letter outlining the specific action proposed.*	**Additional** Based on Annex 13
Pg: 72 **CH: 6** **Para: 6.9.1**	-	*Note.— SRGC and responses are recorded in an ICAO central database that is made publicly available.*	**Additional** Based on Annex 13
Pg: 73 **CH: 6** **Para: 6.10**	-	*Note.— Nothing in this Standard is intended to preclude the State conducting the investigation from making proposals for* *preventive action other than safety recommendations.*	**Additional** Based on Annex 13
Pg: 73 **CH: 6** **Para: 6.12**	-	*Note.— Guidance on the identification, drafting and follow-up of safety recommendations is contained in the Manual of* *Aircraft Accident and Incident Investigation (Doc 9756), Part IV – Reporting.*	**Additional** Based on Annex 13
Pg: 74 **Ch: 7**	-	*Note 1.— Attachment B provides a notification and reporting checklist.*	**Additional** Based on Annex 13

Pg: 75 **Ch: 7** **Para:** **7.5** **7.6** **7.7**	**7.5 Accidents to Aircraft over 2250 kg** When the aircraft involved in an accident is of a maximum mass of over 2250 kg, the Investigator-in-charge shall send, as soon as practicable after the investigation, the Accident Data Report to the International Civil Aviation Organization.	**7.5.1 Accidents to Aircraft over 2250 kg** ~~When the aircraft involved in~~ The Investigator-in-charge conducting the investigation into an accident ~~is~~ or an incident to an aircraft of a maximum mass of over 2250 kg, ~~the Investigator-in-charge~~ shall send, as soon as practicable after the investigation, the Accident/Incident Data Report to the International Civil Aviation Organization. **7.6.2 Additional Information**	Based on NPA 2026-04 Updated to ICAO Annex 13 (Amendment 20)
Pg. 75 **Ch: 7** **Para:** **7.7**	**7.7 Incidents to Aircraft over 5700 kg** If the Investigator-in-charge conducts an investigation into an incident to an aircraft of a maximum mass of over 5700 kg, the Investigator in-charge shall send, as soon as is practicable after the investigation, the Incident Data Report to the International Civil Aviation Organization.	~~**7.7 Incidents to Aircraft over 5700 kg**~~ ~~If the Investigator-in-charge conducts an investigation into an incident to an aircraft of a maximum mass of over 5700 kg, the Investigatorin-charge shall send, as soon as is practicable after the investigation, the Incident Data Report to the International Civil Aviation Organization.~~	Based on NPA 2026-04 Updated to ICAO Annex 13 (Amendment 20)

Pg. 77 **Ch: 8**	-	*Note.— In addition to the provisions of this Chapter, other provisions relative to the promotion of accident prevention by* *collection and analysis of safety data and by a prompt exchange of safety information, as part of the State safety programme* *(SSP), are included in Annex 19 –* Safety Management *and, to this effect, are applicable to this Annex. Further guidance is* *contained in the* Safety Management Intelligence Manual *(Doc 9859-10159).*	**Additional** Based on Annex 13
Pg. 77 **Ch: 8** **Para:** **8.1**	-	*Note.— Additional information on which to base preventive actions may be contained in the Final Reports on accidents* *and incidents that have been investigated.*	**Additional** Based on Annex 13
Pg. 77 **Ch: 8** **Para:** **8.2**	-	*Note.— Safety data and safety information in An accident and incident database may be included in a safety database, which may refer to a single or multiple* *database(s). contribute to the safety data collection and processing system (SDCPS) of a State. Further provisions on a safety database SDCPS are contained in Annex 19 – Safety Management. Additional guidance is* *also included in the Safety Management Intelligence Manual (Doc 9859 10159).*	**Additional** Based on Annex 13
Pg. 79 **APPENDIX** **1**	-	*Note.— In preparing a Final Report, using this format, ensure that:* *a) all information relevant to an understanding of the factual information, analysis and conclusions is included under* *each appropriate heading;* *b) where information in respect of any of the items in 1.— Factual information is not available, or is irrelevant to the* *circumstances leading to the accident, a note to this effect is included under the appropriate subheadings.*	**Additional** Based on Annex 13
Pg. 79 **APPENDIX** **1** **para:1.2**	-	*Note.— Fatal injuries include all deaths determined to be a direct result of injuries sustained in the accident. Serious* *injury is defined in Chapter 1.*	**Additional** Based on Annex 13
Pg. 82 **APPENDIX** **1** **para:1.13**	-	*Note.— Medical information related to flight crew licences should be included in 1.5 – Personnel information.*	**Additional** Based on Annex 13

Pg. 83 APPENDIX 1 Para:3	-	*Note.— As stated in Chapter 6, 6.1, the Final Report format presented in this Appendix may be adapted to the circumstances of the accident or incident. Thus, States may use either "causes" or "contributing factors", or both, in the Conclusions.*	**Additional** Based on Annex 13
Pg. 85 APPENDIX 2 Para:1	-	*Note 2.— In accordance with 5.12, the provisions specified in this Appendix are intended to:* *a) assist States in developing national laws, regulations and policies to protect accident and incident investigation records appropriately; and* *b) assist the competent authority in making the determination as required by 5.12.*	**Additional** Based on Annex 13
Pg. 85 APPENDIX 2 Para:1. Point (b)	-	*Note 3.— Provisions on the use and protection of safety information and related sources other than accident and incident* *investigation records are included in Annex 19 – Safety Management.*	**Additional** Based on Annex 13
Pg. 87 APPENDIX 2 Para:2.3 Point (c)	-	*Note.— Ambient workplace recordings, such as cockpit voice recordings and airborne image recordings, required by SARPs contained in the Annexes to the Chicago Convention may be perceived as constituting an invasion of the privacy of* *operational personnel if disclosed or used for purposes other than those for which the recordings were made.*	**Additional** Based on Annex 13
Pg. 87 APPENDIX 2 Para:3	-	*Note.— Different competent authorities may be designated for different circumstances. For example, the competent authority designated for applying the balancing test in criminal or civil proceedings may be a judicial authority. Another competent authority may be designated for applying the balancing test in cases where the purpose of the request for disclosure is for public accessibility.*	**Additional** Based on Annex 13

Pg. 88 APPENDIX 2 Para:4.1	-	*Note.— A material fact in question is a legal term used to refer to a fact that is significant or essential to the matter at hand, that one party alleges and that the other controverts, and is to be determined by the competent authority administering the balancing test.*	**Additional** Based on Annex 13
Pg. 89 APPENDIX 2 Para:4.2 Point(i)	-	*Note 1.— The administration of the balancing test can be done once for a certain category of records and the result incorporated into national laws and regulations.* *Note 2.— The competent authority may need to administer a balancing test for determining whether to permit the disclosure of a record, and a separate balancing test for determining whether to permit the use of a record.* *Note 3.— Guidance material on the balancing test can be found in the Manual on Protection of Safety Information (Doc 10053), Part I – Protection of Accident and Incident Investigation Records.*	**Additional** Based on Annex 13
Pg. 89 APPENDIX 2 Para:5	-	*Note.— States may submit the decisions recorded to the International Civil Aviation Organization in one of the working languages of the Organization to be archived in a public database.*	**Additional** Based on Annex 13
Pg. 90 APPENDIX 2 Para:6 Point(c)	-	*Note.— In accordance with Chapter 6, 6.5, Final Reports are publicly available in the interest of accident prevention and are not subject to protection under 5.12. However, the use of portions of the Final Report, in particular the analysis, conclusions and safety recommendations, as evidence before national courts in view of assigning blame or determining liability is against the purposes for which the investigation was undertaken.*	**Additional** Based on Annex 13
Pg. 90 Attachment A Para:2.1	-	*Note 1.— The most credible scenario refers to the realistic assessment of injury and/or damage resulting from the potential accident.* *Note 2.— Defences include crew, their training and procedures, ATC, alerts (within and outside the aircraft), aircraft systems and redundancies, structural design of the aircraft and aerodrome infrastructure.*	**Additional** Based on Annex 13

Pg. 97 Attachment B Para:9.3	-	*Note 1.— Regarding aircraft damage which adversely affects the structural strength, performance or flight characteristics,* *the aircraft may have landed safely, but cannot be safely dispatched on a further sector without repair.* *Note 2.— If the aircraft can be safely dispatched after minor repairs and subsequently undergoes more extensive work to* *effect a permanent repair, then the occurrence would not be classified as an accident. Likewise, if the aircraft can be dispatched* *under the CDL with the affected component removed, missing or inoperative, the repair would not be considered as a major* *repair and consequently the occurrence would not be considered an accident.* *Note 3.— The cost of repairs, or estimated loss, such as provided by insurance companies may provide an indication of the damage sustained but should not be used as the sole guide as to whether the damage is sufficient to count the occurrence* *as an accident. Likewise, an aircraft may be considered a "hull loss" because it is uneconomic to repair, without it having* *incurred sufficient damage to be classified as an accident.*	**Additional** Based on Annex 13