

**Republic of Iraq
Ministry of Transport
Iraq Civil Aviation Authority**



**REGULATIONS
(2)
RULES OF AIRCRAFT ACCIDENT
AND INCIDENT INVESTIGATION**

Introduction

This Regulation is to establish the Aircraft Accident and Incident Investigation Authority of Iraq and the laws and regulations related to the conduct of investigations into aircraft accidents and incidents.

Signed by Director General
Iraq Civil Aviation Authority

Amendments

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REPUBLIC OF IRAQ

REGULATIONS

Made by the Authority with the approval of the Director General of Iraqi Civil Aviation Authority under Act 148 of 1974 “The Civil Aviation Act”, Article 141.

REGULATION No. 2

1. Purpose

1. These regulations prescribe:-
 - a. The manner of exercising and carrying out the Authority’s powers, duties and functions.
 - b. The standards that the aviation system needs to achieve compliance.

2. Definitions

1. For the purpose of implementing the provisions of these Regulations, the following term shall 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:
 - i. being in the aircraft, or
 - ii. direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
 - iii. 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:
 - i. adversely affects the structural strength, performance or flight characteristics of the aircraft, and
 - ii. would normally require major repair or replacement of the affected component

except for engine failure or damage, when the damage is limited to a single 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.

“Accredited representative” A person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State. Where the State has established an accident investigation authority, the designated accredited representative would normally be from that 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.

“Airport operator” A person, organization or enterprise engaged in the operation, of an airport.

“Air traffic control unit” A generic term meaning variously, area control centre, approach control unit, or aerodrome control tower.

“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.

“Annex 13” The Annex to the Convention on International Civil Aviation that contains the International Standards and Recommended Practices related to Aircraft Accident and Incident Investigation.

“Appointed Head” A minister, commissioner, or other competent government official who is appointed by Iraqi Civil Aviation Authority to be responsible for the accident and incident investigations.

“Authority” The Aircraft Accident and Incident Investigation Authority of Iraq.

“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.

“Collision” An impact between aircraft, or between an aircraft and another object.

“Contributing factors” Actions, omissions, events, conditions, factors or a combination thereof, which, if eliminated, avoided or absent, would have prevented or reduced the probability of the accident or incident occurring, or would have mitigated the severity of the adverse consequences of the accident or incident.

“Crew member” A person assigned by an air operator to duty on an aircraft during a flight duty period.

“Dangerous goods” Articles or substances which are capable of posing a risk to health, safety, property or the environment.

“Department” Any ministry, authority, organization or other concerned body of the government of Iraq that has a direct interest in aircraft accidents or incidents.

“Document” Includes any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic, film, sound recording, video tape, electronic files and data, and any copy thereof.

“Draft Final Report” Draft investigation report that is sent in confidence to departments in Iraq, and organizations involved in the investigation, inviting their significant and substantiated comments on the report.

“Final Report” A State’s conclusive report on its investigation into an aircraft accident or incident. The final report includes the pertinent factual information, analysis, conclusions and, when appropriate, associated safety recommendations. Where the State has established an accident investigation authority, the final report is issued by that authority. This report is made with the intention of preventing accidents or incidents and in no case has the purpose of creating a presumption of blame or liability.

“Flight recorder” Any type of recorder installed in the aircraft for the purpose of complementing aircraft accident, serious incident and incident investigation.

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

“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/or contributing factors and, when appropriate, the making of safety recommendations.

“Investigation Interim Statement” The public communication used by the Authority on each anniversary of the accident or incident for informing those having a direct interest in the investigation regarding the progress of an ongoing investigation and any safety issues raised during the investigation.

“Investigator” A person delegated by the Authority to conduct its investigations.

“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.

“Observer” A representative of a concerned department of Iraqi Civil Aviation Authority who is authorized by the Authority to attend an investigation as an observer, or an Authority investigator authorized to attend an investigation being conducted by another concerned department.

“Occurrence” Any accident or incident associated with the operation of an aircraft.

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

“Other reportable incident” An occurrence, other than an accident or serious incident, which affects or could affect the safety of operations.

“Participant” A person authorized by the Authority to participate in an investigation being conducted by the Authority because in the opinion of the Authority that person has the expertise to contribute to achieving the Authority’s mandate.

“Pilot-in-command” The pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight.

“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” A safety recommendation made to a State civil aviation authority, to a regional certification authority, or to ICAO regarding a systemic deficiency having a probability of recurrence with potential for significant consequences, and requiring timely action to improve safety.

“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.

“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” A contracting State of the International Civil Aviation Organization (ICAO).

“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.

“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.

“Statement” The whole or any part of an oral, written or recorded statement relating to an aircraft accident or incident given by the author of the statement to the Authority.

3. Application

1. This regulation applies in respect of aircraft accidents and incidents:
 - a. In or over Iraq;
 - b. When Iraq is the State of Registry and;
 - i. the location of the accident or the serious incident cannot definitely be established as being in the territory of any other State; or
 - ii. 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 Annex 13.
2. The Authority shall take all reasonable measures to ensure that the investigation procedures and practices that it follows in relation to accidents and incidents are compatible with the Iraqi Civil Aviation Authority obligations under the Convention on International Civil Aviation, and the International Civil Aviation Organisation (ICAO) Standards and Recommended Practices contained in Annex 13.

4. Objective

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

2. Investigations by the Authority shall be conducted separate from investigations conducted for the purposes of establishing blame or civil or criminal liability.
3. The Authority shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of Annex 13.
4. Any investigations conducted under the provisions of this Regulation shall have unrestricted access to all evidential material without delay and shall not be impeded by administrative or judicial investigations or proceedings.
5. The Authority must be functionally independent (separate) from other State aviation organizations, particularly the civil aviation authority responsible for regulation and safety oversight in the State.
6. The mandate of the Authority is to conduct independent investigations, including:
 - a. the gathering, recording and analysis of all relevant information of an accident or incident;
 - b. if appropriate, the issuance of safety recommendations;
 - c. if possible, the determination of the causes and/or contributing factors; and
 - d. as appropriate, the completion of the Final Report.
7. No one shall 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 Authority, unless such reports or documents have already been published or released by the Authority.
8. Final reports shall not be used as evidence in any court proceeding or in other proceedings related to apportioning blame or liability.
9. No finding, cause or contributing factor determined under this Regulation shall be construed as assigning fault or determining civil or criminal liability.
10. No safety recommendation made under this Regulation shall be construed as assigning fault or determining civil or criminal liability

5. *Appointments*

1. Iraqi Civil Aviation Authority shall:
 - a. designate an Appointed Head of the Authority who shall be responsible for aircraft accident and incident investigations within the meaning of this Regulation; and
 - b. ensure that sufficient funds are available to enable the Authority to properly investigate accidents and incidents that fall within the Authority's area of responsibility.

6. *Duties of the Appointed Head*

1. The Appointed Head of the Authority has the authority to:
 - a. establish policies and procedures to be followed in the conduct of investigations;
 - b. institute investigations into the circumstances of accidents and incidents;
 - c. delegate the investigation, in whole or in part, to another State or a regional accident investigation organization, when deemed to be appropriate;
 - d. designate an Investigator-in-charge for each investigation;
 - e. delegate the powers of investigation to the members of the investigation team, and provide each member with a certificate of appointment; and
 - f. release a Final Report on its investigations.

7. *Duties of the Investigator-In-Charge*

1. The Investigator-in-charge has exclusive authority to direct the conduct of an investigation under this Regulation on behalf of the Appointed Head.
2. The Investigator-in-charge shall:
 - a. report to the Appointed Head on the investigation, including proposing findings as to causes and contributing factors, and safety

recommendations related to investigations conducted by the Authority; and

- b. be responsible for appointing observers and participants required for the investigation.

8. *Conflict of Interest*

1. To achieve functional independence of the Authority, and to ensure the credibility of its investigations, members of the Authority shall avoid actual and potential conflicts of interest.
2. Members of the Authority shall not directly or indirectly have an interest in or be an owner, shareholder, director, officer, partner, or otherwise:
 - a. be engaged in an aviation undertaking or business; or
 - b. have an interest in the manufacture or distribution of aircraft or aircraft equipment or components.
3. On appointment to the Authority, members of the Authority shall set aside conflicts of interest.
4. During their terms of office, members of the Authority shall not accept or hold any office or employment, or carry on any activity inconsistent with the performance of their duties under this Regulation and the policies of the Authority.
5. Civil aviation authority experts assigned to participate in an investigation being conducted by the Authority shall not be engaged in any duties associated with the civil aviation authority for the duration of their involvement in the investigation.

9. *Investigation – Coordination*

1. The Authority shall take all reasonable measures to ensure that the investigation procedures and practices that it follows in relation to aircraft accidents and incidents are compatible to the degree possible with investigation requirements, procedures and practices followed by other departments, regulatory authorities, police forces and coroners.

2. The Authority shall make all reasonable efforts to enter into agreements to provide for the coordination of activities between the Authority and the entities, with respect to:
 - a. investigation procedures and practices;
 - b. requirements for reporting aircraft accidents and incidents;
 - c. procedures to be followed in the event that conflicting interests arise during their activities with respect to aircraft accidents or incidents.
3. The Authority may investigate aircraft accidents and incidents that involve both State and civil aircraft and facilities. For such situations, the Authority shall take all reasonable measures to ensure that its investigation activities are coordinated with those other on-going investigations, if any.
4. Where a department is notified of an aircraft accident or incident that the Authority has the power to investigate under this Regulation, the department shall:
 - a. notify the Authority with particulars of the aircraft accident or incident; and
 - b. advise the Authority of any investigation that the department plans to conduct and of any remedial measures that the department plans to take.

10. Investigation – Power of Investigators

1. Investigators appointed may exercise the following powers for the purpose of investigating aircraft accidents or incidents:
 - a. to call before him and examine all persons as the investigator thinks fit, and to require such persons to answer any questions or furnish any information;
 - b. to require the protection and preservation of:
 - i. the aircraft accident or incident site(s);
 - ii. the aircraft and any parts thereof, and;
 - iii. all records and documents associated with the occurrence;
 - c. to enter and search any place where an investigator believes on reasonable grounds that there is anything relevant to the conduct of an investigation of an accident or incident, and to seize anything

that is found in the course of that search. (An investigator shall not exercise the powers in relation to a particular place without the consent of the person in charge of that place unless those powers are so exercised under the authority of a warrant, or by reason of exigent circumstances, it would not be practical for the investigator to obtain a warrant.);

- d. to prohibit or limit access to the area immediately surrounding the place at which anything involved or likely to have been involved in an accident or incident is located for such period as is necessary for the purposes of preserving and protecting evidence. (The investigator shall have regard to the desirability of minimizing any resulting disruption to transportation services.);
- e. to cause such tests, including tests to destruction, of anything that was seized for the purposes of the investigation. (To the extent that it is practical and safe to do so, and does not unreasonably impede the progress of the investigation, the investigator shall take all reasonable measures to invite the owner and any person who appears on reasonable grounds to be entitled to the component being tested to be present at any such tests.);
- f. to require the provision and to make copies of any documents that the investigator may consider relevant to the accident or incident;
- g. to retain any such documents until the completion of the investigation, or as the case may be, it is determined that an investigation shall not be carried out;
- h. to take statements from all such persons as the investigator thinks fit and to require any such person to make and sign a declaration of the truth of the statements made by the person;
- i. to require a person(s) who was(were) directly or indirectly involved in the operation of an aircraft to submit to a medical examination, where the investigator believes on reasonable grounds that the medical condition is, or may be, relevant to the investigation:
 - The notice for medical examinations shall be made in writing and signed by the investigator; and
 - This requirement shall not be construed as a requirement that the person submit to any procedure involving surgery, perforation of the skin or any external tissue or the entry into the body of any drug or foreign substance

- j. to require a physician or other practitioner to provide medical information concerning a patient who the investigator believes on reasonable grounds that information concerning a patient that is relevant to that investigation. (The notice for medical information shall be made in writing and signed by the investigator);
 - k. to cause such an autopsy or medical examination to be performed on a body of a deceased person where the investigator believes on reasonable grounds that the information derived from the autopsy and examination is, or may be, relevant to the conduct of the investigation. (The notice for medical information shall be made in writing and signed by the investigator);
 - l. to require the person having custody of the body of the deceased person or other human remains to permit the performance of that autopsy or that medical examination. (The notice for medical information shall be made in writing and signed by the investigator); and
 - m. to call on the services of local authorities or other authorised persons to ensure protection of the accident site, including the aircraft and its contents, until such time as the Authority is able to directly take over custody and security of the aircraft and its contents.
2. Before acting under Item 10 Section 1, the investigator shall produce the investigator's certificate of appointment as proof of his identity and powers, when requested to do so by an involved person.
 3. No person shall refuse or fail to produce information to an investigator, or to attend before an investigator and give a statement, or to provide information, to submit to a medical examination, or to make the body of a deceased person or other human remains available for the performance of an autopsy or medical examination imposed in Item 10 Section 4.
 4. Investigators appointed may apply for a court order from the responsible department of the Iraqi Civil Aviation Authority to compel compliance with orders or directives issued under Item 10 Section 1.

11. Investigation – Jurisdictions

1. Notwithstanding any other Act, no department may commence an investigation under this Regulation if the accident or incident has been investigated, is being investigated, or is going to be investigated by the Authority.

2. Nothing in Item 11 Section 1 of this Regulation prevents a department of Iraqi Civil Aviation Authority from commencing an investigation into or continuing to investigate an aircraft accident or incident for any purpose.
3. Nothing in Item 11 Section 1 of the Regulation prevents any law enforcement department in the Iraqi Civil Aviation Authority from investigating an aircraft accident or incident for any purpose for which it is empowered to conduct investigations.
4. For any investigation conducted under the provisions of this Regulation, and in consideration of Item 11 Section 3, the Authority shall:
 - a. have unhampered access to and unrestricted control over the scene of the accident or incident, including the wreckage and any material relevant to the investigation;
 - b. have unhampered access to and control of the wreckage and all relevant material, including flight recorders and air traffic services recordings and records;
 - c. have unrestricted control over wreckage and parts to ensure that detailed examinations can be made without delay;
 - d. 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 the investigation; and
5. relinquish control of the accident or incident site(s) and release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required by the investigation.

12. Observers / Participants / Accredited Representatives

1. Subject to any conditions that the Authority may impose, a person may attend as an observer at an investigation by the Authority if the person is designated as an observer by a concerned department of Iraqi Civil Aviation Authority having a direct interest in the subject matter of the investigation.
2. Subject to any conditions that the Authority may impose, a person may attend as a participant in an investigation by the Authority, if in the opinion of the Authority that person has the expertise to contribute to achieving the Authority's mandate.

3. Subject to the Standards and Recommended Practices contained in ICAO Annex 13, accredited representatives and advisers appointed by States may participate in an investigation conducted by the Authority.
4. Subject to the Standards and Recommended Practices contained in ICAO Annex 13, a State which has a special interest in an accident by virtue of fatalities or serious injuries to its citizens is entitled to appoint an expert.
5. The Authority may engage on a temporary basis the services of persons having technical or specialized knowledge to assist the Authority in its investigations.
6. The Authority may remove or ask to have removed an observer or a participant from an investigation:
 - a. if that person contravenes a condition imposed by the Authority on the person's presence, or
 - b. if, in the Authority 's opinion, the person has a conflict of interest that impedes the conduct of the investigation.
7. Where a person referred to in Item 12 Sections 1, 2, and 5 of the Regulation attends as an observer or a participant at the investigation of an occurrence conducted by the Authority, the person may, subject to the conditions and limitations imposed by the Authority and under the supervision of an Authority investigator:
 - a. attend at the occurrence site(s);
 - b. examine the aircraft and its component parts and contents involved in the occurrence;
 - c. unless otherwise prohibited by law, examine any document as defined in Section 3 of the Regulations, and any other relevant evidence, relating to:
 - i. the aviation activity during which the occurrence took place,
 - ii. the crew members involved in the occurrence, and
 - iii. the aircraft, its component parts and contents;
 - d. attend laboratory tests or analyses.

Note: Attachment A is an example of a form for “Granting of Observer/Participant Status” on the investigation.

8. Where a person referred to in Item 12 Sections 3 and 4 of this Regulation attends as an investigator of an accident or incident conducted by the Authority, that person, unless otherwise prohibited by law, shall be granted the rights and entitlements expressed in the Standards and Recommended Practices set out in ICAO Annex 13.
9. The rights and entitlements granted to an observer or participant shall not, unless otherwise authorized by the Appointed Head, include attendance at an interview of a witness during an investigation.
10. Pursuant to Item 10 Section 1 (e), where the owner of the component being tested, and any person who appears on reasonable grounds to be entitled to it are invited to observe such tests, these persons may:
 - e. record or cause to be recorded the condition of the component being tested prior to, during and after the test; and
 - f. be represented by a person having technical knowledge and expertise in the subject-matter of the test.

13. Mandatory Notification of Accidents and Incidents

1. Where an aircraft accident or incident takes place, the owner, operator, pilot-in-command and any crew member of the aircraft, the operator of the airport, and any air traffic controller having knowledge of an accident or incident shall notify to the Authority and provide as much information as is possible as soon as possible and by the quickest means available.
2. The notification to the Authority shall be in plain language and contain as much of the information specified in Schedule 1 to this Regulation as is readily available; but, the dispatch of the notification shall not be delayed due to the lack of complete information:

14. Responses to Notifications

1. Where the Authority is notified of an aircraft accident or serious incident specified in Schedule 2, the Authority with a minimum of delay shall:
 - a. forward a notification to:
 - i. any concerned department;
 - ii. the States having a direct interest in the accident or incident, and when required to ICAO;
 - iii. involved air operator, operators of airports and air traffic control units, and aircraft manufacturer; and

- iv. any other local authorities and organizations that could assist the Authority in its investigation.
 - b. provide the information as specified in Schedule 1 of the Regulations; and
 - c. advise the entities noted in Item 14 Section 1 (a) Subsection (i) and (ii) of any investigation that the Authority plans to conduct, including the type and scope of the investigation.
2. If in the course of an investigation the Authority becomes aware or it suspects that an act of unlawful interference was involved, the Authority shall immediately initiate action to ensure that the security authorities of Iraq and of the State(s) concerned are so informed.

15. Crew Statements

1. As soon as possible after the accident or serious incident, each crew member shall forward to the Authority, a statement setting forth the facts, conditions, and circumstances relating to the accident or serious incident as they appear to the member. (If the crew member is incapacitated, the member shall submit the statement as soon as the member is physically able to do so).

16. Voluntary Reporting

1. Any person having knowledge of any safety-related event, other than an accident or incident, may make a voluntary report to the Authority and provide any information that the person believes is relevant.
2. Where a voluntary report is made to the Authority, no person shall release the identity of the person making the report or any information that could reasonably be expected to reveal that person's identity, unless the person making the report authorizes, in writing, its release.
3. A report made to the Authority under a voluntary reporting system shall not be used against the person who made the report in any disciplinary, civil, administrative and criminal proceedings.
4. The protection provided in Item 16 Sections 2 and 3 regarding the identity of the person making the voluntary report shall not apply to situations involving unlawful acts, gross negligence or willful infractions by that person, or unless an appropriate authority determines in accordance with

national legislation, the value of its disclosure or use in any particular instance, outweighs the adverse impact such action may have on aviation safety.

17. Decision as to the Types of Investigation

1. The Appointed Head of the Authority shall establish policies respecting the types of aircraft accidents or incidents to be investigated. The following criteria shall apply when the Authority makes its decision as to the types of its investigations:
 - a. all accidents shall be investigated;
 - b. all serious incidents involving aircraft of a maximum mass of over 2 250 kg shall be investigated;
 - c. all serious incidents should be investigated; and
 - d. other types of incidents may be investigated.

18. Delegation of Investigations

1. Where the Iraqi Civil Aviation Authority is responsible under the provisions of Annex 13 to institute an investigation into an aircraft accident or serious incident, the Authority may delegate the whole or any part of an investigation to another State, to a regional accident investigation organization or to a department by mutual arrangement and consent. In any event, the Authority shall use every means to facilitate the investigation.
2. Where the Authority has delegated the investigation to another department within the Iraqi Civil Aviation Authority:
 - a. the delegated department is required to investigate under the provisions of this Regulation, and to provide its final investigation report and recommendations to the Authority; and
 - b. the Authority may appoint an observer to such an investigation.

19. Foreign Investigations

1. Where the Authority has been notified of an aircraft accident or serious incident that occurred outside the territory of Iraq involving a Iraqi Registered aircraft, an aircraft operated by a Iraqi operator, or an aircraft designed or manufactured in Iraq, the Authority shall:
 - a. acknowledge receipt of the notification.
 - b. provide the notifying State with the following information with the least possible delay:
 - i. any relevant information regarding the aircraft and flight crew involved in the accident or serious incident; and
 - ii. if Iraq is the State of the Operator, details of any dangerous goods on board the aircraft;
 - c. inform the notifying State as to:
 - i. whether the Iraqi Civil Aviation Authority intends to appoint or has appointed an accredited representative; and
 - ii. if such accredited representative will be or has been appointed and will be travelling to the State in which the investigation is being carried out, the contact details and the expected date of arrival of the accredited representative in such State.
 - d. appoint an accredited representative, if requested to do so by the State conducting an investigation into an accident, or a serious incident involving an aircraft of a maximum mass of over 2 250 kilograms.

20. Reporting of Accidents and Incidents

1. Subject to this Regulation, the owner, operator, pilot-in-command, crew members, operator of an airport, air traffic controller, or any other person having knowledge of an accident or incident shall report to the Authority and provide as much information as soon as possible and by the quickest means available.

21. Decision as to the Extent of Investigation

1. Where the Authority is notified of an aircraft accident or incident, the Authority will decide as to the extent of the investigation required and the procedures to be followed in carrying out the investigation, based on the lessons it expects to draw from the investigation for the improvement of safety.

22. Preservation of Evidence

1. Where an aircraft accident or incident takes place, the owner, operator, and crew members shall, to the extent possible, and until otherwise instructed by the Authority or except as otherwise required by this Regulation, take all reasonable measures to protect the evidence, including documents defined in this Regulation, 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.
2. Item 22 Section 1 shall not be construed as preventing any person from taking necessary measures to ensure the safety of any person and property.
3. Where evidence relevant to an accident or incident has to be interfered with pursuant to Item 22 Section 2, the person directing, supervising or arranging the interference shall, to the extent possible in the circumstances, and prior to the interference, record the evidence by the best means available.

23. Privileged / Protected Information

1. Subject to this Regulation, the owner, operator, pilot-in-command, crew members, operator of an airport, air traffic controller, or any other person having knowledge of an accident or incident shall report to the Authority and provide as much information as soon as possible and by the quickest means available.
2. In accordance with the provisions contained in Item 16 Section 1 of this Regulation, the Authority shall not make the following records available for purposes other than aircraft accident or incident investigations, unless the appropriate authority for the administration of justice in Iraq determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations:

- a. all statements taken from persons by the Authority in the course of their investigation;
 - b. all communications between persons having been involved in the operation of the aircraft;
 - c. medical or private information regarding persons involved in the aircraft accident or incident;
 - d. cockpit voice recordings and transcripts from such recordings;
 - e. recordings and transcripts of recordings from air traffic control units;
 - f. cockpit airborne image recordings and any part of the transcripts from such recordings;
 - g. opinions expressed in the analysis of information, including flight recorder information; and
 - h. names of the persons involved in the aircraft accident or incident.
3. The records shall be included in the final report or its appendices only when pertinent to the analysis of the aircraft accident or incident. Parts of the records not relevant to the analysis shall not be disclosed.

24. Investigation Interim Statement

1. If the Final Report on an investigation cannot be made publicly available within twelve months of the aircraft accident or incident, the Authority shall issue an Investigation Interim Statement on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.
2. The Authority shall provide the Investigation Interim Statement referred to in Item 24 Section 1 to the following:
 - a. any concerned department of Iraqi Civil Aviation Authority;
 - b. the States having a direct interest in the occurrence, and if appropriate to ICAO; and
 - c. States having suffered fatalities or serious injuries to its citizens.

3. The Authority shall make the Investigation Interim Statement publicly available.

25. Evidence of Investigators

1. Authority investigators shall not be compellable to appear as a witness in any judicial, administrative or disciplinary proceedings related to apportioning blame or liability.

26. Draft Final Reports on Investigations

1. Before releasing the Final Report on its investigation, the Authority shall send a copy of the Draft Final Report to the following, inviting their significant and substantiated comments on the report:
 - a. any concerned department of Iraqi Civil Aviation Authority;
 - b. the States having a direct interest in the occurrence in accordance with Annex 13; and
 - c. any other organizations involved in the investigation.
2. The time limit for providing comments on the Draft Final Report shall be sixty (60) days from the date of the transmittal letter sending the draft report, unless an extension of that period has been agreed to by those concerned.
3. No person shall communicate or use the Draft Final Report, or permit its communication or use, for any purpose not strictly necessary to the study of the report and the preparation of comments concerning the report.
4. If the Authority receives comments within the time limit specified in the transmittal letter, the Authority shall either amend the 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.

27. Final Reports on Investigations

1. In the interest of accident and incident prevention, the Authority shall make a Final Report on its investigation publicly available as soon as possible and, if possible, within twelve months.
2. The Authority shall send the Final Report on its investigation with a minimum of delay to:
 - a. any concerned department in Iraqi Civil Aviation Authority;
 - b. States having a direct interest in the accident/incident, and if applicable to ICAO;
 - c. States having suffered fatalities or serious injuries to its citizens; and
 - d. any other organizations or persons who, in the opinion of the Authority, have a direct interest in the investigation.

28. Safety Recommendations

1. At any stage of the investigation of an accident or incident, the Authority 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.
2. The Authority shall address, when appropriate, any safety recommendations arising out of its investigations in a dated transmittal correspondence to the accident investigation authorities of other State(s) concerned and, to ICAO when ICAO documents are involved.
3. Safety recommendations issued by the Authority should be sent to those persons or organizations of the aviation community that have a direct interest in the safety issue that was the basis for the safety recommendation, as well as to other members of the aviation community who would benefit from the information, including but not limited to the following:
 - a. action addressee for the safety recommendation;
 - b. involved government departments;
 - c. involved States and accident investigation authorities;

- d. involved stakeholders, such as but not limited to the airline, maintenance organization, manufacturer, air traffic services provider, and airport operator; and
 - e. others who may benefit from lessons learned.
4. Whereas Item 17 Section 1 provides for the Authority to make safety recommendations, the concerned department, State, or any other authority to which a safety recommendation has been issued, shall, within ninety (90) days after being so notified, advise the Authority in writing of:
 - a. any action taken, or proposed to be taken, in response to the recommendations; or
 - b. provide written reasons as to why no action will be taken.
5. The Authority shall record and review responses to its safety recommendations and assess the degree to which the risks underlying the safety recommendation have been mitigated.
6. The Authority shall implement procedures to monitor the progress of the action taken in response to safety recommendation that the Authority receives.
7. The Authority should inform ICAO of safety recommendations of global concern issued by the Authority, as well as the responses received to these recommendations.

29. Accident and Incident Database

1. The Authority shall establish and maintain an accident and incident database to facilitate the effective analysis of information obtained on actual or potential safety deficiencies and to determine any preventive actions required.

30. Re-opening of Investigations

1. If new and significant evidence becomes available after the investigation has been closed, the Authority shall reopen it.

Schedule 1

Contents of the Initial Notification

As specified in Annex 13, 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 INCID;
 - b. type, manufacturer, model, serial number, nationality and registration marks of the aircraft;
 - c. names of the owner, operator and hirer, if any, of the aircraft;
 - d. qualification of the pilot-in-command, and nationality of crew and passengers;
 - e. date and time (local time or UTC) of the accident or serious incident;
 - f. last point of departure and point of intended landing of the aircraft, including the date and time of the departure;
 - 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 serious incident and the extent of damage to the aircraft so far as is known;
 - j. an indication to what extent the investigation will be conducted or is proposed to be delegated by the State of Occurrence;
 - k. physical characteristics of the accident or serious 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 of the State of Occurrence at any time; and
 - m. presence and description of dangerous goods on board the aircraft.
1. It may be helpful to provide the location of the accident or incident as well as the elevation and topography of the accident site, if it is known.
 2. It is useful to first provide the number of persons aboard (crew, passengers) and then the injuries they sustained.
 3. A list of addresses of aircraft accident and incident investigation authorities can be found on the ICAO/AIG website or in ICAO Doc 9756, Part I, Chapter 4, Appendix 2.

Schedule 2

Reportable Aircraft Accidents/Incidents

Reportable Accidents

- All aircraft accidents are reportable.

Reportable Serious Incidents

- Near collisions requiring an avoidance manoeuvre to avoid a collision or an unsafe situation, or when an avoidance action would have been appropriate.
- Collisions not classified as accidents.
- Controlled flight into terrain only marginally avoided.
- Aborted take-offs on a closed or engaged runway, on a taxiway 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 or unassigned runway.
- 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.
- Fuel quantity level or distribution situations requiring the declaration of an emergency by the pilot, such as insufficient fuel, fuel exhaustion, fuel starvation, or inability to use all usable fuel on board.
- Runway incursions classified with severity A. The Manual on the Prevention of Runway Incursions (Doc 9870) contains information on the severity classifications.
- Take-off or landing incidents. Incidents such as under-shooting, overrunning or running off the side of runways.
- System failures, weather phenomena, operations outside the approved flight envelope or other occurrences which caused or could have caused difficulties controlling the aircraft.
- Failures of more than one system in a redundancy system mandatory for flight guidance and navigation.
- The unintentional or, as a precautionary or emergency measure, the intentional release of a slung load or any other load carried external to the aircraft.

Note: The incidents listed above are typical examples of incidents that are likely to be serious incidents. The list is not exhaustive and only serves as guidance to the definition of serious incident.

Attachment A
Granting of Observer/Participant Status

Our File Reference

Day Month Year

Dear

Occurrence File No.: **Date:** **Time:**

Aircraft Involved:

Occurrence Location:

The Iraqi Civil Aviation Authority is empowered to investigate aircraft accidents and incidents in Iraq. The objective of an Authority investigation is to advance aviation safety by identifying safety deficiencies and making safety recommendations designed to eliminate or reduce such deficiencies. During the course of an investigation, the Authority may authorize a person to attend as an observer when the person is designated as such by a Minister responsible for a department having a direct interest in the investigation, or as a participant when, in the opinion of the Authority, the person has the expertise to contribute to achieving the Authority's objective.

(Regulations, Sections 37 and 38)

By this letter, you are granted the status of an observer or participant to this occurrence and, subject to any conditions the Authority may impose and under the supervision of an Authority investigator, you may:

- a. attend at the occurrence site(s);
- b. examine the aircraft, its component parts and contents involved in the occurrence;
- c. unless otherwise prohibited by law, examine relevant information as defined in Section 3 of the Regulations, and other information pertaining to:
 - i. the aviation activity during which the occurrence took place;
 - ii. the crew members involved in the occurrence;
 - iii. the aircraft, its component parts and contents; and
- d. attend laboratory tests or analyses.

(Regulations, Section 43)

Your attendance as an observer/participant is subject to the following conditions:

- a. You shall limit your activities at the occurrence site to those outlined by the Investigator incharge;
- b. You shall ensure that your activities do not restrict, endanger, or otherwise interfere with Authority investigators in the performance of their duties;
- c. The sole purpose of this Authority investigation is the advancement of aviation safety. Consequently, any information you gain as a result of your observer status shall only be used for that purpose. Until the investigation report is released to the public, you shall not disclose or otherwise use this information without the expressed consent of the Investigator-in-charge.
- d. To be permitted on the occurrence site, you shall have the appropriate inoculations against disease and biohazards (refer to the national immunization guide, health department directives, or equivalent publications);
- e. To be permitted on the occurrence site, you shall have the appropriate biohazard and occupational safety and health training, and the appropriate safety clothing and equipment, for operating on biohazard, remote, and dangerous sites (refer to the national immunization guide, health department directives, or equivalent publications); and
- f. You shall on request provide proof of compliance with the training and inoculation requirements in (d) and (e) above.

The rights and privileges granted to an observer/participant shall not include attendance at an interview of a witness during an investigation.

(Regulations, Section 45)

Failure to comply with any of the above responsibilities could result in the immediate revocation of your observer/participant status.

(Regulations, Section 42)

You should also understand that the privileges of an observer/participant will be exercised at your own risk.

Please sign and return this letter to the Investigator-in-charge, indicating your understanding and acceptance of the above-mentioned conditions and responsibilities.

Yours truly,

Investigator-in-charge

Acceptance of Observer/Participant Status

I understand and accept the conditions outlined above with respect to my attendance as an observer/participant at the subject investigation.

I also understand that the privileges of an observer/participant will be exercised at my own risk, and I hereby agree to indemnify and save harmless the Aircraft Accident and Incident Investigation Authority for any damage or injuries I may suffer as a result of my attending the investigation as an observer/participant.

Signed:
(Observer/Participant)

Date: