



**Maldives Civil Aviation Authority
Republic of Maldives**

Maldivian Civil Aviation Regulations

MCAR-13A Aircraft Accident and Incident Investigation

Issue 2.00, 30 September 2023

Foreword

Maldives Civil Aviation Authority, in exercise of the powers conferred on it under Articles 5 and 6 of the Maldives Civil Aviation Authority Act 2/2012 has adopted this Regulation.

This Regulation shall be cited as ‘MCAR-13A Aircraft Accident and Incident Investigation’ and shall come in to force on 30 September 2023.

Existing aviation requirements in the field of aircraft accidents, incidents and statistics as listed in ‘MCAR-12 Aircraft Accidents, Incidents and Statistics’ dated 26 May 2009 will be repealed as from 30 September 2023.

Definitions of the terms and abbreviations used in this regulation, unless the context requires otherwise, are in MCAR-1 Definitions and Abbreviations.

‘Acceptable Means of Compliance’ (AMC) illustrate a means, or several alternative means, but not necessarily the only possible means by which a requirement can be met.

‘Guidance Material’ (GM) helps to illustrate the meaning of a requirement.

For the Civil Aviation Authority

Hussain Jaleel

Chief Executive

Table of Contents

Foreword	-----	ii
List of Amendments	-----	iii
List of Effective Pages	-----	iv
Table of Contents	-----	vi

Section A — TECHNICAL REQUIREMENTS 1

MCAR-13A.A.01	Subject matter-----	2
MCAR-13A.A.02	Definitions -----	2
MCAR-13A.A.03	Scope -----	2
MCAR-13A.A.04	Accident Investigation Coordinating Committee (AICC)-----	3
MCAR-13A.A.05	Obligation to investigate-----	4
MCAR-13A.A.06	Cooperation between safety investigation authorities-----	4
MCAR-13A.A.07	(Reserved)-----	5
MCAR-13A.A.08	Participation of the CAA in safety investigations -----	5
MCAR-13A.A.09	Obligation to notify accidents and serious incidents -----	6
MCAR-13A.A.10	Participation in safety investigations -----	6
MCAR-13A.A.11	Status of the safety investigators -----	6
MCAR-13A.A.12	Coordination of investigations-----	7
MCAR-13A.A.13	Preservation of evidence -----	8
MCAR-13A.A.14	Protection of sensitive safety information-----	8
MCAR-13A.A.15	Communication of information -----	10
MCAR-13A.A.16.	Investigation report -----	10
MCAR-13A.A.17.	Safety recommendations-----	11
MCAR-13A.A.18.	Follow-up to safety recommendations and safety recommendations database	12
MCAR-13A.A.19	Occurrence reporting-----	12
MCAR-13A.A.20	Information on persons and dangerous goods on board-----	12
MCAR-13A.A.21	Assistance to the victims of air accidents and their relatives -----	13

Appendix 1 — List of Examples of Serious Incidents -----15

Appendix 2 — Aircraft referred to in MCAR-13A.A.05 -----17

Section A — TECHNICAL REQUIREMENTS

MCAR-13A.A.01 Subject matter

This Regulation aims to improve aviation safety by ensuring a high level of efficiency, expediency, and quality of civil aviation safety investigations, the sole objective of which is the prevention of future accidents and incidents without apportioning blame or liability.

It also provides for rules concerning the timely availability of information relating to all persons and dangerous goods on board an aircraft involved in an accident. It also aims to improve the assistance to the victims of air accidents and their relatives.

MCAR-13A.A.02 Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'Minister' shall mean the Minister mandated with the responsibility for matters relating to civil aviation.
- (b) 'Person Involved' shall mean the owner, a member of the crew, the operator of the aircraft involved in an accident or serious incident; any person involved in the maintenance, design, manufacture of that aircraft or in the training of its crew; any person involved in the provision of air traffic control, flight information or aerodrome services, who have provided services for the aircraft; staff of the CAA; or staff of AICC.
- (c) 'preliminary report' shall mean the communication used for the prompt dissemination of data obtained during the early stages of the investigation.
- (d) 'relatives' shall mean the immediate family and/or next of kin and/or other person closely connected with the victim of an accident, as defined under the national law of the victim.
- (e) 'safety investigation' shall mean a process conducted by a safety investigation authority for the purpose of accident and incident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of cause(s) and/or contributing factors and, when appropriate, the making of safety recommendations.
- (f) 'safety recommendation' means a proposal of a safety investigation authority, based on information derived from a safety investigation or other sources such as safety studies, made with the intention of preventing accidents and incidents.

MCAR-13A.A.03 Scope

- (a) This Regulation shall apply to safety investigations into accidents and serious incidents:
 - 1. which have occurred in the territory of the Maldives, in accordance with the obligations of an ICAO Member State;

2. involving aircraft registered in Maldives or operated by an undertaking established in the Maldives, which have occurred outside the territories of Maldives, when such investigations are not conducted by another State;
 3. in which Maldives is entitled, according to international standards and recommended practices, to appoint an accredited representative to participate as the State of Registry, State of the Operator, or State providing information, facilities or experts at the request of the State conducting the investigation;
 4. in which Maldives has a special interest by virtue of fatalities or serious injuries to its citizens, and thus appoints an expert or a representative for the investigation conducted by another State.
- (b) This Regulation shall also apply to issues pertaining to the timely availability of information relating to all persons and dangerous goods on board an aircraft involved in an accident and assistance to the victims of air accidents and their relatives.
- (c) This Regulation shall not apply to safety investigations into accidents and serious incidents which involve aircraft engaged in military, customs, police or similar services, except, in accordance with MCAR-13A.A.05(d).

MCAR-13A.A.04 Accident Investigation Coordinating Committee (AICC)

- (a) The Accident Investigation Coordinating Committee shall ensure that safety investigations are conducted or supervised, without external interference, either on its own or through agreements with other safety investigation authorities.
- (b) The AICC shall be functionally independent in particular of aviation authorities responsible for airworthiness, certification, flight operation, maintenance, licensing, air traffic control or aerodrome operation and, in general, of any other party or entity, the interests or missions of which could conflict with the task entrusted to the AICC or influence its objectivity.
- (c) The AICC shall, in the conduct of the safety investigation, neither seek nor take instructions from anybody and shall have unrestricted authority over the conduct of the safety investigations.
- (d) The activities entrusted to the AICC may be extended to the gathering and analysis of aviation safety related information, in particular for accident prevention purposes, in so far as these activities do not affect its independence and entail no responsibility in regulatory, administrative or standards matters.
- (e) Reserved
- (f) The AICC shall be provided the means required to carry out its responsibilities independently and shall be able to obtain sufficient resources to do so. In particular:
1. the head of the AICC shall have the experience and competence in civil aviation safety to fulfil his or her tasks in accordance with this Regulation and national law;

2. the investigators shall be afforded status giving them the necessary guarantees of independence;
3. the AICC shall comprise of investigators able to perform the function of the investigator-in-charge in the event of a major air accident;
4. the AICC shall be allocated a budget that enables it to carry out its functions;
5. the AICC shall have at its disposal, either directly or by means of the cooperation, or through arrangements with other national authorities or entities, qualified personnel and adequate facilities, including offices and hangars to enable the storage and examination of the aircraft, its contents and its wreckage.

MCAR-13A.A.05 Obligation to investigate

- (a) Every accident or serious incident involving aircraft other than specified in Appendix 2 to this Regulation shall be the subject of a safety investigation, if the accident or serious incident occurred in the territory of Maldives.
- (b) When an aircraft, other than specified in Appendix 2 to this Regulation, registered in the Maldives is involved in an accident or serious incident the location of which cannot be definitely established as being in the territory of Maldives, a safety investigation shall be conducted by the AICC.
- (c) The extent of safety investigations referred to in paragraphs (a), (b) and (d) and the procedure to be followed in conducting such safety investigations shall be determined, taking into account the lessons it expects to draw from such investigations for the improvement of aviation safety, including for those aircraft with a maximum take-off mass less than or equal to 2250 kg.
- (d) Incidents other than those referred to in paragraphs (a) and (b), as well as accidents or serious incidents to other types of aircraft may be investigated, when they expect to draw safety lessons from them.
- (e) Safety investigations referred to in paragraphs (a), (b) and (d) shall in no case be concerned with apportioning blame or liability. They shall be independent of, separate from and without prejudice to any judicial or administrative proceedings to apportion blame or liability.

MCAR-13A.A.06 Cooperation between safety investigation authorities

- (a) A safety investigation authority from an ICAO Member State may request the assistance of AICC. When, following a request, such assistance shall, as far as possible, be provided free of charge.

- (b) AICC may delegate the task of conducting an investigation into an accident or serious incident to another safety investigation authority subject to mutual agreement and shall facilitate the investigation process by that other authority.

MCAR-13A.A.07 (Reserved)

MCAR-13A.A.08 Participation of the CAA in safety investigations

- (a) AICC shall, provided that the requirement of no conflict of interest is satisfied, invite the CAA, within the scope of its respective competence, to appoint a representative to participate:
1. as an adviser to the investigator-in-charge in any safety investigation under 13A.A.05(a) and (b), conducted in the territory of Maldives or in the location referred to in 13A.A.05(b) under the control and at the discretion of the investigator-in-charge;
 2. as an adviser appointed under this Regulation to assist accredited representative(s) of the AICC in any safety investigation conducted in a foreign country to which the AICC is invited to designate an accredited representative in accordance with international standards and recommended practices for aircraft accident and incident investigation, under the supervision of the accredited representative.
- (b) The participants referred to in paragraph 1 shall be entitled, in particular to:
1. visit the scene of the accident and examine the wreckage;
 2. suggest areas of questioning and obtain witness information;
 3. receive copies of all pertinent documents and obtain relevant factual information;
 4. participate in the read-outs of recorded media, except cockpit voice or image recorders;
 5. participate in off-scene investigative activities such as component examinations, tests and simulations, technical briefings and investigation progress meetings, except when related to the determination of the causes or the formulation of safety recommendations.
- (c) The CAA shall support the investigation in which they participate by supplying the requested information, advisers and equipment to the AICC.

MCAR-13A.A.09 Obligation to notify accidents and serious incidents

- (a) Any Person Involved who has knowledge of the occurrence of an accident or serious incident shall notify without delay the competent safety investigation authority of the State of Occurrence thereof.
- (b) The AICC shall notify without delay ICAO and foreign countries (the State of Registry, the State of the Operator, the State of Design and the State of Manufacture) concerned in accordance with the international standards and recommended practices of the occurrence of all accidents and serious incidents of which it has been notified.

MCAR-13A.A.10 Participation in safety investigations

- (a) Upon receipt of the notification of the occurrence of an accident or serious incident from another State, AICC shall, as soon as possible, inform the State in the territory of which the accident or serious incident occurred whether they intend to appoint an accredited representative in accordance with the international standards and recommended practices. Where such an accredited representative is appointed, his or her name and contact details shall also be provided, as well as the expected date of arrival if the accredited representative intends to travel to the country which sent the notification.
- (b) Where an accredited representative is appointed, the AICC may appoint one or more advisors to assist the accredited representative.

MCAR-13A.A.11 Status of the safety investigators

- (a) Upon his or her appointment by the AICC and notwithstanding any judicial investigation, the investigator-in-charge shall have the authority to take the necessary measures to satisfy the requirements of the safety investigation.
- (b) Notwithstanding any confidentiality obligations under the national law, the investigator-in-charge shall, in particular be entitled to:
 - 1. have immediate unrestricted and unhampered access to the site of the accident or incident as well as to the aircraft, its contents or its wreckage;
 - 2. ensure an immediate listing of evidence and controlled removal of debris, or components for examination or analysis purposes;
 - 3. have immediate access to and control over the flight recorders, their contents and any other relevant recordings;
 - 4. request, and contribute to, a complete autopsy examination of the bodies of the fatally injured persons and to have immediate access to the results of such examinations or of tests made on samples taken;

5. request the medical examination of the people involved in the operation of the aircraft or request tests to be carried out on samples taken from such people and to have immediate access to the results of such examinations or tests;
 6. to call and examine witnesses and to require them to furnish or produce information or evidence relevant to the safety investigation;
 7. have free access to any relevant information or records held by the owner, the certificate holder of the type design, the responsible maintenance organisation, the training organisation, the operator or the manufacturer of the aircraft, the authorities responsible for civil aviation and air navigation service providers or aerodrome operators.
- (c) The investigator-in-charge shall extend to his or her experts and advisers, as well as to the accredited representatives, their experts and advisers, the entitlements listed in paragraph (b), to the extent necessary to enable them to participate effectively in the safety investigation. Those entitlements are without prejudice to the rights of the investigators and experts designated by the authority in charge of the judicial investigation.
- (d) Any person participating in safety investigations shall perform his or her duties independently and shall neither seek, nor accept instructions from anybody, other than the investigator-in-charge or the accredited representative.

MCAR-13A.A.12 Coordination of investigations

- (a) (Reserved)
- (b) Where, in the course of the safety investigation, it becomes known or it is suspected that an act of unlawful interference as provided for under national law, was involved in the accident or serious incident, the investigator-in-charge shall immediately inform the competent authorities thereof. Subject to 13A.A.14, the relevant information collected in the safety investigation shall be shared with those authorities immediately and upon request, relevant material may also be transferred to those authorities. The sharing of that information and that material shall be without prejudice to the rights of the AICC to continue the safety investigation, in coordination with the authorities to which the control of the site may have been transferred.
- (c) AICC shall ensure that other authorities likely to be involved in the activities related to the safety investigation, such as the judicial, civil aviation, search and rescue authorities, cooperate with each other through advance arrangements.

Those arrangements shall respect the independence of the AICC and allow the technical investigation to be conducted diligently and efficiently. Among others, the advance arrangements shall cover the following subjects:

1. access to the site of the accident;

2. preservation of and access to evidence;
3. initial and ongoing debriefings of the status of each process;
4. exchange of information;
5. appropriate use of safety information;
6. resolution of conflicts.

MCAR-13A.A.13 Preservation of evidence

- (a) The AICC, if the State of Occurrence is Maldives, shall be responsible for ensuring safe treatment of all evidence and for taking all reasonable measures to protect such evidence and for maintaining safe custody of the aircraft, its contents and its wreckage for such period as may be necessary for the purpose of a safety 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 unauthorised persons, pilfering and deterioration.
- (b) Pending the arrival of safety investigators, no person shall modify the state of the site of the accident or serious incident, take any samples therefrom, undertake any movement of or sampling from the aircraft, its contents or its wreckage, move or remove it, except where such action may be required for safety reasons or to bring assistance to injured persons, or under the express permission of the authorities in control of the site and, when possible, in consultation with AICC.
- (c) Any Person Involved shall take all necessary steps to preserve documents, material and recordings in relation to the event, in particular so as to prevent erasure of recordings of conversations and alarms after the flight.

MCAR-13A.A.14 Protection of sensitive safety information

- (a) The following records shall not be made available or used for purposes other than safety investigation:
 1. all statements taken from persons by the AICC in the course of the safety investigation;
 2. records revealing the identity of persons who have given evidence in the context of the safety investigation;
 3. information collected by the AICC which is of a particularly sensitive and personal nature, including information concerning the health of individuals;

4. material subsequently produced during the course of the investigation such as notes, drafts, opinions written by the investigators, opinions expressed in the analysis of information, including flight recorder information;
 5. information and evidence provided by investigators from other States in accordance with the international standards and recommended practices, where so requested by their safety investigation authority;
 6. drafts of preliminary or final reports or interim statements;
 7. cockpit voice and image recordings and their transcripts, as well as voice recordings inside air traffic control units, ensuring also that information not relevant to the safety investigation, particularly information with a bearing on personal privacy, shall be appropriately protected, without prejudice to paragraph (c).
- (b) The following records shall not be made available or used for purposes other than safety investigation, or other purposes aiming at the improvement of aviation safety:
1. all communications between persons having been involved in the operation of the aircraft;
 2. written or electronic recordings and transcriptions of recordings from air traffic control units, including reports and results made for internal purposes;
 3. covering letters for the transmission of safety recommendations from the AICC to the addressee, where so requested by the AICC;
 4. occurrence reports filed under MCAR-13B.

Flight data recorder recordings shall not be made available or used for purposes other than those of the safety investigation, airworthiness or maintenance purposes, except when such records are de-identified or disclosed under secure procedures.

- (c) Notwithstanding paragraphs (a) and (b), the administration of justice or the authority competent to decide on the disclosure of records according to national law may decide that the benefits of the disclosure of the records referred to in paragraphs (a) and (b) for any other purposes permitted by law outweigh the adverse domestic and international impact that such action may have on that or any future safety investigation.

The communication of records referred to in paragraphs (a) and (b) to another State for purposes other than safety investigation and, in addition as regards paragraph (b), for purposes other than those aiming at the improvement of aviation safety may be granted insofar as the national law permits. Processing or disclosure of records received through such communication by the AICC shall be solely after prior consultation with the communicating State and subject to the national law.

- (d) Only the data strictly necessary for the purposes referred to in paragraph (c) may be disclosed.

MCAR-13A.A.15 Communication of information

- (a) The person in charge of the AICC, or any other person called upon to participate in or contribute to the safety investigation shall be bound by applicable rules of professional secrecy, including as regards the anonymity of those involved in an accident or incident, under the applicable legislation.
- (b) Without prejudice to the obligations set out in 13A.A.16 and 13A.A.17, the person in charge of the AICC shall communicate the information which it deems relevant to the prevention of an accident or serious incident, to persons responsible for aircraft or aircraft equipment manufacture or maintenance, and to individuals or legal entities responsible for operating aircraft or for the training of personnel.
- (c) Without prejudice to the obligations set out in 13A.A.16 and 13A.A.17, the person in charge of the AICC and the accredited representative(s) referred to in 13A.A.08 shall release to the CAA relevant factual information obtained during the safety investigation, except information referred to in 13A.A.14(a) or causing a conflict of interest. The information received by the CAA shall be protected in accordance with 13A.A.14 and applicable national legislation.
- (d) The person in charge of the AICC shall be authorised to inform victims and their relatives or their associations or make public any information on the factual observations, the proceedings of the safety investigation, possibly preliminary reports or conclusions and/or safety recommendations, provided that it does not compromise the objectives of the safety investigation and fully complies with applicable legislation on the protection of personal data.
- (e) Before making public the information referred to in paragraph (d), the person in charge of the AICC shall forward that information to the victims and their relatives or their associations in a way which does not compromise the objectives of the safety investigation.

MCAR-13A.A.16. Investigation report

- (a) Each safety investigation shall be concluded with a report in a form appropriate to the type and seriousness of the accident or serious incident. The report shall state that the sole objective of the safety investigation is the prevention of future accidents and incidents without apportioning blame or liability. The report shall contain, where appropriate, safety recommendations.
- (b) The report shall protect the anonymity of any individual involved in the accident or serious incident.

- (c) Where safety investigations give rise to reports before the completion of the investigation, prior to their publication the AICC may solicit comments from the authorities concerned and through them the certificate holder for the design, the manufacturer and the operator concerned. They shall be bound by applicable rules of professional secrecy with regard to the contents of the consultation.
- (d) Before publication of the final report, the AICC shall solicit comments from the authorities concerned and through them the certificate holder for the design, the manufacturer and the operator concerned, who shall be bound by applicable rules of professional secrecy with regard to the contents of the consultation. In soliciting such comments, the AICC shall follow the international standards and recommended practices.
- (e) The information covered by 13A.A.14 shall be included in a report only when relevant to the analysis of the accident or serious incident. Information or parts of the information not relevant to the analysis shall not be disclosed.
- (f) The AICC shall make public the final report in the shortest possible time and if possible, within 12 months of the date of the accident or serious incident.
- (g) If the final report cannot be made public within 12 months, the AICC shall release an interim statement at least at each anniversary of the accident or serious incident, detailing the progress of the investigation and any safety issues raised.
- (h) The AICC shall forward a copy of the final report and the safety recommendations as soon as possible to the:
 - 1. safety investigation authorities and civil aviation authorities of the States concerned, and the ICAO, according to the international standards and recommended practices;
 - 2. addressees of safety recommendations contained in the report.

MCAR-13A.A.17. Safety recommendations

- (a) At any stage of the safety investigation, the AICC shall recommend in a dated transmittal letter, after appropriate consultation with relevant parties, to the authorities concerned, including those in other States, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.
- (b) A safety investigation authority may also issue safety recommendations on the basis of studies or analysis of a series of investigations or any other activities conducted in accordance with 13A.A.04(d).
- (c) A safety recommendation shall in no case create a presumption of blame or liability for an accident, serious incident or incident.

MCAR-13A.A.18. Follow-up to safety recommendations and safety recommendations database

- (a) The addressee of a safety recommendation shall acknowledge receipt of the transmittal letter and inform AICC within 90 days of the receipt of that letter, of the actions taken or under consideration, and where appropriate, of the time necessary for their completion and where no action is taken, the reasons thereof.
- (b) Within 60 days of the receipt of the reply, the AICC shall inform the addressee whether or not it considers the reply adequate and give justification when it disagrees with the decision to take no action.
- (c) AICC shall implement procedures to record the responses to the safety recommendations it issued.
- (d) Each entity receiving a safety recommendation, shall implement procedures to monitor the progress of the action taken in response to the safety recommendations received.

MCAR-13A.A.19 Occurrence reporting

- (a) The AICC and the CAA shall in collaboration participate regularly in the exchange and analysis of information on accidents and incidents.
- (b) The AICC and the CAA shall ensure the confidentiality of such information in accordance with applicable legislation and shall limit its use to what is strictly necessary to discharge their safety related obligations. In this respect, that information shall be used only for analysis of safety trends which can form the basis for anonymous safety recommendations or airworthiness directives without apportioning blame or liability.

MCAR-13A.A.20 Information on persons and dangerous goods on board

- (a) Airlines operating flights arriving to or departing from, and foreign airlines operating flights departing from an airport located in the Maldives, shall implement procedures which allow for the production:
 - 1. as soon as possible, and at the latest within two hours of the notification of the occurrence of an accident to the aircraft, of a validated list, based on the best available information, of all the persons on board; and
 - 2. immediately after the notification of the occurrence of an accident to the aircraft, of the list of the dangerous goods on board.

- (b) The lists referred to in paragraph (a) shall be made available to the AICC, the authority designated by each State to liaise with the relatives of the persons on board and, where necessary, to medical units which may need the information for the treatment of victims.
- (c) In order to allow passengers' relatives to obtain information quickly concerning the presence of their relatives on board an aircraft involved in an accident, airlines shall offer travellers the opportunity to give the name and contact details of a person to be contacted in the event of an accident. This information may be used by the airlines only in the event of an accident and shall not be communicated to third parties or used for commercial purposes.
- (d) The name of a person on board shall not be made publicly available before the relatives of that person have been informed by the relevant authorities. The list referred to in paragraph (a)¹ shall be kept confidential in accordance with the national law and the name of each person appearing in that list shall, subject thereto, only be made publicly available in so far as the relatives of the respective persons on board have not objected.

MCAR-13A.A.21 Assistance to the victims of air accidents and their relatives

- (a) In order to ensure a more comprehensive and harmonised response to accidents, the Minister shall establish a civil aviation accident emergency plan at national level. Such an emergency plan shall also cover assistance to the victims of civil aviation accidents and their relatives.
- (b) All airlines established in the Maldives shall have a plan for the assistance to the victims of civil aviation accidents and their relatives. Those plans must take particular account of psychological support for victims of civil aviation accidents and their relatives and allow the airline to react to a major accident. The CAA shall audit the assistance plans of the airlines established in the Maldives. Foreign airlines which operate in the Maldives should adopt a plan for the assistance of victims of civil aviation accidents and their relatives.
- (c) When an accident occurs, the State in charge of the investigation, the State in which the airline, the aircraft of which was involved in the accident is established, or the State which had a large number of its nationals on board the aircraft involved in the accident, shall provide for the appointment of a reference person as a point of contact and information for the victims and their relatives.
- (d) A State, which, by virtue of fatalities or serious injuries to its citizens, has a special interest in an accident which has occurred in the Maldives, shall be entitled to appoint an expert who shall have the right to:
 - 1. visit the scene of the accident;
 - 2. have access to the relevant factual information, which is approved for public release by the AICC and information on the progress of the investigation;

3. receive a copy of the final report.
- (e) An expert appointed in accordance with paragraph (d) may assist, subject to applicable legislation in force, in the identification of the victims and attend meetings with the survivors of its State.
 - (f) In accordance with the insurance requirements for air carriers and aircraft operators, foreign air carriers shall also fulfil the insurance obligations.

Appendix 1 – 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 with respect to the definition of 'serious incident':

- a near collision requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate,
- controlled flight into terrain only marginally avoided,
- aborted take-offs on a closed or engaged runway, on a taxiway, excluding authorised operations by helicopters, or from an unassigned runway,
- take-offs from a closed or engaged runway, from a taxiway, excluding authorised operations by helicopters, or from an unassigned runway,
- landings or attempted landings on a closed or engaged runway, on a taxiway, excluding authorised operations by helicopters, or from an unassigned runway,
- gross failures to achieve predicted performance during take-off or initial climb,
- fires and smoke 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 failure or engine disintegration, 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 requiring the declaration of an emergency by the pilot,
- runway incursions classified with severity A according to the Manual on the Prevention of Runway Incursions (ICAO Doc 9870) which contains information on the severity classifications,
- take-off or landing incidents. Incidents such as undershooting, overrunning or running off the side of runways,
- system failures, weather phenomena, operation outside the approved flight envelope or other occurrences which could have caused difficulties controlling the aircraft,

- failure of more than one system in a redundancy system mandatory for flight guidance and navigation.

Appendix 2 — Aircraft referred to in MCAR-13A.A.05

MCAR-13A.A.05 does not apply to aircraft falling in one or more of the categories set out below:

- (a) historic aircraft meeting the criteria below:
 - i. non-complex aircraft whose:
 - initial design was established before 1 January 1955, and
 - production has been stopped before 1 January 1975;

or

 - ii. aircraft having a clear historical relevance, related to:
 - a participation in a noteworthy historical event, or
 - a major step in the development of aviation, or
- (b) aircraft specifically designed or modified for research, experimental or scientific purposes, and likely to be produced in very limited numbers;
- (c) aircraft of which at least 51 % is built by an amateur, or a non-profit making association of amateurs, for their own purposes and without any commercial objective;
- (d) aircraft that have been in the service of military forces, unless the aircraft is of a type for which a design standard has been adopted by the CAA;
- (e) aeroplanes, helicopters and powered parachutes having no more than two seats, a maximum take-off mass (MTOM), as recorded by the Member States, of no more than:
 - i. 300 kg for a land plane/helicopter, single-seater; or
 - ii. 450 kg for a land plane/helicopter, two-seater; or
 - iii. 330 kg for an amphibian or floatplane/helicopter single-seater; or
 - iv. 495 kg for an amphibian or floatplane/helicopter two-seater, provided that, where operating both as a floatplane/helicopter and as a land plane/helicopter, it falls below both MTOM limits, as appropriate;
 - v. 472.5 kg for a land plane, two-seater equipped with an airframe mounted total recovery parachute system;
 - vi. 315 kg for a land plane single-seater equipped with an airframe mounted total recovery parachute system;

and, for aeroplanes, having the stall speed or the minimum steady flight speed in landing configuration not exceeding 35 knots calibrated air speed (CAS);

- (f) single and two-seater gyroplanes with a maximum take off mass not exceeding 560 kg;
- (g) gliders with a maximum empty mass, of no more than 80 kg when single-seater or 100 kg when two-seater, including those which are foot launched;
- (h) replicas of aircraft meeting the criteria of (a) or (d) above, for which the structural design is similar to the original aircraft;
 - i. unmanned aircraft with an operating mass of no more than 150 kg;
 - ii. any other aircraft which has a maximum empty mass, including fuel, of no more than 70 kg.