# Notice of Proposed Rule Making of JCAR Part 13

Aircraft Accident Investigation

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Jordan Civil Aviation Regulatory Commission (CARC) hereby releases a reissue of JCAR Part 13 to comply with International and National Requirements& Replace with JCAR part 2201.

This part prescribes the authorization and requirements to investigate airlines, commercial operators, and general aviation aircraft incidents, serious incidents, and accidents.

This notice is to announce the proposed change and to seek concerned parties' comments regarding the above mentioned regulations and to facilitate enhanced public involvement in the process.

The CARC encourages comments concerning these changes to be directed to the following address:

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The closing date of comments 1/2/2019

Capt. Haitham Misto
Chief Commissioner/CEO
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	PROPOSAL
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ATTACHMENT B GUIDANCE FOR THE DETERMINATION OF AIRCRAFT DAMAGE	<u> </u>

# SUBPART –A DEFINITIONS

13.1 When the following terms are used in this JCAR Part for Aircraft Accident and Incident Investigation, they have the following meanings:

**AAID:** Aircraft Accident Investigation Department under the Umbrella of Ministry of Transport.

**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 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.

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

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 B.

**Accident investigation authority** the AAID under the umbrella of ministry of transport responsible for aircraft accident and incident investigations within the context of this Part.

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

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

**Aircraft** Any machines 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.

**CARC:** Civil Aviation Regulatory Commission

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.

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

**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

**Investigator-in-charge** A person charged, on the basis of his or her qualifications, with the responsibility for the AAID, 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.

**MOT:** Ministry Of Transport.

**Operator** The 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 AAID 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.

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

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

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

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

- a) Requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
- b) Results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- c) involves lacerations which cause severe haemorrhage, 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

**State safety programme (SSP)**. An integrated set of regulations and activities aimed at improving safety.

## SUBPART-B APPLICABILITY

- 13.2.1 Unless otherwise stated, the specifications in this part apply to activities following accidents and incidents wherever they occurred.
- Note.— The application of this specification with respect to accidents or serious incidents occurring in the territory of a non-contracting state, in an area of undetermined sovereignty or on the high seas is addressed in 13.5.2 and 13.5.3.
- 13.2.2 In this part the specifications 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.

### SUBPART-C GENERA L

#### **OBJECTIVE OF THE INVESTIGATION**

13. 3.1 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.

#### INDEPENDENCE OF INVESTIGATIONS

13.3.2 Ministry of transport establish an accident investigation directorate that is independent from civil aviation regulatory commission CARC and other entities that could interfere with the conduct or objectivity of an investigation.

#### PROTECTION OF EVIDENCE, CUSTODY AND REMOVAL OF AIRCRAFT

#### RESPONSIBILITY OF JORDAN AS STATE OF OCCURRENCE

#### General

- 13.3.3 AAID 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 13.5.6.
- 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

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

13.3.4 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, AAID 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.

#### Release from custody

13.3.5 Subject to the provisions of 13.3.3 and 13.3.4, AAID 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 AAID 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 AAID finds it impracticable to grant such access, it shall itself effect removal to a point where access can be given.

### SUBPART-D NOTIFICATION

# ACCIDENTS OR SERIOUS INCIDENTS IN THE TERRITORY OF JORDAN TO AIRCRAFT OF ANOTHER CONTRACTING STATE RESPONSIBILITY OF JORDAN AS STATE OF OCCURRENCE

#### **Forwarding**

- 13.4.1 AAID forwards a notification of an accident or serious incident, 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 ICAO, when the aircraft involved is of a maximum mass of over 2 250 kg or is a turbojet-powered aeroplane

Provision for the notification of a distress phase to the State of Registry by the rescue coordination centre is contained in JCAR Part 172 subpart F Search and Rescue.

#### Format and content (see IHB Subpart 4 appendix 1 Notification Format)

- 13.4.2 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) 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) 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;
- 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 AAID;
- 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-incharge and the AAID at any time; and
- m) Presence and description of dangerous goods on board the aircraft.

#### Language

13.4.3 The notification shall be prepared in one of the working languages of ICAO, taking into account the language of the recipient(s), whenever it is possible to do so without causing undue delay.

#### **Additional information**

13.4.4 As soon as it is possible to do so, the AAID shall dispatch the details omitted from the notification as well as other known relevant information

## RESPONSIBILITY OF JORDAN AS STATE OF REGISTRY,

#### OR AS STATE OF THE OPERATOR

#### **Information** — Participation

13.4.5 AAID shall, as soon as possible, provide the State of Occurrence with any relevant information available to them regarding the aircraft and flight crew involved in the accident or serious incident. Also inform the State of Occurrence whether it intends to appoint an accredited representative and if such an accredited representative is appointed the name and contact details; as well as the expected date of arrival if the accredited representative will travel to the State of Occurrence.

Note 1 — In accordance with 13.5.18, AAID have the right to appoint an accredited representative to participate in the investigation.

- Note 2 In accordance with 13.5.22, AAID is to appoint an accredited representative when specifically requested to do so by the State conducting the investigation of an accident to an aircraft over 2 250 kg. Their attention is also drawn to the usefulness of their presence and participation in the investigation.
- 13.4.6 Upon receipt of the notification, AAID, with a minimum of delay and by the most suitable and quickest means available, provide the State of Occurrence with details of dangerous goods on board the aircraft.

# ACCIDENTS OR SERIOUS 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

#### **Forwarding**

- 13.4.7 When AAID institutes the investigation of an accident or serious incident AAID shall forward a notification, in accordance with 13.4.2 and 13.4.3 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 ICAO, when the aircraft involved is of a maximum mass of over 2 250 kg or is a turbojet-powered aeroplane.
- 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 JCAR Part 172 subpart F Search and Rescue.

#### RESPONSIBILITY OF JORDAN AS THE STATE OF THE OPERATOR

#### Information — Participation

13.4.8 Upon receipt of the notification, the AAID shall, upon request, provide the State of Registry with any relevant information available to them regarding the flight crew and the aircraft involved in the accident or serious incident. Also inform the State of Registry 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 13.5.18, AAID have the right to appoint an accredited representative to participate in the investigation.

Note 2 — In accordance with 13.5.22, AAID is to appoint an accredited representative when specifically requested to do so by the State conducting the investigation of an accident to an aircraft over 2 250 kg Taking in consecration the usefulness of AAID presence and participation in the investigation.

13.4.9 Upon receipt of the notification, AAID shall, with a minimum of delay and by the most suitable and quickest means available, provide the State of Registry with details of dangerous goods on board the aircraft.

#### SUBPART -E INVESTIGATION

# RESPONSIBILITY FOR INSTITUTING AND CONDUCTING THE INVESTIGATION ACCIDENTS OR INCIDENTS IN THE TERRITORY OF A CONTRACTING STATE

#### Jordan as state of occurrence

- 13.5.1 AAID shall institute an investigation into the circumstances of the **accident** and be responsible for the conduct of the 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. In any event, AAID shall use every means to facilitate the investigation.
- 13.5.1.1 AAID should institute an investigation into the circumstances of **a serious incident** .and 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 AAID should use every means to facilitate the investigation.
- 13.5.1.2 AAID shall institute an investigation into the circumstances of a serious incident when the aircraft is of a maximum mass of over 2 250 kg. and 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. AAID shall use every means to facilitate the investigation.
- Note 1 the investigation of a serious incident does not exclude other already existing types of investigation of incidents (serious or not) by other organizations.
- Note 2 when the whole investigation is delegated to another State or a regional accident and incident investigation organization, such a State is expected to be responsible for the conduct of the investigation, including the issuance of the Final Report and the ADREP reporting. When a part of the investigation is delegated, AAID usually retain 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, AAID 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.

## ACCIDENTS OR INCIDENTS IN THE TERRITORY OF A NON-CONTRACTING STATE

#### Jordan as State of Registry

13.5.2 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 Annex 13, AAID or, failing that, the State of the Operator, the State of Design or the State of Manufacture 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

#### Jordan as state of registry

13.5.3 When the location of the accident or the serious incident cannot definitely be established as being in the territory of any State, AAID shall institute and conduct any necessary investigation of the accident or serious incident. However, AAID may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.

AAID shall establish communication with the states nearest to the scene of an accident in international waters requesting assistance as they are able for the purpose of conducting the investigation.

13.5.3.1 If the State of Registry is a non-contracting State which does not intend to investigation in accordance with Annex 13, the AAID as of being the State of the Operator shall institute and conduct the investigation of the accident, serious incident or selected incident. The AAID may delegate the whole or any part of the investigation to another State by mutual arrangement and consent. The AAID, Jordan as the State of Registry.

#### ORGANIZATION AND CONDUCT OF THE INVESTIGATION

AAID shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of this part. The investigation shall include:

- (a) The gathering, recording and analysis of all available relevant information on that 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) The completion of the Final Report.

Any investigation conducted under the provision of this Subpart shall be separate from any judicial or administrative proceedings to apportion blame or liability.

The extent of the investigation and the procedure to be followed in carrying out such an investigation shall be determined by the AAID depending on the lessons it expects to draw from the investigation for the improvement of safety.

All investigations shall be held in privacy.

#### RESPONSIBILITY OF JORDAN AS STATE CONDUCTING THE INVESTIGATION

Note — nothing in the following provisions is intended to preclude AAID from calling upon the best technical expertise from any source.

#### General

- 13.5.4 AAID shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of this Part. The investigation shall normally 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 13. 5.12;
- c) if appropriate, the issuance of safety recommendations;
- d) If possible, the determination of the causes 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 AAID, depending on the lessons it expects to draw from the investigation for the improvement of safety.

13.5.4.1 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 AAID experts, and any judicial or administrative proceedings being conducted by other appropriate experts. Coordination, as per 13.5.10, 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 13.5.12.

- 13.5.4.2 AAID had developed Investigator Handbook IHB including policies and procedures detailing its accident investigation duties which include: organization and planning; investigation; and reporting.
- 13.5.4.3 AAID ensures that any investigations conducted under the provisions of this Part have unrestricted access to all evidential material without delay.
- 13.5.4.4 AAID ensures cooperation between AAID and judicial authorities so that an investigation is not impeded by administrative or judicial investigations or proceedings.

#### Investigator-in-charge IIC — Designation

13.5.5 AAID shall designate the investigator-in-charge of the investigation and shall initiate the investigation immediately.

#### Investigator-in-charge — Access and control

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

#### Flight recorders — Accidents and incidents

- 13.5.7 Effective use shall be made of flight recorders in the investigation of an accident or an incident. AAID shall arrange for the read-out of the flight recorders without delay.
- 13.5.8 In the event that AAID does not have adequate facilities to read out the flight recorders, AAID 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 radar data and ATS communications are contained in JCAR Part 171 (Aeronautical Telecommunication Facilities) and JCAR Part 172 (Air Navigation Standard).

Also see Attachment D "Guidance for Flight Recorder READ-OUT and Analysis" in IHB

#### **Autopsy examinations**

13.5.9 AAID conducting the investigation into a fatal accident shall arrange for complete autopsy examination of fatally injured flight crew and, subject to the particular circumstances, of fatally injured passengers and cabin attendants, by a pathologist, preferably experienced in accident investigation. These examinations shall be expeditious and complete.

#### **Medical examinations**

13.5.9.1 When appropriate AAID 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.

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.

#### **Coordination** — **Judicial authorities**

13.5.10 AAID recognize the need for coordination between the investigator-in- charge and the judicial authorities. Particular attention is 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 AAID for such coordination is set out in 13.5.1.

Note 2 — possible conflicts between investigating and judicial authorities regarding the custody of flight recorders and their recordings may be resolved by an official of the judicial authority carrying the recordings to the place of read-out, thus maintaining custody.

Note 3 — possible conflicts between investigating and judicial authorities regarding the custody of the wreckage may be resolved by an official of the judicial authority accompanying the wreckage to the place of examination and being present at such examination when a modification of the condition of the wreckage is required, thus maintaining custody.

#### Informing aviation security & facilitation department (AVSEC)

13.5.11 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 facilitation department authorities-are so informed.

#### Protection of accident and incident investigation records

13.5.12 AAID shall not make the following records available for purposes other than accident or incident investigation, unless AAID, in accordance with national laws and subject to Investigator Handbook procedure IHB and 13.5.12.5, 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 AAID being:
- 1) All statements taken from persons by the AAID 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 AAID and accredited representatives in relation to the accident or incident; and
- 6) The draft Final Report of an accident or incident investigation.
- 13.5.12.1 AAID determine whether any other records obtained or generated by the AAID, as a part of an accident or incident investigation, need to be protected in the same way as the records listed in 13.5.12.
- 13.5.12.2 The records listed in 13.5.12 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 13.5.12 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.
- 13.5.12.3 The names of the persons involved in the accident or incident shall not be disclosed to the public by AAID.
- 13.5.12.4 AAID ensures that requests for records in the custody or under its own control are directed to the original source of the information, where available.
- 13.5.12.4.1 AAID retains, where possible, only copies of records obtained in the course of an investigation.
- 13.5.12.5 AAID take measures to 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.

13.5.12.6 AAID issuing or receiving a draft Final Report assured to be not disclosed to the public.

#### Reopening of investigation

13.5.13 If, after the investigation has been closed, new and significant evidence becomes available, AAID shall reopen it. However, when AAID did not institute it, AAID 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 JORDAN TOWARD ANY OTHER STATE

#### Information — Accidents and incidents

13.5.14 AAID shall, on request from the State conducting the investigation of an accident or an incident, provide that State with all the relevant information available to it.

Note — See also 13.5.16.

- 13.5.14.1 AAID should cooperate with other states to determine the limitations on disclosure or use that will apply to information before it is exchanged between them for the purposes of an accident or incident investigation.
- 13.5.15 The facilities or services of which have been, or would normally have been, used by an aircraft prior to an accident or an incident, and which has information pertinent to the investigation, AAID shall provide such information to the State conducting the investigation

# RESPONSIBILITY OF JORDAN AS THE STATE OF REGISTRY AND THE STATE OF THE OPERATOR

#### Flight recorders — Accidents and serious incidents

13.5.16 When an aircraft involved in an accident or a serious incident lands in a State other than the State of Occurrence, the Jordan as state of registry or the State of the Operator 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 13.5.16 Jordan as 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.

#### **Organizational information**

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

#### PARTICIPATION IN THE INVESTIGATION

Note — nothing in this Part 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 OTHER STATE WITH JORDAN AS STATE CONDUCTING THE INVESTIGATION

#### Rights

13.5.18 AAID shall entitle the State of Registry, the State of the Operator, the State of Design and the State of Manufacture to appoint an accredited representative to participate in its investigations.

Note — nothing in this Part 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.

- 13.5.19 AAID shall entitle the State of Registry and the State of the Operator to appoint one or more advisers proposed by the operator to assist its accredited representative.
- 13.5.19.1 When either the State of Registry or the State of the Operator does not appoint an accredited representative, the AAID who conducting the investigation, shall invite the operator to participate.
- 13.5.20 AAID shall entitle the State of Design and the State of Manufacture to appoint one or more advisor proposed by the organization responsible for the type design and final assembly of the aircraft to assist its accredited representative.
- 13.5.21 when either the State of Design or the State of the Manufacture does not appoint an accredited representative, AAID who conducting the investigation, shall invite the type design organization or aircraft manufacture to participate.

#### **Obligations**

13.5.22 When AAID conducting an investigation of an accident to an aircraft of a maximum mass of over 2 250 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 13.5.22 is intended to preclude Jordan as 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 AAID believes that a useful contribution can be made to the investigation or when such participation might result in increased safety.

Note 2 — nothing in 13.5.22 is intended to preclude Jordan as 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 13.5.22

#### PARTICIPATION OF OTHER STATES

#### Rights

13.5.23 AAID, who conducting the investigation, shall entitle any State, which on request provides information, facilities or experts to AAID, to appoint an accredited representative to participate in the investigation.

Note — AAID may also invite any state that provides an operational base for field investigations, or is involved in search and rescue or wreckage recovery operations, or is involved as a state of a code-share or alliance partner of the operator to appoint an accredited representative to participate in the investigation.

#### ENTITLEMENT OF ACCREDITED REPRESENTATIVES

#### **Advisers**

13.5.24 AAID 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 AAID participating in an investigation from calling upon the best technical experts from any source and appointing such experts as advisers to its accredited representative.

13.5.24.1 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.

#### **Participation**

- 13.5.25 Participation in the investigation shall confer entitlement to participate in all aspects of the investigation, under the control of the investigator-in-change, in particular to:
- a) Visit the scene of the accident;
- b) Examine the wreckage;
- c) Obtain witness information and suggest areas of questioning;
- d) Have full access to all relevant evidence as soon as possible;
- e) Receive copies of all pertinent documents;
- f) Participate in read-outs of recorded media;
- g) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;
- h) participate in investigation progress meetings including deliberations related to analysis, findings, causes, contributing factors and safety recommendations; and
- i) Make submissions in respect of the various elements of the investigation.

However, participation of States other than the State of Registry, the State of the Operator, the State of Design and the State of Manufacture may be limited to those matters which entitled such States to participation under 13.5.23.

#### **Obligations**

- 13.5.26 the accredited representative appointed by the AAID to participate in investigation conducted by foreign state and his nominated advisors, shall:
- (a) Provide the state conducting the investigation with all relevant information available to them; and
- (b) Not divulge information on the progress and the findings of the investigation without the express consent of the State conducting the investigation.

# PARTICIPATION OF STATES HAVING SUFFERED FATALITIES OR SERIOUS INJURIES TO THEIR CITIZENS

#### **Rights and entitlement**

- 13.5.27 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 AAID, who conducting the investigation, to appoint an expert who shall be entitled to:
- (a) Visit the accident site;
- (b) Have access to the relevant factual information which is approved by the AAID for public release and information on the progress of the investigation;
- (c) Participate in the identification of the victims;
- (d) Assist in questioning surviving passengers who are citizens of the expert's State; and
- (e) Receive a copy of the Final Report.
- 13.5.28 AAID who conducting the investigation may release, at least during the first year of the investigation, established factual information and indicate the progress of the investigation in a timely manner.

## SUBPART -F FINAL REPORT

13.6.1 The format of the Final Report in Investigator Handbook IHB shall be used. However, it may be adapted to the circumstances of the accident or incident.

#### RESPONSIBILITY OF ANY STATE

#### Release of information — Consent

13.6.2 AAID 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 JORDAN AS STATE CONDUCTING THE INVESTIGATION

#### Consultation

- 13.6.3 AAID 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 Subpart 5.

If AAID receive comments within sixty days of the date of the transmittal letter, 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. If AAID receive no comments within sixty days of the date of the first transmittal letter, it shall issue the Final Report in accordance with 13.6.4, unless an extension of that period has been agreed by the States concerned.

Note 1—AAID may consult other States, such as those States which provided relevant information, significant facilities, or experts who participated in the investigation under 13.5.27.

- 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, AAID 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
- 13.6.3.1 AAID 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.
- 13.6.3.2 AAID 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.

#### **Recipient States**

- 13.6.4 The Final Report of the investigation of an accident shall be sent with a minimum of delay by AAID 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

#### **Release of the Final Report**

13.6.5 In the interest of accident prevention, AAID who-conducting the investigation of an accident or incident 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.

- 13.6.6 If the report cannot be made publicly available within **twelve months**, AAID conducting the investigation shall make an interim statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.
- 13.6.7 When AAID has conducted an investigation into an accident or an incident involving an aircraft of a maximum mass of over 5 700 kg has released a Final Report, AAID 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 Investigator Handbook IHB.

#### **Safety recommendations**

13.6.8 At any stage of the investigation of an accident or incident, AAID 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.— AAID has the precedence for the issuance of safety recommendations from an accident or incident investigation; however, in the interest of safety, other States participating in the investigation may issue safety recommendations after coordinating with AAID.

13.6.9 AAID conducting investigations of accidents or incidents 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, 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.

## RESPONSIBILITY OF A STATE RECEIVING OR ISSUING SAFETY RECOMMENDATIONS

#### **Action on safety recommendations**

13.6.10 AAID receives safety recommendations 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 provision is intended to preclude AAID conducting the investigation from making proposals for preventive action other than safety recommendations.

- 13.6.11 AAID who conducting the investigation or issuing a safety recommendation should implement procedures to record the responses to the safety recommendation issued.
- 13.6.12 AAID that receives a safety recommendation should implement procedures to monitor the progress of the action taken in response to that safety recommendation.

## SUBPART-G ADREP REPORTING

Note — the provisions of this Subpart may require two separate reports for any one accident or incident. They are:

**Preliminary Report** 

Accident/Incident Data Report.

#### PRELIMINARY REPORT

#### RESPONSIBILITY OF JORDAN AS STATE CONDUCTING THE INVESTIGATION

#### Accidents to aircraft over 2 250 kg

- 13.7.1 When the aircraft involved in an accident is of a maximum mass of over 2 250 kg, AAID 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.

#### Accidents to aircraft of 2 250 kg or less

- 13.7.2 When an aircraft, not covered by 13.7.1, is involved in an accident and when airworthiness or matters considered being of interest to other States are involved, AAID conducting the investigation 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.

#### Language

13.7.3 AAID shall the Preliminary Report to appropriate States and to the International Civil Aviation Organization in one of the working languages of ICAO.

#### **Dispatch**

13.7.4 AAID shall sent the preliminary report by facsimile, e-mail, or airmail within **thirty** days of the date of the accident unless the Accident/Incident Data Report has 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 JORDAN AS STATE CONDUCTING THE INVESTIGATION

#### Accidents to aircraft over 2 250 kg

13.7.5 When the aircraft involved in an accident is of a maximum mass of over 2 250 kg, AAID conducting the investigation shall send, as soon as practicable after the investigation, the Accident Data Report to the International Civil Aviation Organization.

#### Additional information

13.7.6 AAID conducting the investigation should, upon request, provide other States with pertinent information additional to that made available in the Accident/Incident Data Report.

#### Incidents to aircraft over 5 700 kg

13.7.7 If AAID conducts an investigation into an incident to an aircraft of a maximum mass of over 5 700 kg, AAID 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 A.

### SUBPART-H ACCIDENT PREVENTION MEASURES

#### **Database and preventive actions**

- 13.8.1 AAID shall establish and maintain 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, in addition-any additional information on which to base preventive actions may be contained in the Final Reports on accidents and incidents that have been investigated.
- 13.8.2 State authorities responsible for the implementation of the SSP should have access to the accident and incident database referenced in 13.8.1 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).

13.8.3 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.

#### **ATTACHMENTS**

#### ATTACHMENT A LIST OF EXAMPLES OF SERIOUS INCIDENTS

The incidents listed 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.

- 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 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 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 an emergency measure, the intentional release of a slung load or any other load carried external to the aircraft

# ATTACHMENT -B GUIDANCE FOR THE DETERMINATION OF AIRCRAFT DAMAGE

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

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Occurrence Report



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Operator					Client 1	ID	
POB	Number of injuries - Fatal		Serious		Mino	r	
		Crew Pa	ax	Crew	Pax	Crew	Pax
<b>Operational Det</b>	ails						
Flight No./Call sign	Altitude		AGL	ASL	FL R	unway used	
Departure point	Destinatio	n Point		Nearest r	eporting point (N	NRP)	
Distance and bearing f	rom NRP NM	o		VFR	IFR		VMC IMC
Nature of flight	Scheduled OR non- scheduled OR	duled	Domestic OR	internation	nal	ETOPS	
	Passenger A to A		Passenger A to B			Freight on	ly
	Agricultural		Other aerial work			Business/e	executive
	Training dual		Training solo			Test or fer	ry/positioning
	Private other		Parachuting			Air ambul	ance
	Other (specify)						
Flight Phase	Parked		Taxing			Takeoff	
	Climb		Hover			Cruise	
	Circuit	Щ	Aerobatics			Holding	
	Descent		Approach			Landing	
Effect on flight	Nil	Щ	Flight delayed/car			Aborted ta	keoff
If weather is a	Failure to get airborne	닏	Emergency/precaution				y / precautionary landing
significant factor include in	Go-around/missed approach		Abnormal approa			Diversion	
description of	Turn back	H	Engine(s) shutdov				loss of control/performance
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