



Accidents Outside the United States: The Role of the Department of State and the NTSB

20TH ANNIVERSARY
Aviation Symposium
February 4-6, 2025

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International Framework for Investigations

- Chicago Convention on International Civil Aviation, 1944
- Establishment of the International Civil Aviation Organization (ICAO), an agency of the United Nations, upon ratification of the Convention in 1945
- There are currently 193 ICAO member states
 - Taiwan is the only major aviation operating country that is not a member
- ICAO is headquartered in Montreal

ICAO Annex 13

- Annex 13 to the Chicago Convention sets forth international standards and recommended practices for the notification, investigation, and reporting of civil aircraft accidents and incidents
- In major respects, the NTSB's standards and practices for aviation accident and incident investigations are fully consistent with those specified in Annex 13
- Annex 13 applies in two situations:
 - An overseas manufactured, registered or operated aircraft is involved in an accident or incident in the United States or its possessions
 - A U.S.-manufactured, registered or operated aircraft is involved in an accident or incident in the territories of another country
- The investigation of an airplane crash occurring in international waters falls under the jurisdiction of the airplane's country of registry

ICAO Annex 13

- If an accident or serious incident occurs in a foreign state (country) involving a civil aircraft of U.S. registry, a U.S. operator, or an aircraft of U.S. design or U.S. manufacture, where the foreign state is a signatory to the ICAO Convention, that state (known as the “state of occurrence”) is responsible for the investigation
- The NTSB, in coordination with the U.S. Department of State, represents the United States in accident investigations in a foreign country and designates a qualified agency employee to serve as the Accredited Representative to participate in the foreign investigation and assist the investigator-in-charge (IIC) of the investigation

Roles of Accredited Representatives and Technical Advisors

- Various organizations with technical knowledge and expertise serve as Technical Advisors to assist the NTSB Accredited Representative in the investigation (e.g., FAA, the manufacturer of the aircraft or major aircraft components)
- Annex 13 authorizes Accredited Representatives and Technical Advisors to:
 - Examine the wreckage
 - Obtain witness information and suggest areas of questioning
 - Have full access to all relevant evidence as soon as possible
 - Receive copies of all pertinent documents
 - Participate in read-outs of recorded media

Roles of Accredited Representatives and Technical Advisors

- Participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations
- Participate in investigation progress meetings, including deliberations related to analysis, findings, causes, contributing factors and safety recommendations
- Make comments on draft versions of factual reports, preliminary reports and final accident/incident reports

“What Happened? . . . What Did He Say?”

- Cockpit voice recorder
- Flight data recorder
 - Does the accident investigation authority have access to all the facilities required to read out flight recorders?
 - **If not**, the accident investigation authority should acquire the needed expertise and facilities from the states involved in the accident investigation, other states or a commercial engineering company (ICAO Investigation Manual)
- Cockpit voice recordings and airborne image recordings presumed not to be releasable to the public unless a national authority finds that “their disclosure or use outweighs the likely adverse domestic and international impact such action may have on that or any future investigations”

Supervision of Technical Advisors

- Technical Advisors work at the direction and under the supervision of the NTSB Accredited Representative
- Technical Advisors are subject to NTSB regulatory prohibitions regarding the dissemination of investigative information (49 C.F.R. § 831.13) while working under the supervision of the NTSB accredited representative
 - Confidentiality
 - Media rules

Final Accident Report by the State of Conducting the Investigation

- Under Annex 13, the State conducting the investigation must send the draft version of the final report (including proposed safety recommendations) to:
 - The state that instituted the investigation
 - The state of registry
 - The state of the operator
 - The state of design
 - The state of manufacture
 - Any other state that participated in the investigation

Final Accident Report – Input by Third Parties

- States receiving the draft report may submit comments with 60 days to the state conducting the investigation
- States receiving the draft report can submit the draft report to their Technical Advisors for their input
- If the state conducting the investigation receives comments, it 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

Final Accident Report

- Input of third parties:
 - States receiving the draft report may submit comments with 60 days to the state conducting the investigation
 - States receiving the draft report can submit the draft report to their Technical Advisors for their input
- Release of the report
 - The state conducting the investigation of an accident or incident shall make the final report publicly available as soon as possible and, if possible, within 12 months
 - Any state that participated in the investigation may issue its own accident report and may include its own separate safety recommendations

Thank You

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