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Agência da Aviação Civil:

Conselho de Administração.

AGÊNCIA DA AVIAÇÃO CIVIL

Conselho de Administração

DELIBERAÇÃO N.º 15/2009

Ao abrigo do disposto no artigo 173.º do Código Aeronáutico (Decreto-Legislativo n.º 1/2001, de 20 Agosto) e da alínea a) do n.º 2 do artigo 12 dos estatutos da Agência de Aviação Civil aprovado pelo Decreto-Lei n.º 24/2008, de 12 de Julho, e alterado pelo Decreto-Lei n.º 31/2009, de 7 de Setembro, o Conselho de Administração da AAC aprovou a 23 de Setembro de 2009 a Parte 13 – Investigação de Acidentes e Incidentes com Aeronaves (CV CAR) em versão inglesa.

Este regulamento, que estabelece pela primeira vez os requisitos aplicáveis à investigação de acidentes, reflecte as normas do Anexo 13 à Convenção Sobre a Aviação Civil Internacional.

A versão portuguesa do CV CAR Parte 13 será publicada logo que possível.

Conselho de Administração da Agência da Aviação Civil, na Praia, aos 23 de Setembro de 2009. – O Presidente, *Carlos Brazão Monteiro*.

CIVIL AVIATION REGULATIONS

CVCAR PART 13

AIRCRAFT ACCIDENT AND INCIDENT INVESTIGATION

13.A GENERAL

13.A.105 Applicability

(a) Subject to paragraph (b), this Part prescribes rules for the—

- (1) notification, investigation, and reporting of accidents and incidents; and
- (2) preservation of aircraft, aircraft contents, and aircraft records following an accident or serious incident; and
- (3) preservation of records relating to an accident, facility malfunction incident, an airspace incident, or a promulgated information incident; and
- (4) reporting of aircraft operating and statistical data.

(b) This Part shall apply to investigation activities following accident and incident involving civil aircraft when they occur:

- (1) in the territory of Cape Verde;
- (2) outside the territory of Cabo Verde to an aircraft registered in Cabo Verde, or to an aircraft operated by the holder of an Air Operator's Certificate issued by Cabo Verde, when such investigations are not carried out by another State.

(c) In these Regulations the specifications concerning the State of the Operator apply only when the aircraft is leased, chartered or interchanged and when Cabo Verde is not the State of Registry and if it interchanges, in respect of these Regulations, in part or in whole, the functions and obligations of the State of Registry.

13.A.110 Objective of the investigation

(a) 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.

13.A.115 Definitions

(a) For the purpose of CV-CAR Part 13, the following definitions shall apply:

Accident. An occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which:

- (i) a person is fatally or seriously injured as a result of:
 - (A) being in the aircraft, or
 - (B) direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
 - (C) 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

(ii) the aircraft sustains damage or structural failure which:

- (A) adversely affects the structural strength, performance or flight characteristics of the aircraft, and
- (B) would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft skin; or

(iii) 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.

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.

Aerodrome incident. An incident involving an aircraft operation and—

- (i) an obstruction either on the aerodrome operational area or protruding into the aerodrome obstacle limitation surfaces; or
- (ii) a defective visual aid; or
- (iii) a defective surface of a manoeuvring area; or
- (vi) any other defective aerodrome facility;

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.

Aircraft incident. Any incident, not otherwise classified, associated with the operation of an aircraft:

Airspace incident. An incident involving deviation from, or shortcomings of, the procedures or rules for:

- (i) avoiding a collision between aircraft; or
- (ii) avoiding a collision between aircraft and other obstacles when an aircraft is being provided with an Air Traffic Service:

Bird incident. An incident where:

- (i) there is a collision between an aircraft and one or more birds; or
- (ii) when one or more birds pass sufficiently close to an aircraft in flight to cause alarm to the pilot:

Causes. Actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident.

Dangerous goods incident. An incident associated with and related to the carriage of dangerous goods by air after acceptance by the operator, that:

- (i) results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation, or other evidence that the integrity of the packaging has not been maintained; or
- (ii) involves dangerous goods incorrectly declared, packaged, labelled, marked, or documented:

Defect incident. An incident that involves failure or malfunction of an aircraft or aircraft component, whether found in flight or on the ground:

Facility malfunction incident. An incident that involves an aeronautical facility:

Fatal injury. Any injury which results in death within 30 days of the accident:

Flight crew member. A licensed crewmember charged with duties essential to the operation of an aircraft during a flight duty period.

Flight recorder. Any type of recorder installed in the aircraft for the purpose of complementing accident/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, when appropriate, the making of safety recommendations.

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

Maximum mass. Maximum certificated take-off mass.

Occurrence. An accident or incident.

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

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

Promulgated information incident. An incident that involves significantly incorrect, inadequate, or misleading information promulgated in any aeronautical information publication, map, or chart:

Safety recommendation. A proposal of the accident investigation authority of the State conducting the investigation, based on information derived from the investigation, made with the intention of preventing accidents or incidents.

Serious incident. An incident involving circumstances indicating that an accident nearly occurred.

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

- (i) requires hospitalisation for more than 48 hours, commencing within 7 days from the date the injury was received; or
- ii) results in a fracture of any bone, except simple fractures of fingers, toes, or nose; or
- (iii) involves lacerations which cause severe haemorrhage, nerve, muscle, or tendon damage; or
- (iv) involves injury to an internal organ; or
- (v) involves second or third degree burns, or any burns affecting more than 5% of the body surface; or
- (vi) 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.

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.

13.B Notification

13.B.105 Notification of accident

(a) Each pilot-in-command of an aircraft registered in Cabo Verde, or of an aircraft operated by the holder of an Air Operator's Certificate issued by Cabo Verde that is involved in an accident or, if that person is fatally or seriously injured, or if the aircraft is missing, the operator, shall notify the Authority of the accident as soon as practicable.

(b) The notification under paragraph (a) shall be in a manner acceptable to the Authority and contain, where ascertainable, the—

- (1) date and time of the accident; and
- (2) nature of the accident; and
- (3) type, nationality, and registration marks of the aircraft; and
- (4) names of the aircraft owner and operator; and
- (5) position or last known position of the aircraft with reference to an easily defined geographical point; and
- (6) name of the pilot-in-command of the aircraft; and
- (7) type of operation; and
- (8) last point of departure of the aircraft; and
- (9) next point of intended landing of the aircraft; and
- (10) description of the sky condition, precipitation, wind velocity, and visibility; and

(11) number of persons on board the aircraft; and

(12) number of crew and passengers killed or seriously injured as a result of the accident; and

(13) number of persons killed or seriously injured as a result of the accident that were not crew or passengers; and

13.B.110 Details of accident

(a) The pilot-in-command of an aircraft that is involved in an accident or, if that person is fatally or seriously injured, the operator, shall provide the occurrence details requested on the form prescribed by the Authority within 10 days of the accident:

- (1) on the prescribed form; or
- (2) by a means acceptable to the Authority.

(b) The details required by paragraph (a) shall include a statement by each flight crew member who was on the aircraft at the time of the accident, detailing the facts, conditions, and circumstances relating to the accident.

(c) Where a flight crew member is incapacitated, the statement required by paragraph (b) shall be submitted as soon as the flight crew member is able.

13.B.115 Notification of incident

(a) A holder of a certificate issued in accordance with the following CV CAR Parts must notify the Authority as soon as practicable of any associated incident if the certificate holder is involved in the incident and the incident is a serious incident or is an immediate hazard to the safety of an aircraft operation:

- (1) CVCAR Parts 9, 10 and 11 - aircraft incident, or dangerous goods incident;
- (2) CVCAR Part 17 - airspace incident;
- (3) CVCAR Parts 4, 6, 9, 10 and 11 - defect incident;
- (4) CVCAR Parts 9, 10, 11, 12, 14, 17 and 20 - security incident;
- (5) CVCAR Part 14 - aerodrome incident;
- (6) CVCAR Parts 14, 15, 19, 20 and 21 promulgated information incident.
- (7) CV CAR Parts 9, 10 and 11 – cargo security incident.

(b) A person who is involved in an incident that is a serious incident or an immediate hazard to the safety of an aircraft operation must notify the Authority of the incident as soon as practicable if the person—

- (1) operates, maintains, services, or does any other act in respect of an aircraft, aeronautical product, or aviation related service; and
- (2) is not employed by, or associated with, the holder of a certificate referred to in paragraph (a).

(c) A pilot-in-command of an aircraft registered in Cabo Verde, or to an aircraft operated by the holder of an Air Operator's Certificate issued by Cabo Verde that is involved in an airspace incident or a bird incident must notify the Authority of the incident as soon as practicable.

(d) The notification of an incident required by paragraphs (a), (b), and (c) must be conveyed by a means acceptable to the Authority and contain, where ascertainable, information in accordance with the following:

- (1) for airspace incidents, IS 13.B.115 (a);
- (2) for defect incidents, IS 13.B.115 (b);
- (3) for facility malfunction incidents, IS 13.B.115 (c);
- (4) for aircraft incidents, IS 13.B.115 (d);
- (5) for security incidents, IS 13.B.115 (e);
- (6) for promulgated information incidents, IS 13.B.115 (f);
- (7) for aerodrome incidents, IS 13.B.115 (g);
- (8) for dangerous goods incidents, bird incidents, or any other incident, IS 13.B.115 (h).

13.B.120 Details of incident

(a) Notwithstanding the notification of a serious incident or an immediate hazard to the safety of an aircraft operation under rule 13.B.115 (a), the following persons who are involved in an incident must

provide the Authority with the applicable details of the incident in accordance with information requested on the applicable form specified in paragraph (b)(1) or (b)(2):

- (1) a holder of a certificate referred to in rule 13.B.115(a);
- (2) a person referred to in rule 13.B.115(b);
- (3) a pilot-in-command referred to in rule 13.B.115(c).

(b) A person who is required under paragraph (a) to provide the Authority with details of an incident must provide those details within 14 days of the incident –

- (1) on the form prescribed by the Authority; or
- (2) by another means that is acceptable to the Authority.

13.C INTERNATIONAL CO-OPERATION

13.C.100 ACCIDENTS OR SERIOUS INCIDENTS IN THE TERRITORY OF CABO VERDE TO AIRCRAFT OF ANOTHER CONTRACTING STATE

13.C.105 responsibility of Cabo Verde as the State of Occurrence

(a) The Authority shall, as soon as practicable after receiving notice of an accident or serious incident, shall forward a notification of the accident or serious incident, with a minimum of delay and by the quickest means available, to—

- (1) the State of Registry, where the aircraft is not registered in Cabo Verde;
- (2) the State of the Operator, where the operator is not licensed in Cabo Verde;
- (3) the State of Design;
- (4) the State of Manufacture; and
- (5) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2 250 kg.

(b) 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:

- (1) for accidents the identifying abbreviation ACCID, for serious incidents INCID;
- (2) manufacturer, model, nationality and registration marks, and serial number of the aircraft;
- (3) name of owner, operator and hirer, if any, of the aircraft;
- (4) name of the pilot-in-command, and nationality of crew and passengers;
- (5) date and time (local time or UTC) of the accident or serious incident;
- (6) last point of departure and point of intended landing of the aircraft;
- (7) position of the aircraft with reference to some easily defined geographical point and latitude and longitude;
- (8) number of crew and passengers; aboard, killed and seriously injured; others, killed and seriously injured;
- (9) description of the accident or serious incident and the extent of damage to the aircraft so far as is known;
- (10) an indication to what extent the investigation will be conducted or is proposed to be delegated by Cabo Verde;
- (11) physical characteristics of the accident or serious incident area, as well as an indication of access difficulties or special requirements to reach the site;
- (12) identification of the originating authority and means to contact the investigator-in-charge and the accident investigation authority of Cabo Verde at any time; and
- (13) presence and description of dangerous goods on board the aircraft.

(c) 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.

(d) As soon as it is possible to do so, the Authority shall dispatch the details omitted from the notification as well as other known relevant information.

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 1.— The 4-letter designator “YLYX” in association with an ICAO 4-letter location indicator forms the 8-letter addressee indicator for messages sent over the AFTN to authorities responsible for aircraft accident and serious incident investigations. For messages sent over the public telecommunication service the addressee indicator cannot be used and a postal or telegraphic address must be substituted.

The 8-letter addressee indicators and the corresponding postal and telegraphic addresses, when notified to ICAO, are published in the Designators for Aircraft Operating Agencies, Aeronautical Authorities and Services (Doc 8585).

Note 2.— The Manual of Aircraft Accident and Incident Investigation, Part I— Organization and Planning (Doc 9756) contains guidance material concerning the preparation of notification messages and the arrangements to be made for their prompt delivery to the addressee.

13.C.110 responsibility of Cabo Verde as the State of Registry or State of the Operator

(a) In case of accident of serious incident to an aircraft in the territory of another Contracting State, where Cabo Verde is the State of Registry, or the State of the Operator, the Authority will acknowledge receipt of the notification of an accident or serious incident.

(b) Upon receipt of the notification referred to in a) the Authority shall, as soon as possible, provide the State of Occurrence with any relevant information available regarding the aircraft and flight crew involved in the accident or serious incident. The Authority shall also inform the State of Occurrence whether it intends to appoint an accredited representative and if such an accredited representative is appointed, the name contact details as well as the expected date of arrival if the accredited representative will travel to the State of Occurrence.

(c) Upon receipt of the notification, the Authority shall, with a minimum delay and by the most suitable and quickest means available, provide the State of Occurrence with details of dangerous goods on board the aircraft.

(d) When the State of Occurrence is not aware of a serious incident, the Authority, as the State of Registry, or the State of the Operator, shall forward a notification of such an incident to the State of Design, the State of Manufacture and the State of Occurrence.

13.C.200 ACCIDENTS OR SERIOUS INCIDENTS IN THE TERRITORY OF THE STATE OF REGISTRY, IN A NON-CONTRACTING STATE OR OUTSIDE THE TERRITORY OF ANY STATE

13.C.205 Responsibility of Cabo Verde as the State of Registry

(a) In case of an accident of serious incident to an aircraft, where Cabo Verde is the State of Registry, in the territory of Cabo Verde, or in a non-Contracting State, or outside the territory of any State, the Authority will forward a notification, in accordance with 13.C.105 above, with a minimum of delay and by the most suitable and quickest means available, to:

- (1) the State of the Operator, if different than Cabo Verde;
- (2) the State of Design;
- (3) the State of Manufacture; and

(4) the International Civil Aviation Organization, when the aircraft is involved is of a maximum mass of over 2 250 kg

13.D PROTECTION OF EVIDENCE, CUSTODY AND REMOVAL OF AIRCRAFT WHERE CABO VERDE IS THE STATE OF OCCURRENCE

13.D.105 Responsibility of the State of Occurrence

(a) When an accident or serious incident occur in Cabo Verde, the Authority will 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.

13.D.110 Request from State of Registry, State of Operator, State of Design or State of Manufacture

(a) If an occurrence to an aircraft takes place in Cabo Verde and the Authority receives from the State of Registry, the State of the Operator, the State of Design, or the State of Manufacture a request that the aircraft, its contents and any evidence remain undisturbed

pending inspection by the accredited representative of the requesting state, the Authority will take all necessary steps to comply with the 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.

13.D.115 Release from custody

- (a) Subject to the provisions of 13.D.105 and 13.D.110, the Authority will release custody of the aircraft, its contents or any parts thereof as soon as they are no longer required in the investigation, to any person or persons duly designated by the State of Registry, or the State of the Operator, as applicable. For this purpose the Authority will facilitate access to the aircraft, its contents or any parts thereof, provided that, if the aircraft, its contents, or any parts thereof lie in an area within which the Authority finds it impracticable to grant such access, it shall itself effect removal to a point where access can be given.

13.D.200 PRESERVATION OF AIRCRAFT, ITS CONTENTS, AND RECORDS

13.D.205 Access to aircraft involved in an accident

- (a) Except as provided in the applicable Law, and paragraphs (b) and (c), no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorised to do so by the Authority.
- (b) Subject to the limitations contained in Decree Law 38/2009 of September 28th, the Authority may, for the purpose of its investigation, access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.
- (c) A person may, subject to paragraph (d)—
- (1) remove persons or livestock from the aircraft or wreckage
 - (2) protect the aircraft, wreckage, or contents, including mail or cargo, from further damage; or
 - (3) disconnect or deactivate any cockpit voice recorder, flight data recorder, or emergency location transmitter; or
 - (4) prevent obstruction to the public or to air navigation where no practical alternative is available.
- (d) Any aircraft wreckage, mail, or cargo removed under paragraph (c) shall—
- (1) be moved only so far as necessary to ensure its safety; and
 - (2) be kept in separate distinct areas to indicate from which part in the aircraft it has been taken; and
 - (3) where possible, have sketches, descriptive notes, and photographs made of their original position and any significant impact marks.

13.D.210 Preservation of records

- (a) Each holder of a certificate of registration of an aircraft that is involved in a serious incident or accident shall preserve all records, including all recording media maintained for the operation and maintenance of the aircraft, for at least 90 days after the serious incident or accident unless otherwise notified by the Authority.
- (b) Each holder of a certificate issued under—
- (1) CV CAR Part 20 that is involved in a facility malfunction incident or an accident; or
 - (2) CVCAR Part 17 that is involved in an airspace incident or an accident— shall preserve all records, including log entries, electronic recordings, technical and other relevant data relating to the incident or accident for at least 90 days after the incident or accident unless otherwise notified by the Authority.

13.D.215 Retention of defective products and components

- (a) A holder of a certificate of registration for an aircraft, and a holder of a certificate issued in accordance with CV CAR Part 6 who is required to submit a defect incident report to the Authority under rule 13.B.115 (b)(1) must retain the defective product or component that is associated with the defect incident for a period of at least 90 days after submitting the report unless otherwise notified by the Authority.

13.E INVESTIGATION

13.E.100 RESPONSIBILITY FOR INSTITUTING THE INVESTIGATION

13.E.105 Accidents or serious incidents in the territory of Cabo Verde

- (a) The Authority will institute an investigation into the circumstances of an accident or serious incident 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 by mutual arrangement and consent. In any event the Authority will use every means to facilitate the investigation.

13.E.110 Accidents or serious incidents in the territory of another Contracting State

- (a) When an accident or serious incident occurs in the territory or jurisdiction of another State to an aircraft registered in Cabo Verde, or to an aircraft operated by the holder of an Air Operator's Certificate issued by Cabo Verde, and the State of Occurrence delegates the whole or any part of the conducting of the investigation of the accident or serious incident to the Authority, the Authority will cause the investigation to be conducted in accordance with these Regulations.

13.E.115 Accidents or incidents in the territory of a non-Contracting State

- (a) 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, the Authority, where Cabo Verde is the State of Registry or, the State of the Operator, should endeavour to institute and conduct an investigation in cooperation with the State of Occurrence but, failing such cooperation, should itself conduct an investigation with such information as is available.

13.E.120 Accidents or incidents outside the territory of any State

- (a) When the location of the accident or the serious incident cannot definitely be established as being in the territory of any State, and involve an aircraft registered in Cabo Verde, or an aircraft operated by the holder of an Air Operator's Certificate issued by Cabo Verde, the Authority will institute and conduct any necessary investigation of the accident or serious incident. However, it may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.
- (a) When Cabo Verde is a State nearest the scene of an accident in international waters, the Authority shall provide such assistance as the Authority is able and shall, likewise, respond to requests by the State of Registry.

13.E.200 ORGANIZATION AND CONDUCT OF THE INVESTIGATION

13.E.205 Responsibility for the conduct of investigation

- (a) Pursuant to Decree Law 38/2009 of September 28th, the Authority shall have independence in the conduct of the investigation and have unrestricted authority over its conduct. The investigation shall include:
- (1) the gathering, recording and analysis of all available information on that accident or incident;
 - (2) if appropriate, the issuance of safety recommendations;
 - (3) if possible, the determination of the causes; and
 - (4) the completion of the final report.

- (b) When possible, the scene of the accident shall be visited, the wreckage examined and statements taken from witnesses.

13.E.210 Designation of the investigator-in-charge

- (a) The Authority when conducting the investigation shall designate the investigator-in-charge of the investigation and will initiate the investigation immediately.
- (b) 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.

13.E.215 Flight recorders - accidents and incidents

- (a) Effective use shall be made of flight recorders in the investigation of an accident or an incident. The investigator in charge shall arrange for the read-out of the flight recorders without delay.

(b) In the event that adequate facilities to read out the flight recorders are not available in Cabo Verde, the Authority will use the facilities made available to it by other States, giving consideration to the following:

- (1) the capabilities of the read-out facility;
- (2) the timeliness of the read-out; and
- (3) the location of the read-out facility.

(c) When an aircraft involved in an accident or a serious incident lands in Cabo Verde, where Cabo Verde is the State of Registry or the State of Operator, the Authority will, on request from the State conducting the investigation, furnish such State with the flight recorder records and, if necessary, the associated flight recorders.

13.E.220 Other information

(a) The Authority, where Cabo Verde is the State of Registry or the State of the Operator, on request from the State conducting the investigation, will provide pertinent information on any organization whose activities may have directly or indirectly influenced the operation of the aircraft.

(b) The Authority, on request from the State conducting the investigation of an accident or an incident, will provide that State with all the relevant investigation available to it.

(c) When facilities or services of Cabo Verde have been, or would normally have been, used by an aircraft prior to an accident or an incident, the Authority will provide the State conducting the investigation with available information pertinent to such investigation.

13.E.225 Autopsies examination

(a) The Authority 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.

13.E.230 Medical examination

(a) When appropriate, the Authority 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.

13.E.235 Coordination - judicial authorities

(a) Pursuant to Decree Law 38/2009, of September 28th, the necessary coordination between the investigator-in-charge and the judicial authorities is required. Particular attention shall be given to evidence which requires prompt recording and analysis for the investigation to be successful, such as the examination and identification of victims and read-outs of flight recorder recordings.

13.E.240 Informing aviation security authorities

(a) If, in the course of an investigation it becomes known, or it is suspected, that an act of unlawful interference was involved, the investigator-in-charge shall immediately initiate action to ensure that the aviation security authorities concerned are so informed.

13.E.245 Non-disclosure of recorders

(a) The Authority when conducting the investigation of an accident or incident, wherever it occurred, shall not make the following records available for purposes other than accident or incident investigation, unless the appropriate authority for the administration of justice in Cabo Verde or in any other State determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations:

- (1) all statements taken from persons by the investigation authorities 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) cockpit voice recordings and transcripts from such recordings;
- (5) recordings and transcriptions of recording from air traffic control units; and
- (6) opinions expressed in the analysis of information including flight recorder information

(b) These records 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.

13.E.250 Confidentiality of persons submitting information

(a) The Authority shall, when confidentiality is requested by a person submitting information under 13.B.115 or 13.B.120:

- (1) as soon as practicable, remove any information that might reveal the identity of the source; and
- (2) not make any other record of the information removed under subparagraph (1).

13.E.255 Non-prosecution

(a) The Authority shall not use or make available for the purpose of prosecution investigation or for prosecution action any information submitted to it by a person under this Part unless—

- (1) the information reveals an act or omission that caused unnecessary danger to any other person or to any property; or
- (2) false information is submitted; or
- (3) the Authority is obliged to release the information pursuant to a statutory requirement or by order of a Court.

13.E.260 Re-opening of investigation

(a) If, after the investigation has been closed, new and significant evidence becomes available, the Authority will re-open it. However, when the Authority did not institute the investigation, the Authority will first obtain the consent of the State which instituted the investigation.

13.E.265 Investigation by a certificate holder

(a) A holder of a certificate referred to in rule 13.B.115(a) who is required to provide details of an incident to the Authority under rule 13.B.120 must, unless otherwise notified by the Authority,—

- (1) conduct an investigation to identify the facts relating to its involvement in the incident and establish, so far as those facts allow, the cause or causes of the incident; and
- (2) on completion of the investigation, submit a report of the investigation to the Authority no later than 90 days after the incident—
 - (i) on the form prescribed by the Authority; or
 - (ii) by a means acceptable to the Authority; and
- (3) advise the Authority of any actions taken to prevent recurrence of a similar incident.

13.E.300 PARTICIPATION IN THE INVESTIGATION

13.E.305 Participation of the State of Registry, the State of the Operator, the State of Design and the State of Manufacture.

(a) Rights

- (1) The State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall each be entitled to appoint an accredited representative to participate in the investigation
- (2) The State of Registry and the State of the Operator shall be entitled to appoint one or more advisers proposed by the operator, to assist its accredited representative.
- (3) When neither the State of Registry, nor the State of the Operator appoint an accredited representative, the Authority, when conducting the investigation, should invite the operator to participate.
- (4) The State of Design and the State of Manufacture shall be entitled to appoint one or more advisers, proposed by the organisations responsible for the type design and the final assembly of the aircraft, to assist their accredited representatives.
- (5) When neither the State of Design or the State of Manufacture appoint an accredited representative, the Authority, when conducting the investigation, will invite the organisations responsible for the type design and final assembly of the aircraft to participate.
- (6) Any other State which, on request from the Authority, provides information, facilities or experts to assist the Authority in the conduct of the investigation shall be entitled to appoint an accredited representative.
- (7) A State entitled to appoint an accredited representative shall also be entitled to appoint one or more advisers to assist the accredited representative in the investigation.

(b) Obligations

- (1) When the State conducting an investigation of an accident to an aircraft of a maximum mass of over 2 250 kg specifically requests participation of Cabo Verde as the State of Registry or the State of the Operator, the Authority will appoint an accredited representative.

13.E.310 Entitlement of accredited representatives**(a) Advisers**

- (1) Advisers assisting an accredited representative 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.

(b) Participation

- (1) 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:

- (i) visit the scene of the accident;
- (ii) examine the wreckage;
- (iii) obtain witness information and suggest areas of questioning;
- (iv) have full access to all relevant evidence as soon as possible;
- (v) receive copies of all pertinent documents;
- (vi) participate in read-outs of recorded media;
- (vii) participate in off-scene investigative activities such as component examinations, technical briefings, tests and simulations;
- (viii) participate in investigation progress meetings including deliberations related to analysis, findings, causes and safety recommendations; and
- (ix) make submissions in respect of the various elements of the investigation.

- (2) 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.C.305 a) 6).

(c) Obligations

- (1) The accredited representative and their advisers:
- (i) shall provide the State conducting the investigation with all relevant information available to them; and
 - (ii) shall not divulge information on the progress and the findings of the investigation without the express consent of the State conducting the investigation.

13.E.315 Participation of States having suffered fatalities or serious injuries to its citizens**(a) Rights and entitlement:**

- (1) A State which has a special interest in an accident, wherever it occurred, by virtue of fatalities or serious injuries to its citizens shall, upon making a request to do so, be permitted by the Authority to appoint an expert who should be entitled to:
- (i) visit the scene of the accident;
 - (ii) have access to the relevant factual information;
 - (iii) participate in the identification of the victims;
 - (iv) assist in questioning surviving passengers who are citizens of the expert's State; and
 - (v) receive a copy of the Final Report.

13.F FINAL REPORT**13.F.105 Release of information – consent**

- (a) No person 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 State which conducted the investigation, unless such reports or documents have already been published or released by that State.

13.F.110 Consultation

- (a) The Authority, when conducting the investigation, shall send a copy of the draft final report, to the competent authorities of the State instituting the investigation and to all States referred to in paragraph (a), inviting their significant and substantiated comments on the report as soon as possible.
- (b) The Authority shall send draft final report to:
- (1) the State of Registry;
 - (2) the State of the Operator;
 - (3) the State of Design;
 - (4) the State of Manufacture;
- (c) The Authority may 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 Final Report.
- (d) The Authority may send, through the State of Design and the State of the Manufacture a copy of the draft Final Report to the organisations responsible for the type design and the final assembly of the aircraft to enable them to submit comments on the draft Final Report.
- (e) The draft final report shall be sent by facsimile, e-mail, courier service or express mail.
- (f) If the Authority receives 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 the Authority receives no comments within sixty days of the date of the first transmittal letter, it shall issue the Final Report in accordance with 13.F.115, unless an extension of that period has been agreed by the States concerned.

13.F.115 Release of the final report

- (a) The format of the final report in Annex 13 Appendix should be used. However, it may be adapted to the circumstances of the accident or incident.
- (b) In the interest of accident prevention, the Authority, when conducting the investigation of an accident or incident, shall release the Final Report as soon as possible, and if possible within twelve months of the date of occurrence. If the report cannot be released within twelve months, the Authority should release an interim report on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.

13.F.120 Recipient States

- (a) The Authority will send the final report of the investigation of an accident with a minimum of delay to:
- (1) the State that instituted the investigation;
 - (2) the State of Registry;
 - (3) the State of the Operator;
 - (4) the State of Design;
 - (5) the State of Manufacture;
 - (6) any State having suffered fatalities or serious injuries to its citizens; and
 - (7) any State that provided relevant information, significant facilities or experts.
 - (8) ICAO, when the accident or incident involved an aircraft of a maximum mass of over 5,700 Kg.

13.F.125 Safety recommendations

- (a) At any stage of the investigation of an accident or incident, the Authority will recommend to the appropriate authorities, including those in other States, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.
- (b) The Authority, when conducting investigation of accidents or incidents will address, when appropriate, any safety recommendations arising out of its investigations to the accident investigation authorities of other State(s) concerned and, when ICAO documents are involved, to ICAO.
- (c) When the Authority receives safety recommendations, the Authority will inform the proposing State of the preventive action taken or under consideration, or the reasons why no action will be taken.

13.G ADREP reporting

Note 2.— *The provisions of this Subpart may require two separate reports for any one accident or incident: 1) Preliminary Report; 2) Accident/Incident Data Report*

13.G.100 PRELIMINARY REPORT**13.G.105 Accident to aircraft over 2 250 kg**

(a) When the aircraft involved in an accident is of a maximum mass of over 2 250 kg, the Authority will send, as soon as practicable after the investigation, the Preliminary Report:

- (1) the State of Registry or the State of Occurrence, as appropriate;
- (2) the State of the Operator;
- (3) the State of Design;
- (4) the State of Manufacture;
- (5) any State that provided relevant information, significant facilities or experts; and
- (6) the International Civil Aviation Organization.

13.G.110 Accident to aircraft of 2 250 kg or less

(a) When an aircraft, not covered by 13.G.105 is involved in an accident and when airworthiness or matters considered to be of interest to other States are involved, the Authority will forward the Preliminary Report to:

- (1) the State of Registry or the State of Occurrence, as appropriate;
- (2) the State of the Operator;
- (3) the State of Design;
- (4) the State of Manufacture; and
- (5) any State that provided relevant information, significant facilities or experts.

13.G.115 Language

(a) The Preliminary Report shall be submitted to appropriate States and to the International Civil Aviation Organization in English.

13.G.120 Dispatch

(a) The Preliminary Report shall be sent by facsimile, e-mail, or airmail within thirty days of the date of the accident unless the Accident/Incident Data Report has been sent by that time. When matters directly affecting safety are involved, it shall be sent as soon as the information is available and by the most suitable and quickest means available.

13.G.200 ACCIDENT/INCIDENT DATA REPORT**13.G.205 Accidents to aircraft over 2 250 kg**

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

13.G.210 Additional information

(a) The Authority may, upon request, provide other States with pertinent information additional to that made available in the Accident/Incident Data Report.

13.G.215 Incidents to aircraft over 5 700 kg

(a) If the Authority conducts an investigation into an incident to an aircraft of a maximum mass of over 5 700 kg, the Authority will send, as soon as is practicable after the investigation, the Incident Data Report to the International Civil Aviation Organization.

13.H ACCIDENT PREVENTION MEASURES**13.H.105 Incident reporting systems**

(a) The Authority will establish a mandatory incident reporting system to facilitate collection of information on actual or potential safety deficiencies.

(b) The Authority will establish a voluntary incident reporting system to facilitate the collection of information that may not be captured by a mandatory incident reporting system.

(c) A voluntary incident reporting system shall be non-punitive and afford protection to the sources of information.

13.H.110 Data base systems

(a) The Authority will establish an accident and incident database, to facilitate effective analysis of the information obtained including that from its incident reporting systems.

(b) The database shall use standardized formats to facilitate data exchange.

13.H.115 Analysis of data-preventive actions

(a) The Authority having established an accident and incident database and an incident reporting system will analyse the information contained in its accident/incident reports and the database to determine any preventive actions required.

(b) If the Authority, in the analysis of the information contained in its database, identifies safety matters considered to be of interest to other States, the Authority will forward such information to them as soon as possible.

(c) In addition to safety recommendations arising from the accident and incident investigations, safety recommendations may result from diverse sources, including safety studies. If safety recommendations are addressed to an organisation in another State, they should also be transmitted to that State's investigation authority.

13.H.120 Exchange of safety information

(a) The Authority will promote the establishment of safety information sharing networks among all users of the aviation systems and will facilitate the free exchange of information on actual and potential safety deficiencies

13.I STATISTICS**13.I.105 Aircraft operating statistics**

(a) Each operator of a Cabo Verde registered aircraft issued with a standard or restricted category airworthiness certificate shall submit the following aircraft operating and statistical data and information for each aircraft, in accordance with the frequency and due dates listed in Table 1 for aircraft performing hire or reward operations and Table 2 for aircraft, except gliders, performing operations not for hire or reward:

- (1) the registration marks;
- (2) for aircraft used on international air transport operations, the hours flown and the number of flights carrying passengers and cargo only flights;
- (3) for aircraft used on domestic air operations, the hours flown and the number of flights:
 - (i) carrying passengers between two different aerodromes;
 - (ii) originating and ending at the same aerodrome without an intermediate landing;
 - (iii) carrying cargo only;
- (4) for aircraft used on other operations, the hours flown.

(b) The reports required by paragraph (a) shall be submitted—

- (1) on the form prescribed by the Authority; or
- (2) by a means acceptable to the Authority.

Table 1 Reporting periods for aircraft performing hire or reward operations:

| Report | Period Covered | Due Date |
|-------------|----------------------|----------|
| 1st Quarter | 1 Jan through 31 Mar | 1 May |
| 2nd Quarter | 1 Apr through 30 Jun | 1 Aug |
| 3rd Quarter | 1 Jul through 30 Sep | 1 Nov |
| 4th Quarter | 1 Oct through 31 Dec | 1 Feb |

Table 2 Reporting periods for aircraft performing operations not for hire or reward:

| Report | Period Covered | Due Date |
|--------|----------------------|----------|
| Annual | 1 Jan through 31 Dec | 15 Feb |

13.I.110 Confidentiality of statistical reports

(a) The Authority or any person employed by the Authority shall not communicate to any person outside the Authority any information provided in statistical reports that identifies any individual aircraft operator except:

- (1) with the consent of the aircraft operator; or
- (2) in accordance with Article 67 of the Convention; or
- (3) pursuant to a statutory requirement.

(b) The Authority may provide to the Council of the International Civil Aviation Organisation statistics that relate to international air transport operations.

IS – IMPLEMENTING STANDARDS
CVCAR PART 13 – AIRCRAFT ACCIDENT
AND INCIDENT NOTIFICATION

IS 13.B.115 Information required for initial notification of incidents

(a) **Airspace incident** – The following information is required for notification under 13.B.115 (d)(1):

- (1) date and time of the incident;
- (2) brief description of events;
- (3) aircraft nationality, registration, radio call sign, flight number, and type;
- (4) name of the aircraft operator;
- (5) aircraft position and altitude;
- (6) name of the pilot-in-command;
- (7) phase of flight;
- (8) effect on flight;
- (9) flight rules under which the aircraft was operating;
- (10) aircraft point of departure and destination;
- (11) location, type, and class of airspace, and the ATS unit involved;
- (12) any other relevant information submitted by the pilot concerned.

(b) **Defect incident** – The following information is required for notification under 13.B.115 (d)(2):

- (1) date and time the incident was detected;
- (2) brief description of events;
- (3) aircraft nationality, registration, and type;
- (4) name of the aircraft operator and owner;
- (5) location of the aircraft, part, or equipment at the time of the incident;
- (6) phase of flight;
- (7) effect on flight;
- (8) aircraft point of departure and destination;
- (9) name of the manufacturer of the aircraft, part, or equipment, and where appropriate, the part number, its modification standard, and its location on the aircraft;
- (10) description of the incident, its effects, and any other relevant information;
- (11) whether the person or organisation making the notification has instituted an investigation into the defect and expected time of completion;
- (12) name, organisation, and contact details of the person notifying the incident.

(c) **Facility malfunction incident** – The following information is required for notification under 13.B.115(d)(3):

- (1) date and time of the incident;
- (2) brief description of events;
- (3) aircraft nationality, registration, radio call sign, flight number, and type;
- (4) name of the aircraft operator;
- (5) aircraft position and altitude;
- (6) name of aerodrome and runway used;
- (7) name of the pilot-in-command;
- (8) phase of flight;
- (9) effect on the flight;
- (10) identification, type, name, frequency, and provider of the aeronautical telecommunication facility involved;
- (11) whether the person or organisation making the notification has instituted an investigation into the incident and, if so, expected time of completion;
- (12) name, organisation, and contact details of the person notifying the incident.

(d) **Aircraft incident** – The following information is required for notification under 13.B.115(d)(4):

- (1) date and time of the incident;
- (2) brief description of events;
- (3) aircraft nationality, registration, radio call sign, flight number, and type;
- (4) name of the aircraft operator and owner;
- (5) aircraft position and altitude;
- (6) phase of flight;
- (7) if applicable, name of aerodrome and runway used;
- (8) effect on the flight;
- (9) name of the pilot-in-command;
- (10) type of operation being conducted;
- (11) number of persons on board the aircraft;
- (12) name, organisation, and contact details of the person notifying the incident.

(e) **Security incident** – The following information is required for notification under 13.B.115(d)(5):

- (1) date and time of the incident;
- (2) brief description of events;
- (3) aircraft nationality, registration, radio call sign, flight number, and type;
- (4) name of the aircraft operator and owner;
- (5) aircraft position and altitude or place of incident;
- (6) name of the aerodrome or aeronautical telecommunication facility if applicable;
- (7) name of the pilot-in-command;
- (8) phase of flight;
- (9) effect on the flight;
- (10) type of operation being conducted;
- (11) name, organisation, and contact details of the person notifying the incident.

(f) **Promulgated information incident** – The following information is required for notification under 13.B.115(d)(6):

- (1) date and time the incident was discovered;
- (2) brief description of events;
- (3) name of the publication, map, or chart;
- (4) information that gave rise to the incident;
- (5) name, organisation, and contact details of the person notifying the incident.

(g) **Aerodrome incident** – The following information is required for notification under 13.B.115(d)(7):

- (1) date and time of the incident;
- (2) brief description of events;
- (3) name of the aerodrome;
- (4) description and the location of the reported defect or obstruction;
- (5) name, organisation, and contact details of the person notifying the incident.

(h) **Dangerous goods, bird, or other incidents** – The following information is required for notification under 13.B.115(d)(8):

- (1) date and time of the incident;
- (2) brief description of events;
- (3) name, organisation, and contact details of the person notifying the incident.

O Presidente de Conselho de Administração, *Carlos Brazão Monteiro*.