



الطيران المدني
Civil Aviation
دولة الكويت - State of Kuwait

Kuwait Civil Aviation Safety Regulations

KCASR 13 – AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION



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Control of this Document

DC.1 Introduction

- DC.1.1 Pursuant to Law No (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.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 Navigation
- 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.



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 5.1.

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

Accident investigation Committee. The authority designated by the State of Kuwait as responsible for aircraft accident 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.

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

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.

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.

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

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 C.

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.

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.

Maximum mass. Maximum certificated take-off mass.

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

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

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. 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 C.*

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. The State having jurisdiction over the organization responsible for the final assembly of the aircraft, 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 regulations and activities aimed at improving safety.



Chapter 2 - Applicability

- 2.1 Unless otherwise stated, this Part of the regulations shall apply to activities following accidents and incidents, wherever they occur, 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 Part 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.

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.*



Chapter 3 - General

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

3.2 A State shall establish 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.

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

Protection of Evidence, Custody and Removal of Aircraft Responsibility of the State of Occurrence

3.3 General

When State of Kuwait is the State of Occurrence for any accident/incident the Investigator-in-Charge shall take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of an investigation. 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.*

3.4 Request from State of Registry, State of the Operator, State of Design or State of Manufacture

If a request is received from the State of Registry, the State of the Operator, the State of Design or the State of Manufacture that the aircraft, its contents, and any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, the Investigator-in-Charge shall take all necessary steps to comply with such request, so far as this is reasonably practicable and compatible with the proper conduct of the investigation; provided that the aircraft may be moved 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

Subject to the provisions of 3.3 and 3.4, the Investigator-in-Charge shall release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required in the investigation, to any person or persons duly designated by the State of Registry or the State of the Operator, as applicable. 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 ICAO Manual of Aircraft Accident and Incident Investigation, Part I - Organization and Planning (ICAO Doc 9756) and on the ICAO/ Accident Investigation Website.

Accidents or Serious Incidents in the Territory of the State of Kuwait to Aircraft of another Contracting State

Responsibility of the State of Kuwait as State of Occurrence

4.1 Forwarding

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 to:

- (a) the State of Registry;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) 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, when the state of occurrence is not aware of a serious incident or an incident to be investigated, the State of Registry or the State of the Operator, as appropriate, shall forward a notification of such an incident to the State of Design, the State of Manufacture and the State of Occurrence.

Note 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 KCASR 12.

4.2 Format and Content

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

- (a) for accidents the identifying abbreviation ACCID, for serious incidents SINCID, for incidents INCID;
- (b) manufacturer, model, nationality and registration marks, and serial number of the aircraft;
- (c) name of owner, operator and hirer, if any, of the aircraft;
- (d) name of the pilot-in-command, and nationality of crew and passengers;
- (e) date and time (local time or UTC) of the accident or incident;
- (f) last point of departure and point of intended landing of the aircraft;
- (g) position of the aircraft with reference to some easily defined geographical point and latitude and longitude;



- (h) number of crew and passengers; aboard, killed and seriously injured; others, killed and seriously injured;
- (i) description of the accident or incident and the extent of damage to the aircraft so far as is known;
- (j) an indication as to what extent the investigation will be conducted or is proposed to be delegated;
- (k) physical characteristics of the accident or incident area, as well as an indication of access difficulties or special requirements to reach the site;
- (l) 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
- (m) 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 telegraphic addresses, when notified to ICAO, are published in the Designators for Aircraft Operating Agencies, Aeronautical Authorities and Services (ICAO Doc 8585).

Note 2: The ICAO Manual of Aircraft Accident and Incident Investigation, Part I - Organization and Planning (ICAO Doc 9756) contains guidance material concerning the preparation of notification messages and the arrangements to be made for their 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), whenever it is possible to do so without causing undue delay.

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.

Responsibility of the State of Registry, the State of the operator, the State of Design and the State of Manufacturer

Information - Participation

4.5 The State of Registry, the State of the Operator, the State of Design and the State of Manufacture should acknowledge receipt of the notification of an accident or incident (4.1 refers).

4.6 Upon receipt of the notification, the State of Registry, the State of the Operator, the State of Design and the State of Manufacture 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. Each State 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 Kuwait.

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 2250 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 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.

Accidents or Incidents in the Territory of the State of Registry, in a Non-Contracting State or Outside the Territory of Any State

Responsibility of the State of Registry

4.8 Forwarding

When the State of Kuwait as the State of Registry institutes the investigation of an accident or incident, 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:

- (a) the State of the Operator;
- (b) the State of Design;
- (c) the State of Manufacture; and
- (d) 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 ICAO Annex 12.

Responsibility of the State of the Operator, the State of Design, and the State of Manufacture

Information - Participation

- 4.9 The State of the Operator, the State of Design and the State of Manufacture should acknowledge receipt of the notification of an accident or incident (4.1 refers).

- 4.10 Upon receipt of the notification, the State of the Operator, the State of Design and the State of Manufacture shall, upon request, provide the Investigator-in-Charge with any relevant information available to them regarding the flight crew and the aircraft involved in the accident or incident. Each State 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 be present at the investigation.

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 2250 kg or is a turbojet-powered aeroplane. Their attention is also drawn to the usefulness of their presence and participation in the investigation.

- 4.11 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

Responsibility for Instituting and Conducting the Investigation

Accidents or incidents in the Territory of the State of Kuwait

5.1 State of Occurrence

The Accident Investigation Committee 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 Accident Investigation Committee shall use every means possible to facilitate the investigation.

5.1.1 The Accident Investigation Committee 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 any event the Accident Investigation Committee should use every means possible to facilitate the investigation.

5.1.2 The Accident Investigation Committee shall institute an investigation into the circumstances of a serious incident when the aircraft is of a maximum mass of over 2250kg. 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 any event the Accident Investigation Committee shall use every means to facilitate the investigation.

5.1.3 If the State of Occurrence does not institute and conduct an investigation, and does not delegate the investigation to another State or a regional accident and incident investigation organization, as set out in 5.1 and 5.1.2, the State of Registry or, in the following order, the State of the Operator, the State of Design or the State of Manufacture is entitled to request in writing the State of Occurrence to delegate the conducting of such investigation. If the State of Occurrence gives express consent or does not reply to such a request within 30 days, the State making the request should institute and conduct the investigation with such information as is available.

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

Note 2: *When the whole investigation is delegated to another State or a regional accident 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 Accident Investigation Committee usually retains the responsibility for the conduct of the investigation.*

Note 3: *In the case of investigation of an unmanned aircraft system, only aircraft with a design and/or operational approval are to be considered.*

Note 4: *In the case of serious incidents, the Accident Investigation Committee 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 a Regional Accident and Incident Investigation Organization (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 Regulation.

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.

Accidents or Incidents in the Territory of a Non-Contracting State

5.2 State of Registry

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 if it is the State of Registry or, failing that, the State of the Operator should endeavour 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.

Accidents or Incidents outside the Territory of any State

5.3 State of Registry

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 it 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 Registry does not institute and conduct an investigation, and does not delegate the investigation to another State or a regional accident and incident investigation organization, as set out in 5.3, the State of Kuwait as the state of Operator or, in the following order, the State of Design, or the State of Manufacture is entitled to request in writing the State of Registry to delegate the conducting of such investigation. If the State of Registry gives express consent or does not reply to such a request within 30 days, the State making the request should institute and conduct the investigation with such information as is available..

Note: Paragraph 5.3.2 does not absolve the State of Registry from its obligation under ICAO Annex 13.

Organization and Conduct of the Investigation

Kuwait DGCA Accident and Incident Investigation Policies and Procedures Manual contains guidance material for the Accident Investigation Committee, conduct and control of an investigation, for additional information refer to the ICAO Manual of Aircraft Accident and Incident Investigation (ICAO Doc 9756).



Responsibility of the State of Kuwait as the state conducting the investigation

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 Accident Investigation Committee and its members 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) if appropriate, the issuance of safety recommendations;
- (d) if possible, the determination of the causes of the accident or incident and/or contributing factors; and
- (e) 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 Part 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 experts appointed by the Investigator-in-Charge, 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 Kuwait DGCA developed documented 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.

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 Kuwait DGCA should ensure cooperation between its Accident Investigation Committee ~~authority~~ and judicial authorities so that an investigation is not impeded by administrative or judicial investigations or proceedings.

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 on-going debriefings of the status of each process; exchange of information; appropriate use of safety information; and resolution of conflicts.

5.5 Investigator-in-Charge - Designation

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The Accident Investigation Committee shall designate the investigator-in-charge of the investigation and shall initiate the investigation immediately.

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.

Recorded data — Accidents and incidents

~~5.7~~ — **Flight Recorders** — ~~Accidents and Incidents~~

5.7 Effective use shall be made of flight recorders in the investigation of an accident or an incident. The Investigator-in-Charge shall arrange for the read-out of the flight recorders without delay.

~~5.8~~-7.1 In the event that the Accident Investigation Committee does not have 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 and III.

Ground-based recordings

5.8 Effective use shall be made of available ground-based recordings in the investigation of an accident or an incident

Note: The requirements for the recording of surveillance ~~radar~~-data and ATS communications are contained in KCASR 11 ~~section~~-volume 2 (ATS) 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.

Note 1: Guidance material related to autopsies is provided in the Accident and Incident Investigation Policies and Procedures Manual.

Note 2: Additional Information is provided in detail in the ICAO Manual of Civil Aviation Medicine (ICAO Doc 8984) and the ICAO Manual of Aircraft Accident and Incident Investigation (ICAO Doc 9756), the former containing detailed guidance on toxicological testing.

5.9.1. Medical Examinations

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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: Guidance on medical examinations is provided in detail in the Accident and Incident Investigation Policies and Procedures Manual.

5.10 Coordination - Judicial Authorities

The Investigator-in-Charge shall recognize the need for coordination between the investigator-in-charge and the judicial authorities. 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.

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 readout, 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(s) concerned is so informed.

5.12 Protection of Accident and Incident Investigation Records

Neither the Accident Investigation Committee nor the State conducting the investigation of an accident or incident shall make the following records available for purposes other than accident or incident investigation, unless the Ministry of justice in the State of Kuwait [or that other State] determines in accordance with national laws and subject to Appendix 2 and 5.12.5, 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 Accident Investigation Committee 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 Accident Investigation Committee, as a part of an accident or incident investigation.

5.12.1 The States of Kuwait will determine whether any other records obtained or generated by the accident Investigation Committee, 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.*

5.12.3 The names of the persons involved in the accident or incident shall not be disclosed to the public by the Accident Investigation Committee.

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

5.12.4.1 The Accident Investigation Committee should retain, where possible, only copies of records obtained in the course of an investigation.

5.12.4.2 Kuwait DGCA and The Accident Investigation Committee 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.

5.12.4.3 The Accident Investigation Committee shall ensure that draft Final Report is not disclosed to the public.

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.*

5.13 Re-opening of Investigation

If, after the investigation has been closed, new and significant evidence becomes available, the Accident Investigation Committee, shall re-open it. If or 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 any State which conducted the investigation did not institute



it, that State 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.

Responsibility of The State of Kuwait as any State

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 available to it.

Note: See also 5.16.

5.14.1 The State of Kuwait will 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.

5.15 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.

Responsibility of the State of Kuwait as the state of Registry and the State of the Operator

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 Kuwait as 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 is 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.

Participation in the Investigation

Note: Nothing in this Part of KCASR 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.

Participation of the State of Registry, the State of the Operator, the State of Design and the State of Manufacture

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 Part of KCASR 13 is intended to preclude the State that designed or manufactured the power plant or major components of the aircraft from requesting participation in the investigation of an accident.

5.19 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 Accident Investigation Committee should invite the operator to participate, subject to the procedures described in the Accident and Incident Investigation Policies and Procedures Manual.

5.20 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 When neither the State of Design nor the State of Manufacture appoint an accredited representative, the Investigator-in-Charge should invite the organizations responsible for the type design and the final assembly of the aircraft to participate, subject to the procedures described in the Accident and Incident Investigation Policies and Procedures Manual.

5.22 Obligations

When the Accident Investigation Committee is conducting an investigation of an accident to an aircraft of a maximum mass of over 2250 kg specifically requests participation by the State of Registry, the State of the Operator, the State of Design or the State of Manufacture, the State(s) concerned shall each be entitled to 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 power plant 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.

Participation of other States

5.23 Rights

Any State which on request provides information, facilities or experts to the Accident Investigation Committee 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 may also be entitled to appoint an accredited representative to participate in the investigation.

Entitlement of Accredited Representatives

5.24 Advisers

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



Note 1: Nothing 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 KCASR 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 of Kuwait.

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

Participation in the investigation shall confer entitlement to participate in all aspects of the investigation, under the control of the investigator-in-charge, 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 Part of KCASR 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:



- (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 Part of KCASR precludes prompt release of facts when authorized by the State conducting the investigation, nor it preclude accredited representatives from reporting to their respective States in order to facilitate appropriate safety actions.*

States having suffered fatalities or serious injuries to their citizens

5.27 Rights and Entitlement

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 Accident investigation Committee 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; and
- (c) receive a copy of the Final Report.

This will not preclude the State from also assisting in the identification of victims and in meetings with survivors from that State.

Note: Guidance related to assistance to aircraft accident victims and their families is provided in the Accident and Incident Investigation Policies and Procedures Manual, additional information also provided in ICAO Doc 9973 “Guidance on Assistance to Aircraft Accident Victims and their Families”.

5.28 The Accident Investigation Committee 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.



Chapter 6 - Final Report

6.1 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.

Responsibility of the State of Kuwait as any State

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.

Responsibility of the State of Kuwait as the State conducting the investigation

6.3 Consultation

The Accident Investigation Committee 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.

If the Investigator-in-charge receives comments within sixty days of the date of the transmittal letter, 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 sixty days of the date of the first transmittal letter, it shall issue the Final Report in accordance with 6.4, unless an extension of that period has been agreed by the States concerned.

Note 1: *Nothing in this Part of KCASR 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 Accident Investigation Committee 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 Accident Investigation Committee 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) any State having suffered fatalities or serious injuries to its citizens; and
- (h) any State that provided relevant information, significant facilities or experts.

6.5 Release of the Final Report

In the interest of accident prevention, the Accident Investigation Committee 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 If the report cannot be made publicly available within twelve months, the Accident Investigation Committee shall make an interim statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.

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 ICAO Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part IV — Reporting.

6.7 When the Accident Investigation Committee has conducted an investigation into an accident or an incident involving an aircraft of a maximum mass of over 5700 kg has released a Final Report; the Accident Investigation Committee shall send to the International Civil Aviation Organization a copy of the Final Report.

Note: 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 the Appendix.



6.8_ Safety Recommendations

6.8 At any stage of the investigation of an accident, the Accident Investigation Committee 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 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 The Accident Investigation Committee 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.

Responsibilities of the State of Kuwait as state receiving safety recommendations

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 Part of KCASR is intended to preclude the State conducting the investigation from making proposals for preventive action other than safety recommendations.*

6.11 If the State of Kuwait receives safety recommendations from a State conducting the investigation or any other State issuing a safety recommendation the Accident Investigation Committee should implement procedures to record the responses to the safety recommendation issued.



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



Chapter 7 - ADREP Reporting

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:

- (a) Preliminary Report.
- (b) Accident/Incident Data Report.

Preliminary Report

Responsibility of the state of Kuwait as the State conducting the investigation

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:

- (a) the State of Registry or the State of Occurrence, as appropriate;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture;
- (e) any State that provided relevant information, significant facilities or experts; and
- (f) 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:

- (a) the State of Registry or the State of Occurrence, as appropriate;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) any State that provided relevant information, significant facilities or experts.

7.3 Language

The Preliminary Report shall be submitted to appropriate States and to the International Civil Aviation Organization in English or Arabic 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

Responsibility of the State conducting the investigation

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.

7.6 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 Investigator-in-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, The objective of these specifications is to promote 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 KCASR Part 19 — Safety Management and, to this effect, are applicable to this Part. Further guidance is contained in the Safety Management Manual (SMM). (Doc 9859)*

8.1 Database and Preventive Actions

The Accident Investigation Committee shall establish 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 As Kuwait DGCA is responsible for the implementation of the SSP, Kuwait DGCA Should have access to the accident and incident database referenced in 8.1 to support their safety responsibilities.

Note.— An accident and incident database may be included in a safety database, which may refer to a single or multiple database(s). Further provisions on a safety database are contained in KCASR Part 19 –Safety Management. Additional guidance is also included in the Safety Management Manual (SMM). (Doc 9859)

8.3 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.



Appendix 1 - Format of the Final Report

(See Chapter 6)

Purpose

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

Detailed guidance on completing each section of the Final Report is found in the ICAO Manual of Aircraft Accident and Incident Investigation (Doc 9756).

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:

- (a) Factual information
- (b) Analysis
- (c) Conclusions
- (d) 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 of this Part.

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 licences, 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 centre 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.
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 fire fighting 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**

Analyse, 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 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 the State of Kuwait in developing national laws, regulations and policies to protect accident and incident investigation records appropriately; and

b) Assist Kuwait DGCA in making the determination as required by 5.12.

1. 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.— Provisions on the use and protection of safety information and related sources other than accident and incident investigation records are included in KCASR Part 19 — Safety Management.

2. General

2.1 Kuwait DGCA 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 Kuwait DGCA 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.

Non-disclosure of audio or image recordings to the public

2.3 Kuwait DGCA 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 required by SARPs contained in the Annexes to the Chicago Convention, such as cockpit voice recordings and airborne image recordings, may be perceived as



constituting an invasion of privacy for operational personnel if they are disclosed or used for purposes other than those for which the recordings were made.

3. **Competent Authority**

In accordance with 5.12, each State 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, wilful 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, Part I — Protection of Accident and Incident Investigation Records.

5. **Records of the Decisions**



Kuwait DGCA 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.— *Kuwait DGCA 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 Accident Investigation Committee 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 of this Part. 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.*

7. Accident and Incident Investigation Personnel

In the interest of safety and in accordance with Chapter 3, 3.1, of this Part, the Accident Investigation Committee 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 - Rights and Obligations of the State of the Operator in Respect of Leased, Chartered or Interchanged Aircraft

The Standards and Recommended Practices of KCASR Part 13 - Aircraft Accident and Incident Investigation were developed when the State of Registry and the State of the Operator normally were the same. In recent years, however, international aircraft leasing and interchanging arrangements have developed so that in many instances the State of the Operator is different from the State of Registry.

Leasing or interchange arrangements sometimes include the provision of flight crews from the State of Registry. However, more often, flight crews are provided by the State of the Operator and the aircraft operated under national legislation of the State of the Operator. Similarly, a variety of arrangements for airworthiness can emerge from these arrangements. Airworthiness responsibility may rest, wholly or partly, with the State of the Operator or State of Registry. Sometimes the operator, in conformity with an airworthiness control system specified by the State of Registry, carries out maintenance and keeps records.

In the event of an accident or an incident, it is important that any State which has assumed responsibility for the safety of an aircraft has the right to participate in an investigation, at least in respect of that responsibility. It is also important that the State conducting the investigation should have speedy access to all documents and other information relevant to that investigation.

When the location of an accident or an incident cannot definitely be established as being in the territory of another State, the State of the Operator, after consultation with the State of Registry, should accept full or partial responsibility for the conduct of the investigation.



Attachment B - Notification and Reporting Checklist

Note: In this checklist, the following terms have the meaning indicated below:

- International occurrences: accidents and serious incidents occurring in the territory of a Contracting State to aircraft registered in another Contracting State;
- Domestic occurrences: accidents and serious incidents occurring in the territory of the State of Registry;
- Other occurrences: accidents and serious incidents occurring in the territory of a non- Contracting State, or outside the territory of any State.

1. Notification – Accidents, Serious Incidents and Incidents to Be Investigated

From	For	Send to	KCASR 13 reference
State Occurrence	of International occurrences: All aircraft	State of Registry State of the Operator State of Design State of Manufacture ICAO (when aircraft over 2250 kg or is a turbojet-powered aeroplane)	4.1
State Registry	of Domestic and other occurrences: All aircraft	State of the Operator State of Design State of Manufacture ICAO (when aircraft over 2250 kg or is a turbojet powered aeroplane)	4.8

2. Final Report

Accidents and incidents wherever they occurred

From	Type of Report	Concerning	Send to	KCASR 13 reference
State conducting the investigation	Final Report	All aircraft	State instituting investigation State of Registry State of the Operator State of Design State of Manufacture State having interest because of fatalities State providing information,	the 6.4
		Aircraft over 5700 kg	ICAO	6.7



3. ADREP Report

Accidents and incidents wherever they occurred

From	Type of report	Concerning	Send to	KCASR 13 reference
State conducting the investigation	Preliminary Report	Accidents to aircraft over 2250 kg	State of Registry or Occurrence State of the Operator State of Design State of Manufacture State providing information, Significant facilities or experts ICAO	7.1
		Accidents to aircraft of 2250 kg or less if airworthiness or matters of interest	Same as above, except ICAO	7.2
	Accident Data Report	Accidents to aircraft over 2250 kg	ICAO	7.5
	Incident Data Report	Incidents to aircraft over 5700 kg	ICAO	7.7

4. Accident Prevention Measures

Safety matters of interest to other States

From	Type	Concerning	Send to	KCASR 13 reference
States making safety recommendations	Safety recommendations	Recommendations made to State	Accident investigation authority in that State	6.8 8.7
		ICAO documents	ICAO	6.9



Attachment C - List of Examples of Serious Incidents

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

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

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

- a) Consider whether there is a credible scenario by which this incident could have escalated into an accident; and
- b) Assess the remaining defences between the incident and the potential accident as:
 - Effective, if several defences remained and needed to coincidentally fail; or
 - Limited, if few or no defences remained, or when the accident was only avoided due to providence.

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

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

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

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

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



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 defences remained between the incident and the credible scenario.
- Near collisions requiring an avoidance manoeuvre 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 unassigned runway or unintended landing locations such as roadways.
 - 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.
 - 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.

¹ . Excluding authorized operations by helicopters.



- 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 D - Guidelines for Flight Recorder Readout and Analysis

1. Initial Response

The aftermath of a major accident is a demanding time for any State's investigation authority. One of the immediate items requiring a decision is where to have the flight recorders read out and analysed. It is essential that the flight recorders be read out as early as possible after an accident. Early identification of problem areas can affect the investigation at the accident site where evidence is sometimes transient. Early identification of problem areas may also result in urgent safety recommendations which may be necessary to prevent a similar occurrence.

Many States do not have their own facilities for the playback and analysis of flight recorder information (both voice and data) and consequently request assistance from other States. It is essential, therefore, that the accident investigation authority of the State conducting the investigation make timely arrangements to read out the flight recorders at a suitable readout facility.

2. Choice of Facility

The investigating State may request assistance from any State that, in its opinion, can best serve the investigation. The manufacturer's standard replay equipment and playback software, which is typically used by airlines and maintenance facilities, is not considered adequate for investigation purposes. Special recovery and analysis techniques are usually required if the recorders have been damaged.

Facilities for the read-out of flight recorders should have the following capabilities:

- (a) the ability to disassemble and read out recorders that have sustained substantial damage;
- (b) the ability to play back the original recording/memory module without the need for the use of a manufacturer's copy device or the recorder housing that was involved in the accident or incident;
- (c) the ability to manually analyse the raw binary waveform from digital tape flight data recorders;
- (d) the ability to enhance and filter voice recordings digitally by means of suitable software; and
- (e) the capability to graphically analyse data, to derive additional parameters not explicitly recorded, to validate the data by cross-checking and other analytical methods to determine data accuracy and limitations.

3. Participation by the State of Manufacture (or Design) and the State of the Operator

The State of Manufacture (or Design) has airworthiness responsibilities and the expertise normally required to read out and analyse flight recorder information. Since flight recorder information can often reveal airworthiness problems, the State of Manufacture (or Design) should have a representative present when the flight recorder read-out and analysis are being conducted in a State other than the State of Manufacture (or Design).



The State of the Operator has regulatory responsibilities regarding the flight operation and can provide insights into operational issues which may be specific to the operator. Since flight recorder information can reveal operational problems, the State of the Operator should also have a representative present when the flight recorder read-out and analysis are being conducted.

4. Recommended Procedures

The flight data recorder and the cockpit voice recorder should be read out by the same facility, because they contain complementary data which can help validate each recording and aid in determining timing and synchronization.

Flight recorders should not be opened or powered up and original recordings should not be copied (particularly not by high-speed copy devices) prior to the read-out because of the risk of damage to the recordings.

The facility at which the flight recorders are read out for another State should be given an opportunity to comment on the Final Report in order to ensure that the characteristics of the flight recorder analysis have been taken into account.

The facility at which the flight recorders are read out may require the expertise of the aircraft manufacturer and the operator in order to verify the calibration data and validate the recorded information.

The State conducting the investigation may leave the original recordings, or a copy of them, with the read-out facility until the investigation is completed, in order to facilitate the timely resolution of additional requests or clarifications, providing that the facility has adequate security procedures to safeguard the recordings.



Attachment E - 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.

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.*



Attachment F - Investigation Delegation Agreements

In accordance with paragraph 5.1, the State of Kuwait as the state of Occurrence is responsible for instituting and conducting an investigation, but it may delegate the whole or any part of the conducting of such investigation to another State or a regional accident and incident investigation organization (RAIO) by mutual arrangement and consent. Similarly, delegation of the conducting of an investigation can take place when a State is required to institute an investigation of accidents or serious incidents occurring in the territory of a non-Contracting State that does not intend to conduct an investigation in accordance with Annex 13, or when the location of the accident or serious incident cannot definitely be established as being in the territory of any State.

Entering into an investigation delegation agreement normally begins with a decision made by the State of Kuwait as the state responsible for instituting and conducting the investigation. In general, State of Kuwait may consider delegating the conducting of the investigation to another State or RAIO, in particular for those situations when it might be beneficial or more practical for the selected State or RAIO to conduct the investigation, or when the State of Kuwait as the state responsible for instituting the investigation lacks the resources or capability to investigate the occurrence in accordance with this regulation.

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

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

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

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



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

END