

STATE OF LIBYA
MINISTRY OF TRANSPORT
CIVIL AVIATION AUTHORITY



دولة ليبيا
وزارة المواصلات
مصلحة الطيران المدني

Libyan Civil Aviation Regulation

AIR ACCIDENTS AND INCIDENTS INVESTIGATION

LYCAR Part-12

Issue 2
July 2020

Preamble

- The regulations contained herein are adopted under the provision of Article No.(5) of Libyan Civil Aviation Law No.(6) of 2005, issued and signed up by the Director General of Civil Aviation by virtue of powers vested from the Minister of Transport under the resolution No.(33) issued on 13/02/2019
- The Libyan Civil Aviation Regulations - Part AIR ACCIDENTS AND INCIDENTS INVESTIGATION (LYCAR. - Part-12) issue 02 describes the requirement of Air Accidents and Incidents Investigation, and shall be binding in its entirety as from the date of publication.
- LYCAR.Part-12 shall harmonized with amendments to ICAO Annex 13 or any other national or international new requirements
- The information contained herein is subject to continuous review in the light of changing regulations and requirements.
- The regulations contained herein
- LYCAR.Part-12 issue 02 is a replacement of the previous issue of Part-12 that issued on 2008.
- No subscriber or other reader should act on the basis of any such information without referring to the applicable laws and regulations and/or without taking appropriate professional advice when/as indicated/required.
- Although, every effort has been made to ensure accuracy, the Libyan Civil Aviation Authority, shall not be held responsible for loss or damage caused by errors, omissions, misprints, or misinterpretation of the contents hereof.

Copies of this publication can be, downloaded from: www.caa.gov.ly

Issued on 7 July 2020 and signed by



Nesereddin Shaebelain

Director General

Table of Contents

PREAMBLE.....	I
AMENDMENTS.....	IV
CHAPTER 1. DEFINITIONS.....	1
CHAPTER 2. APPLICABILITY.....	5
2.1. GENERAL.....	5
CHAPTER 3. GENERAL.....	6
3.1. OBJECTIVE OF THE INVESTIGATION.....	6
3.2. ORGANIZATION AND CONDUCT OF THE INVESTIGATION.....	6
3.3. POWERS OF THE INVESTIGATOR.....	6
3.4. PROTECTION OF EVIDENCE, CUSTODY AND REMOVAL OF AIRCRAFT.....	9
CHAPTER 4. NOTIFICATION.....	11
4.1. APPLICABILITY.....	11
4.2. IMMEDIATE NOTIFICATION TO THE LIBYAN CIVIL AVIATION AUTHORITY.....	11
4.3. RESPONSIBILITY OF THE LIBYAN CIVIL AVIATION AUTHORITY AS THE AUTHORITY OF THE STATE OF OCCURRENCE.....	11
4.4. RESPONSIBILITY OF THE LIBYAN CIVIL AVIATION AUTHORITY AS THE AUTHORITY OF THE STATE OF REGISTRY, THE STATE OF THE OPERATOR, THE STATE OF DESIGN, OR THE STATE OF MANUFACTURE.....	12
4.5. ACCIDENTS OR SERIOUS INCIDENTS IN THE TERRITORY OF THE STATE OF LIBYA, IN A NON- CONTRACTING STATE OR OUTSIDE THE TERRITORY OF ANY STATE.....	13
CHAPTER 5. INSTITUTING AND CONDUCTING THE INVESTIGATION.....	14
5.1. APPLICABILITY.....	14
5.2. GENERAL.....	14
5.3. INVESTIGATION COMMITTEE.....	14
5.4. DESIGNATION OF THE INVESTIGATOR-IN-CHARGE.....	14
5.5. FURNISHING OF INFORMATION.....	14
5.6. OBSTRUCTION OF INVESTIGATIONS.....	15
5.7. DISCONTINUANCE OF INVESTIGATION.....	15
5.8. INVESTIGATOR-IN-CHARGE (IIC)'S REPORT AND APPEAL.....	15
5.9. FLIGHT RECORDERS.....	15
5.10. OTHER RECORDINGS.....	16
5.11. AUTOPSY EXAMINATIONS.....	16
5.12. COORDINATION- JUDICIAL AUTHORITIES.....	16
5.13. MEDICAL EXAMINATIONS.....	16
5.14. INFORMING SECURITY OR JUDICIAL AUTHORITIES.....	16
5.15. NON-DISCLOSURE OF RECORDS.....	16
5.16. RE-OPENING OF INVESTIGATION.....	17
5.17. ENTITLEMENT OF ACCREDITED REPRESENTATIVES.....	17
5.18. PARTICIPATION IN THE INVESTIGATION.....	18
5.19. PARTICIPATION OF STATES HAVING SUFFERED FATALITIES OR SERIOUS INJURIES TO ITS CITIZENS.....	18
5.20. VICTIMS' FAMILY MEMBERS AND FRIENDS- REQUESTS FOR INFORMATION RECORDED IN FLIGHT AND ATC RECORDERS AND THEIR TRANSCRIPTS.....	19

5.21. ACCIDENTS, SERIOUS INCIDENTS AND INCIDENTS OUTSIDE THE TERRITORY OF ANY STATE	19
CHAPTER 6. INVESTIGATIONS CONDUCTED BY FOREIGN STATES	20
6.1. APPLICABILITY.....	20
6.2. PARTICIPATION	20
6.3. DELEGATIONS	20
6.4. FLIGHT RECORDERS	20
6.5. ORGANIZATIONAL INFORMATION.....	20
6.6. PROVISION OF INFORMATION.....	21
6.7. OBLIGATIONS	21
CHAPTER 7. FINAL REPORT	22
7.1. RELEASE OF INFORMATION.....	22
7.2. CONSULTATION.....	22
7.3. RECIPIENTS OF THE FINAL REPORT	22
7.4. PUBLICATION OF REPORTS	23
CHAPTER 8. SAFETY RECOMMENDATIONS.....	24
8.1. GENERAL	24
8.2. ACTION ON SAFETY RECOMMENDATIONS.....	24
CHAPTER 9. ACCIDENT/INCIDENT DATA REPORTING.....	26
9.1. PRELIMINARY REPORT	26
9.2. ACCIDENT/INCIDENT DATA REPORT.....	26
CHAPTER 10. ACCIDENT PREVENTION MEASURES	28
10.1. MANDATORY REPORTING	28
10.2. VOLUNTARY REPORTING	28
10.3. DATABASE AND PREVENTIVE ACTIONS	28
CHAPTER 11. POST ACCIDENT/INCIDENT COMMUNICATIONS.....	29
11.1. GENERAL.....	29
11.2. MEDIA ACCESS TO THE ACCIDENT SITE	29
11.3. PRESS AND MEDIA RELEASE.....	29

Chapter 1.DEFINITIONS

Unless otherwise mentioned, terms used in this Part shall have the following meanings:

Accident- An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

- (a) a person is fatally, or seriously injured, as a result of:
 - being in the aircraft;
 - direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
 - direct exposure to jet blast.

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

- (b) the aircraft sustains damage or structural failure which:
 - adversely affects the structural strength, performance, or flight characteristics of the aircraft, and
 - would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, including its cowlings or accessories, to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or
- (c) the aircraft is missing or is completely inaccessible.

Note 1- *An aircraft is, considered to be missing when the official search has terminated and the wreckage has not been located.*

Note 2- *Guidance for the determination of aircraft damage can be, found in Appendix B to this Part.*

Note 3- *In the case of investigation of an unmanned aircraft system, only aircraft with a design and/or operational approval are to be, considered.*

Accident investigation authority (Authority): The authority designated by State of Libya (in this case is Libyan Civil Aviation Authority) as responsible for aircraft accident and incident investigations within the context of Annex 13 — *Aircraft Accident and Incident Investigation*.

Air Accident Investigation Bureau (AAIB) - an entity within the Libyan Civil Aviation Authority structure to perform the mandate of investigations into air accidents, serious incidents, or selected incidents.

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

Act: Means Libyan Civil Aviation Law No. 6 of 2005. (*Chapter 10*)

Adviser- A person appointed by a State, on the, basis of his qualifications, for the purpose of

assisting its accredited representative in an investigation.

Aerodrome/Airport Operator- A person, organization or enterprise engaged in the operation, of an aerodrome/airport.

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.

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

Air Traffic Control Unit- A generic term meaning various Area Control Centre, Approach Control Office, or Aerodrome Control Tower.

Appointed Head (Authorized Person) - an appointed person, or other competent authority official who is, appointed by State of Libya to be responsible for the accident and incident investigations within the meaning of the Law, in this context the Head of Investigating Committee.

Aviation Occurrence- An accident, serious incident or incident or any situation, associated with the operation of an aircraft, or any situation or condition that the Libyan Civil Aviation Authority has reasonable grounds to believe could, if left unattended, induce an accident, incident, or unsafe situation.

Cause(s)- Actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident. The identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability.

Civil Aircraft- Any aircraft registered in an ICAO Contracting State.

Collision- An impact, other than an impact associated with normal operating circumstances, between aircraft, or between an aircraft and another object.

Contributing factors. Actions, omissions, events, conditions, or a combination thereof, which, if eliminated, avoided or absent, would have reduced the probability of the accident or incident occurring, or mitigated the severity of the consequences of the accident or incident. The identification of contributing factors does not imply the assignment of fault or the determination of administrative, civil or criminal liability.

Crewmember- A person assigned by an operator to duty on an aircraft during a flight duty period.

Dangerous goods: Articles or substances which are, capable of posing a risk to health, safety, property, or the environment. More information related to dangerous goods can be, found in ICAO Annex 18

Department: Any ministry, authority, organization, or other concerned body of the government of State of Libya that has a direct interest in aircraft accidents or incidents.

Director General- Director General of Libyan Civil Aviation Authority (LYCAA).

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

Draft Final Report- Draft investigation report that is, sent in confidence to the interested parties in the Libyan, State accredited representatives, and any other persons who in the opinion of the Libyan Civil Aviation Authority have a direct interest in the findings of the investigation, inviting their comments on the report.

Family Member- A persons who have blood or affinity relationship with the victim or survivor such as, wife, son and daughter, parent, brother and sister, uncle, nephew, parent, son, sister, or brother in law, etc.

Fatal Injury- Any injury, which results in death within thirty days of the accident.

Flight Crewmember- 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.

Foreign Aircraft- Civil aircraft registered in a foreign state.

Immediate Notification- Means calling the Libyan Civil Aviation Authority's published 'Hotline' as soon as an accident or serious incident comes to the knowledge of the person.

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

Interested Party- Any person, government authority/department, institution, organization, aviation society, air operator, aircraft owner, property owner, ministry, or any other body the Libyan Civil Aviation Authority finds appropriate to have their limited participation in the investigation or receive comments on the Libyan Civil Aviation Authority's draft reports.

Investigation- A process conducted for the purpose of accident prevention, performed in accordance with this Part and in conformity with Annex 13 to the Convention of Civil Aviation, which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and/or contributing factors and, when appropriate, the making of safety recommendations.

Investigating Committee- A committee appointed by the Director General of the General Libyan Civil Aviation Authority for the mandate of investigating fatal accidents.

Investigation Team- A team nominated by the Executive Director of AAIS, headed by the Investigator- In-Charge and encompassing AAIS investigator(s).

Investigator- An AAIS qualified person nominated to be a member of the investigation team.

Investigator-In-Charge (IIC)- An Air Accident Investigation Bureau person, or Head of Investigation Committee charged on the, basis of his qualifications, with the responsibility for the organization, conduct and control of an investigation.

LYCAA- The Libyan Civil Aviation Authority.

Material- Any aircraft component, part, wreckage piece, content, document, equipment, or anything that the investigator thinks, on ground bases, that it might have a kind of involvement in the accident or incident, or might lead to an evidence to such involvement.

Pilot-In-Command; (PIC)- The pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of a flight. The pilot responsible for the operation and safety of the aircraft during flight time.

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

Reporting- Submitting an occurrence report to the LIBYAN CIVIL AVIATION AUTHORITY within specified time, if any, and by means established by the Libyan Civil Aviation Authority.

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

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

Regulations: The Aircraft Accident and Incident Investigation Regulations of State of Libya enabled by the Accident Investigation Authority Act of State of Libya.

Safety Recommendation- A proposal of an accident investigation authority based on information derived from an investigation, made with the intention of preventing accidents or incidents and which, in no case, has the purpose of creating a presumption of blame or liability for an accident or incident. In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies.

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

Note- *Examples of serious incidents can be, found in Appendix A to this Part.*

Serious Injury- Any injury, which sustained by a person in an occurrence and which:

- (a) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was, received;
- (b) results in a fracture of any bone except simple fractures of fingers, toes, or nose;
- (c) involves laceration which causes severe haemorrhages, nerve, muscle, or tendon damage;
- (d) involves injury to any internal organ;
- (e) involves second- or third-degree burns, or any burns affecting more than 5 per cent of the body surface; or
- (f) involves verified exposure to infectious substances or injurious radiation.

State- a contracting State of the International Civil Aviation Organization.

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 in whose register the aircraft is entered.

Note- *In the case of the registration of aircraft of an international operating agency on other than a national basis, the States constituting the agency are jointly and severally bound to assume the obligations which, under the Chicago Convention, attach to a State of Registry.*

Statement- The whole or any part of an oral, written, or recorded statement relating to an accident or incident given, by the author of the statement, to the investigation team; a transcription or substantial summary of a such as statement.

State Safety Program (SSP) - An integrated set of regulation and activities aimed at improving safety.

State Territory - The land areas and territorial waters adjacent thereto and the airspace above such areas or waters.

Victim - An occupant of the aircraft, or any person outside the aircraft, who is unintentionally directly involved in the aircraft accident. Victims may include the crew, revenue passengers, non-revenue passengers and third parties. A survivor is a victim who is not fatally injured as a result of the accident.

Chapter 2.APPLICABILITY

2.1. GENERAL

Unless otherwise stated, this Part applies to the following activities:

- (a) Accidents, serious incidents, incidents, and other aviation occurrences involving a Libyan registered civil aircraft wherever they occur;
- (b) Accidents, serious incidents, incidents, and other aviation occurrences involving a foreign aircraft if occurred in the territory of the state of Libya; and
- (c) Accidents, serious incidents, incidents, and other aviation occurrences involving both military and civil aircraft whether they occurred inside or outside the territory of the Libya in case the civil aircraft registered in the state of Libya.

Chapter 3.GENERAL

3.1. OBJECTIVE OF THE INVESTIGATION

- 3.1.1. The sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents. It is not the purpose of this activity to apportion blame or liability.
- 3.1.2. Data, information, documents, evidence, recordings, statements, and any other item collected through the investigation process shall not be used for liability and/or disciplinary action.

3.2. ORGANIZATION AND CONDUCT OF THE INVESTIGATION

- 3.2.1. The Air Accident Investigation Bureau (AAIB) within the Libyan Civil Aviation Authority structure shall have independence in the conduct of the investigation and have unrestricted authority over its conduct, consistent with the provisions of this Part. The investigation shall include:
- (a) the gathering, recording and analysis of all available relevant information on that accident or incident;
 - (b) if appropriate, the issuance of safety recommendations;
 - (c) if possible, the determination of the causes and/or contributing factors; and
 - (d) the completion of the Final Report.
- 3.2.2. Any investigation conducted under the provision of this Part shall be separate from any judicial or administrative proceedings to apportion blame or liability.
- 3.2.3. The extent of the investigation and the procedure to be followed in carrying out such investigation shall be determined by the Libyan Civil Aviation Authority, depending on the lessons it expects to draw from the investigation for the improvement of safety.

3.3. POWERS OF THE INVESTIGATOR

- 3.3.1. The purpose of the investigation of any accident or incident, or of any inquiries undertaken with a view to determining whether any such investigation should be held, the investigator shall have the power to:
- (a) call before him take statements, and examine any person as the investigator thinks fit, and to require such person to:
 - (1) answer any questions;
 - (2) furnish any information;
 - (3) make and sign a declaration of the truth of the statements made by the person; and
 - (4) require the questions to be answered on oath or affirmation;
 - (b) require, as per the Libyan Civil Aviation Authority's safe custody procedures, facilitations for the protection and preservation of the occurrence site(s), aircraft and any parts thereof, and all records and documents associated with an occurrence against further damage, access by unauthorized persons, pilfering and deterioration;
 - (c) enter and search any place or premises where an investigator believes, on reasonable grounds, that there is any material relevant, or likely to be relevant, to the conduct of

an investigation of an aviation occurrence, and to seize any such material that is found in the course of that search.

After entering premises under this paragraph, the investigator may do any of the following:

- (1) search the premises, and anything on the premises, for evidential material;
 - (2) make photos, video recordings, sound recordings or other records of the premises or evidential material;
 - (3) make copies of evidential material found on the premises;
 - (4) examine, take measurements of, conduct tests on, or take samples of, evidential material;
 - (5) operate equipment on the premises in-order to access evidential material;
 - (6) in the case of evidential material that is equipment, operate the evidential material;
 - (7) remove evidential material from the premises with the consent of the owner or any person in charge unless locating such owner or person in-charge is not possible;
 - (8) secure evidential material, pending the obtaining of a warrant to seize it; and
 - (9) take equipment and material onto the premises, and use it, for any of the above purposes.
 - (10) In such cases, the investigator shall not exercise the powers in relation to a particular-place or premises without the consent of the person apparently in charge of that place unless those powers are so exercised under the authority of a warrant, or by reason of exigent circumstances where it will not be practical for the investigator to obtain a warrant. The investigator shall take reasonable steps to give to the occupier of the premises a written notice setting out the occupier's rights and obligations;
- (d) have unhampered access to flight recorders and ATS recordings, and have unrestricted control over it to ensure that a detailed examination can be made without delay by authorized personnel participating in the investigation;
- (e) prohibit or limit access to the area immediately surrounding the place at which the material is located for such period as is necessary for the purposes of preserving and protecting any item involved, or likely to have been involved, in an aviation occurrence, whether, or not the item has been seized under this Part.
- In such cases, the investigator shall have regard to the desirability of minimizing any resulting disruption to transportation services;
- (f) cause such material, including tests to destruction of the material that is seized, for the purposes of the investigation, to the extent that it is practical and safe to do so and does not unreasonably impede the progress of the investigation.
- The investigator may take all reasonable measures to invite the owner of the material, and any person who appears on reasonable grounds to be entitled to it, to be present at any such tests;
- (g) require the provision and make copies of any documents that the investigator may consider relevant to the occurrence and retain such documents until the completion of the investigation, or as the case may be, it is determined that an investigation shall not be carried out;

- (h) require a person(s) who was(were) directly or indirectly involved in the operation of an aircraft to submit a medical examination where the investigator believes on reasonable grounds that the medical condition is, or may be, relevant to the investigation.

In such cases, the notice for medical examinations shall made in writing and signed by the investigator;

- (i) require a Doctor or other practitioner to provide medical information concerning a patient who, the investigator believes on reasonable grounds, that information concerning him/her is relevant to that investigation.

In such cases, the notice for medical information shall made in writing and signed by the investigator;

- (j) cause such an autopsy or medical examination to be performed on a body of a deceased person, where the investigator believes on reasonable grounds that the information derived from the autopsy and examination is, or may be, relevant to the conduct of the investigation.

In such cases, the notice for medical information shall made in writing and signed by the investigator;

- (k) require the person having custody of the body of the deceased person or other human remains to permit the performance of that autopsy or that medical examination;

In such cases, the notice for medical information shall made in writing and signed by the investigator;

- (l) call on the services of local police or other authorized persons to ensure protection of the accident site, including the aircraft and its contents, until such time as the Investigator-In-Charge (IIC) able to directly take over custody and coordinate for security of the aircraft and its contents; and

- (m) have free and uninterrupted access and admission to the flight deck at any time and phase of flight for the purpose of any investigation function. This shall not prevent the pilot-in-command to request the investigator to occupy a seat in the passenger compartment in case of emergency or any other reason for the safety of the flight.

3.3.2. The Libyan Civil Aviation Authority may appoint additional experts from whatever national or international source, to assist the Investigator-In-Charge (IIC) in a particular-investigation and such person(s) shall, for the purpose of doing so, have such the powers of the investigator, provided that such power delegated to him made in writing.

3.3.3. The Investigator-In-Charge (IIC), at any time, may publish, or cause to be publish, information relating to an accident whether, or not such an accident is subject to an investigation or undergoing a reopening of the original investigation.

3.3.4. Serving of notices or documents:

Any notice or other document required or authorized by any provision of this Part to be served on or given to any person, maybe served, or given:

- (a) by delivering it to that person;
- (b) by leaving it at his usual or last-known residence or place of business, whether in the state of Libya or elsewhere;
- (c) by sending it to him by post at that address; or

- (d) by sending it to him at that address by telex or facsimile, in which case the document is regarded as served when received.

3.4. PROTECTION OF EVIDENCE, CUSTODY AND REMOVAL OF AIRCRAFT

3.4.1. Protection of Evidence:

- (a) No person shall have access to the site(s) unless he authorized by the Libyan Civil Aviation Authority.
- (b) Neither the aircraft involved in an accident or serious incident nor its contents shall be remove or otherwise interfered with except under the authority of the Libyan Civil Aviation Authority.
- (c) The aircraft may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals, removing any mails, valuables and dangerous goods carried by the aircraft, preventing destruction by fire or other cause, or preventing any danger or obstruction to the public or to air navigation or to other transport or, under the supervision of the Investigator-In-Charge (IIC), or his delegate, for the purpose of removing any other property from the aircraft.
- (d) Should the aircraft wrecked on water, the aircraft or any of its contents maybe removed to such extent as may be necessary for bringing it/them to a place of safety.
- (e) The operator of an aircraft involved in an accident or serious incident, for which notification is mandatory, shall be responsible for preserving, to the extent possible, any aircraft wreckage and cargo aboard the aircraft and all records, including all recording mediums of flight, maintenance, and voice recorders pertaining to the operation and maintenance of the aircraft and to the airmen, until the Libyan Civil Aviation Authority takes custody thereof and a release is granted.
- (f) Where it is necessary to move aircraft wreckage or cargo; sketches, descriptive notes, and photographs shall made, if possible, of the original position and condition of the wreckage and any significant impact marks.
- (g) The operator of an aircraft involved in an accident or serious incident shall retain all evidence dealing with the accident or serious incident, until authorized by the Libyan Civil Aviation Authority to the contrary.

3.4.2. Requests from State of Registry, State of the Operator, State of Design or State of Manufacture:

- (a) If a request is received from the State of Registry, the State of the Operator, the State of Design or the State of Manufacture that the aircraft, its contents, or any other evidence remain undisturbed pending inspection by an accredited representative of the requesting State, the Libyan Civil Aviation Authority, as the Authority of the State of Occurrence, shall take all necessary steps to comply with such request, so far as this is reasonably practicable and compatible with the proper conduct of the investigation provided that the aircraft may be moved to the extent necessary to extricate persons, animals, mails 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.
- (b) Upon receiving a request under 3.4.2(a), the accredited representatives and their technical advisors shall have the rights to exercise their activities under their participation privileges and shall led by the Investigator-In-Charge (IIC) or delegate.

In such cases, and according to the Investigator-In-Charge's (IIC) instructions, all or part of the investigator's powers listed in 3.3 shall be vested to the accredited representatives and their advisors.

3.4.3. Release from Custody:

- (a) Subject to the provisions of 3.4.3 (b), (c) and (d), the Libyan Civil Aviation Authority, as the Authority of the State of Occurrence, shall release custody of the material if it is no longer required in the investigation, or after the final report is released, to any person or persons duly designated by the State of Registry or the State of the Operator, as applicable. For this purpose, the Libyan Civil Aviation Authority shall facilitate access to material except if the evidence exists in an area within which the Libyan Civil Aviation Authority finds it impracticable to grant such access. In such cases, the Libyan Civil Aviation Authority shall itself effect removal to a point where access can be given.
- (b) Custody of the material, shall be retained, by the Libyan Civil Aviation Authority if any of the following exists:
 - (1) When the pre-impact position, status or operation of an aircraft component or wreckage piece is likely to be a matter of controversy;
 - (2) When the material is assessed to have either failed prior to impact, or otherwise involved in the circumstances leading up to the occurrence; or
 - (3) When political implications, public interest or other circumstances are such that either controversy or news coverage is likely.
- (c) For the return of any material taken or seized during an investigation, prior to releasing any such material:
 - (1) All the reasonable examination, tests and analysis shall be complete, with suitable documentation of the test and the findings results;
 - (2) Prior to release of any wreckage, the owner of such evidence and any party having an interest in the wreckage shall be consulted;
 - (3) Prior to release of any property other than wreckage, the relevant Libyan legislation shall apply; and
 - (4) When disposing of the wreckage, or any hazardous materials, the Investigator-In-Charge (IIC) shall document all actions taken, particularly showing that the disposal was in accordance with the Libyan environmental legislation.
- (d) The release of wreckage and seized property shall be documented indicating that the wreckage or property released by the Investigator-In-Charge (IIC) with an acknowledgement by the owner or other responsible authority of receipt of this wreckage or property.
- (e) The Libyan Civil Aviation Authority shall have at its disposal, either directly or by means of the cooperation of any party, 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.
- (f) The Investigator-In-Charge (IIC) shall return the material, when it is no longer needed for the purposes of an investigation, to the owner or his delegate. However, if the Investigator-In-Charge (IIC) cannot, despite making reasonable efforts, locate the owner, the Libyan Civil Aviation Authority may dispose of the item in such manner as the Libyan Civil Aviation Authority thinks appropriate.

Chapter 4. NOTIFICATION

4.1. APPLICABILITY

4.1.1. This Chapter contains rules pertaining to notification and reporting of accidents, serious incidents, selected incidents, and certain other aviation occurrences of a Libyan registered aircraft wherever they occur or foreign civil aircraft when such events occur in the territories of the state of Libya.

4.2. IMMEDIATE NOTIFICATION TO THE Libyan Civil Aviation Authority

4.2.1. Any person who has knowledge of the occurrence of accident or serious incident shall immediately notify the Libyan Civil Aviation Authority.

4.2.2. All air operators, ATC units, approved maintenance organizations, aerodrome operators, and local civil aviation departments shall establish a system of “immediate notification of air accidents and serious incidents” to the Air Accident Investigation Bureau within Libyan Civil Aviation Authority.

The system shall at least:

- (a) Contain a list of occurrences that shall be immediately notified to the Air Accident Investigation Bureau within Libyan Civil Aviation Authority including accidents as defined in this Part and, at least, serious incidents listed in Appendix A to this Part.
- (b) Be adequate to ensure that the accident or serious incident notified by means established by the Libyan Civil Aviation Authority.
- (c) Be-educate to the concerned person(s) within the organization.
- (d) Be-documented in the organization’s applicable Libyan Civil Aviation Authority’s approved/accepted manuals.

4.3. RESPONSIBILITY OF THE Libyan Civil Aviation Authority AS THE AUTHORITY OF THE STATE OF OCCURRENCE

4.3.1. Applicability:

This paragraph applies to the responsibility of the Libyan Civil Aviation Authority as the Authority of the State of Occurrence of an accident or serious incident to aircraft of another Contracting State.

4.3.2. Forwarding:

The Libyan Civil Aviation Authority shall forward a notification of an accident or serious incident, as per 4.3.3, with a minimum of delay, and by the most suitable and quickest means available, to:

- (a) the State of Registry;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2,250 kg or is a turbojet powered airplane.

4.3.3. Format and content:

The notification shall be in plain English or Arabic language and contain as much of the following information as is readily available, but its dispatch shall not be delayed due to the

lack of complete information:

- (a) for accidents, the identifying abbreviation ACCID, for serious incidents INCID;
- (b) manufacturer, model, nationality and registration marks, and serial number of the aircraft;
- (c) name of owner, operator, and hirer, if any, of the aircraft;
- (d) qualification of the pilot-in-command, and nationality of crew and passengers;
- (e) date and time (local time or UTC) of the accident or serious incident;
- (f) last point of departure and point of intended landing of the aircraft;
- (g) position of the aircraft with reference to some easily defined geographical point and latitude and longitude;
- (h) number of crew and passengers; aboard, killed and seriously injured; others, killed and seriously injured;
- (i) description of the accident or serious incident and the extent of damage to the aircraft, so far as is known;
- (j) an indication to what extent the investigation will be conducted, or proposed to be delegated by the Libyan Civil Aviation Authority to another State;
- (k) physical characteristics of the accident or serious incident area, as well as an indication of access difficulties or special requirements to reach the site;
- (l) identification of the Libyan Civil Aviation Authority and means to contact the Investigator-In-Charge; and
- (m) presence and description of dangerous goods on board the aircraft.

4.3.4. Additional information:

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

4.4. RESPONSIBILITY OF THE Libyan Civil Aviation Authority AS THE AUTHORITY OF THE STATE OF REGISTRY, THE STATE OF THE OPERATOR, THE STATE OF DESIGN, OR THE STATE OF MANUFACTURE

4.4.1. Applicability:

This paragraph applies to the responsibility of the Libyan Civil Aviation Authority as the Authority of the State of Registry, the State of the Operator, the State of Design, or the State of Manufacture for an accident or serious incident occurs in another Contracting State.

4.4.2. Information- Participation:

Upon receipt of the notification, the Libyan Civil Aviation Authority, shall, as soon as possible, acknowledge receipt to the State sending the notification and provide the State of Occurrence with any relevant information available to it regarding the aircraft and flight crew involved in the accident or serious incident. The Libyan Civil Aviation 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 and contact details as well as the expected date of arrival if the accredited representative will travel to the State of Occurrence.

4.4.3. Forwarding:

When the State of Occurrence is not aware of a serious incident, the Libyan Civil Aviation Authority as the Authority of the State of Registry, or the State of the Operator, as

appropriate, shall forward a notification of such incident to the State of Design, the State of Manufacture, and the State of Occurrence.

4.5. ACCIDENTS OR SERIOUS INCIDENTS IN THE TERRITORY OF THE STATE OF LIBYA, IN A NON- CONTRACTING STATE OR OUTSIDE THE TERRITORY OF ANY STATE

- 4.5.1. When the Libyan Civil Aviation Authority, as the Authority of the State of Registry, institutes the investigation of an accident or serious incident, the Libyan Civil Aviation Authority shall forward a notification in accordance with 4.3.3, with a minimum of delay, and by the most suitable and quickest means available, to:
- (a) the State of the Operator;
 - (b) the State of Design;
 - (c) the State of Manufacture; and
 - (d) the International Civil Aviation Organization, when the aircraft involved is of a maximum mass of over 2,250 kg or is a turbojet powered airplane.
- 4.5.2. Upon receipt of the notification, the Libyan Civil Aviation Authority, as the Authority of the State of Registry, shall request the State of the Operator, the State of Design, and the State of Manufacture, to provide any relevant information available to them regarding the aircraft and flight crew involved in the accident or serious incident.
- 4.5.3. The Libyan Civil Aviation Authority, as the Authority of the State of Registry, shall entitle the other States to appoint an accredited representative.
- 4.5.4. Upon receipt of any notification, the Libyan Civil Aviation Authority, as the Authority of the State of the Operator, shall with a minimum of delay and by the most suitable and quickest means available, provide the State of Registry with details of dangerous goods onboard the aircraft.

Chapter 5. INSTITUTING AND CONDUCTING THE INVESTIGATION

5.1. APPLICABILITY

- 5.1.1. This Chapter is applicable when the Libyan Civil Aviation Authority becomes the Authority of the State of Occurrence or the State conducting the investigation.

5.2. GENERAL

- 5.2.1. The Libyan Civil Aviation Authority, as the Authority of the State of Occurrence, shall institute an investigation into the circumstances of accidents, serious incidents, and selected incidents.
- 5.2.2. The Libyan Civil Aviation Authority, as the Authority of the State of Occurrence, shall conduct the investigation into the circumstances of accidents, serious incidents, and selected incidents. The Libyan Civil Aviation Authority may delegate the whole or any part of the conducting of such investigations to another State or to a regional investigation organization by mutual arrangement and consent. In any event, the Libyan Civil Aviation Authority shall use every means to facilitate the investigation.

5.3. INVESTIGATION COMMITTEE

- 5.3.1. the purpose of carrying out an investigation into the circumstances and causes of accidents to which this Part applies, the Director General of Libyan Civil Aviation Authority shall form an “Accident Investigation Committee”.
- 5.3.2. Any person participating in the “Accident Investigation Committee” shall perform his duties independently and shall neither seek nor accept instructions from anybody other than the Investigator-In-Charge (IIC).
- 5.3.3. When an accident or incident involves a civil aircraft with a military aircraft, a committee shall be composed of equal numbers of Investigators appointed by the Libyan Civil Aviation Authority and those of the relevant Military Aviation Authority. The committee shall be under the direction of the Investigator-In-Charge (IIC).

5.4. DESIGNATION OF THE INVESTIGATOR-IN-CHARGE

- 5.4.1. By pursue of the Civil Aviation Law No. 6 (2005), The Director General of Libyan Civil Aviation Authority shall form an investigating committee headed by a designate Investigator-In-Charge (IIC), who shall initiate the investigation immediately.

5.5. FURNISHING OF INFORMATION

- 5.5.1. Where an accident, serious incident or selected incident, to which this Part applies, occurs, whether in the territory of the state of Libya or elsewhere, the owner, operator, pilot-in-command, hirer or any other person involved in the loading or operation of the aircraft shall, if so required by notice in writing given to him by Libyan Civil Aviation Authority’s investigator, send to the investigator, within such time as

may be specified in the notice, such information as is in his possession or control with respect to the accident and in such form as the investigator may require.

5.6. OBSTRUCTION OF INVESTIGATIONS

- 5.6.1. A person shall not obstruct or impede an investigator, or any person acting under the authority of the Libyan Civil Aviation Authority, in the exercise of any powers or duties under this Part.
- 5.6.2. A person shall not, without reasonable excuse, fail to comply with any summons or requisition of an investigator conducting investigation or undertaking any inquiries with a view to determining whether any investigation, should be held under this Part.

5.7. DISCONTINUANCE OF INVESTIGATION

- 5.7.1. The Investigator-In-Charge (IIC), may determine that any investigation, being conduct into a serious incident or incident is to be discontinue. In the event of a formal investigation, being discontinue, no final report, shall be publish. However, public notice, should be given, in such a manner as the Investigator-In-Charge (IIC) may determine that the investigation has been discontinued.
- 5.7.2. Following the discontinuance of any investigation, the Investigator-In-Charge (IIC) shall submit to the Libyan Civil Aviation Authority, such information as he considers desirable in the interest of future safety analysis.

5.8. Investigator-In-Charge (IIC)'s REPORT AND APPEAL

- 5.8.1. Subject to 5.8.2, upon completion of a formal investigation, the Investigator-In-Charge (IIC) shall submit a draft final report to the Libyan Civil Aviation Authority. The report shall state the facts relating to the accident, serious incident or incident followed by an analysis of the facts and conclusions as to the causes and contributing factors, together with any proposed safety recommendations.
- 5.8.2. The “Accident Investigation Committee” shall have full investigative powers under this Part and, in addition, the Investigator-In-Charge (IIC) may administer an oath to or require a serious affirmation from any witness.
- 5.8.3. Where new and important evidence is given, which was not provided to the original investigation, the “Accident Investigation Committee” may recommend that the investigation be re-opened.

5.9. FLIGHT RECORDERS

- 5.9.1. Whenever practicable, the Libyan Civil Aviation Authority, when conducting the investigation, shall arrange for the readout of the flight recorders without delay.
- In the event, that the Libyan Civil Aviation Authority does not have adequate facilities to read out the flight recorders, it shall use the facilities made available to it by other States giving consideration to the following:
- (a) the capabilities of the readout facility;
 - (b) the timeliness of the readout; and
 - (c) the location of the readout facility.

5.9.2. The Investigator-In-Charge (IIC) shall ensure that only parties appropriate to the Cockpit Voice Recorder (CVR) group invited appropriate parties typically include: the Libyan Civil Aviation Authority, manufacturer, and owner/operator. Involved Flight crew cannot participate as group members.

5.10. OTHER RECORDINGS

5.10.1. The Libyan Civil Aviation Authority, when conducting the investigation, shall arrange for obtaining any other recordings that may be useful to the investigation.

5.11. AUTOPSY EXAMINATIONS

5.11.1. The Libyan Civil Aviation Authority, when conducting the investigation into a fatal accident, shall arrange for complete autopsy examination of fatally injured flight crew and, subject to the particular-circumstances, of fatally injured passengers and cabin crew, by aviation pathologist. These examinations shall be expeditious and complete.

5.12. COORDINATION- JUDICIAL AUTHORITIES

5.12.1. The Libyan Civil Aviation Authority, when conducting the investigation, shall recognize the need for coordination between the Investigator-In-Charge (IIC) and the judicial authorities. 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 readouts of flight recorder recordings.

5.13. MEDICAL EXAMINATIONS

5.13.1. When appropriate, the Libyan Civil Aviation Authority, when conducting the investigation, shall arrange for the medical examination of the crew, passengers and involved aviation personnel by a physician experienced in accident investigation. These examinations should be expeditious.

5.14. INFORMING SECURITY OR JUDICIAL AUTHORITIES

5.14.1. If, in the course of an investigation it becomes known, or it suspected, that an act of unlawful interference was involved, the Investigator-In-Charge (IIC) shall immediately initiate action to ensure that the security unit within the Libyan Civil Aviation Authority is so informed.

5.15. NON-DISCLOSURE OF RECORDS

5.15.1. The Libyan Civil Aviation Authority, when conducting investigation, shall not make the following records available for purposes other than the investigation unless the Libyan Ministry of Justice determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations:

- (a) all statements taken from persons in the course of the investigation;
- (b) all communications between persons having been involved in the operation of the aircraft;
- (c) medical or private information regarding persons involved in the accident or incident;

- (d) cockpit voice recordings and transcripts from such recordings;
- (e) recordings and transcripts of recordings from air traffic control units;
- (f) cockpit airborne image recording and any part or transcripts from such recording; and
- (g) opinions expressed in the analysis of information, including flight recorder information.

5.15.2. These records, shall include 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 disclosed.

5.15.3. The names of the persons involved in the accident or incident shall not disclosed to the public unless their disclosure outweighs the adverse domestic and international impact.

5.16. RE-OPENING OF INVESTIGATION

5.16.1. If, after the Libyan Civil Aviation Authority investigation has closed, new and significant evidence becomes available, or when 5.8.3 becomes valid, the Libyan Civil Aviation Authority, if it conducted the investigation, shall re- open it. However, if the Libyan Civil Aviation Authority intends to re-open an investigation, that was, originally instituted by a foreign state, the Libyan Civil Aviation Authority shall first obtain the consent of that State.

5.16.2. Any re-opened investigation shall be subject to and conducted in accordance with the provisions of this Part.

5.17. ENTITLEMENT OF ACCREDITED REPRESENTATIVES

5.17.1. The Libyan Civil Aviation Authority shall entitle the State of Registry, the State of the Operator, the State of Design, and the State of Manufacture to appoint an accredited representative to participate in its investigations.

5.17.2. The Libyan Civil Aviation Authority shall entitle the State of Registry and the State of the Operator to appoint one or more advisers proposed by the operator to assist its accredited representative. When either the State of Registry or the State of the Operator does not appoint an accredited representative, the Libyan Civil Aviation Authority, as the Authority of the State conducting the investigation, shall invite the operator to participate.

5.17.3. The Libyan Civil Aviation Authority shall entitle the State of Design and the State of Manufacture to appoint one or more advisor proposed by the organization responsible for the type design and final assembly of the aircraft to assist its accredited representative. When either the State of Design or the State of the Manufacture does not appoint an accredited representative, the Libyan Civil Aviation Authority, as the Authority of the State conducting the investigation, shall invite the type design organization or aircraft manufacture to participate.

5.17.4. The Libyan Civil Aviation Authority, as the authority conducting the investigation, shall entitle any State, which on request provides information, facilities, or experts to the Libyan Civil Aviation Authority, to appoint an accredited representative to participate in the investigation.

- 5.17.5. For the interest of safety, the Libyan Civil Aviation Authority may entitle any regional or international body to the extent necessary to enable the Investigator-In-Charge (IIC) to make his investigation effective.
- 5.17.6. Advisors assisting an accredited representative shall be permitted, under the accredited representative's supervision, to participate in the investigation to the extent necessary to enable the accredited representative to make his or her participation effective.

5.18. PARTICIPATION IN THE INVESTIGATION

- 5.18.1. Participation in the investigation shall confer entitlement to participate in all aspects of the investigation, under the control of the Investigator-In-Charge (IIC), in particular to:
- (a) visit the accident site;
 - (b) examine the wreckage;
 - (c) obtain witness information and suggest areas of questioning;
 - (d) have full access to all relevant evidence as soon as possible;
 - (e) receive copies of all pertinent documents;
 - (f) participate in readouts of recorded media;
 - (g) participate in off-site investigative activities such as component examinations, technical briefings, tests, and simulations;
 - (h) participate in investigation progress meetings including deliberations related to analysis, findings, causes, contributing factors and safety recommendations; and
 - (i) make submissions in respect of the various elements of the investigation.
- 5.18.2. 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 participate under 5.17.4.

5.19. PARTICIPATION OF STATES HAVING SUFFERED FATALITIES OR SERIOUS INJURIES TO ITS CITIZENS

- 5.19.1. A State, which has a special interest in an accident, by virtue of fatalities or serious injuries to its citizens shall, upon making a request to do so, should be permitted by the Libyan Civil Aviation Authority, as the Authority of the State conducting the investigation, to appoint an expert who shall be entitled to:
- (a) visit the accident site;
 - (b) have access to the relevant factual information which approved by the Libyan Civil Aviation Authority for public release and information on the progress of the investigation;
 - (c) participate in the identification of the victims;
 - (d) assist in questioning surviving passengers who are citizens of the expert's State; and
 - (e) receive a copy of the Final Report.

5.20. VICTIMS' FAMILY MEMBERS AND FRIENDS- REQUESTS FOR INFORMATION RECORDED IN FLIGHT AND ATC RECORDERS AND THEIR TRANSCRIPTS

5.20.1. Except for the investigation purposes, and as the Investigator-In-Charge (IIC) determines that it is necessary for the accident investigation purposes, victims' family members, friends, or their representatives, shall not listen or have an access to any of the flight or ATC recorded information or their transcripts.

5.21. ACCIDENTS, SERIOUS INCIDENTS, AND INCIDENTS OUTSIDE THE TERRITORY OF ANY STATE

5.21.1. When the location of the accident, the serious incident or incident cannot definitely be established as being in the territory of any State, the Libyan Civil Aviation Authority, as the Authority of the State of Registry, shall institute and conduct the investigation of the accident, serious incident or selected incident. The Libyan Civil Aviation Authority may delegate the whole or any part of the investigation to another State by mutual arrangement and consent.

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

5.21.3. The Libyan Civil Aviation Authority, as the Authority of the State of Registry, shall establish communication with the states nearest to the scene of an accident in international waters requesting assistance as they are able for the purpose of conducting the investigation.

Chapter 6. INVESTIGATIONS CONDUCTED BY FOREIGN STATES

6.1. APPLICABILITY

6.1.1. This Chapter is applicable to:

- (a) investigations conducted by foreign states into Libyan registered aircraft accidents or serious incidents that occur outside the territory of the state of Libya; and
- (b) investigations conducted by foreign states where the state of Libya has a kind of interest or in a position that requires the fulfillment of international obligations.

6.2. PARTICIPATION

6.2.1. When a State conducting investigation into an accident or serious incident to an aircraft of a maximum mass of over 2,250 kg specifically requests participation of the Libyan Civil Aviation Authority, as the Authority of the State of Registry, the State of the Operator, the State of Design, or the State of Manufacture, the Libyan Civil Aviation Authority shall appoint an accredited representative.

6.3. DELEGATIONS

6.3.1. The Libyan Civil Aviation Authority, as the Authority of the State of Registry, the State of the Operator, the State of Design, or the State of Manufacture shall, if delegated by the State of the Occurrence or a mutual arrangement reached with a non-contracting State of Occurrence, institute and conduct investigation into the accident.

6.3.2. The Libyan Civil Aviation Authority, as the Authority of the State of Registry, the State of the Operator, the State of Design, or the State of Manufacture may, if delegated by the State of Occurrence or a mutual arrangement reached with a non-contracting State of Occurrence, institute and conduct investigation into the serious incident.

6.4. FLIGHT RECORDERS

6.4.1. When an aircraft involved in an accident or a serious incident lands in a State other than the State of Occurrence, the Libyan Civil Aviation Authority, as the Authority of the State of Registry or the State of the Operator shall, on request from the State conducting the investigation, furnish the latter State with the flight recorder records and, if necessary, the associated flight recorders.

6.5. ORGANIZATIONAL INFORMATION

6.5.1. The Libyan Civil Aviation Authority, as the Authority of the State of Registry or the State of the Operator, on request from the State conducting the investigation, shall provide pertinent information on any organization whose activities may have directly or indirectly influenced the operation of the aircraft.

6.6. PROVISION OF INFORMATION

- 6.6.1. The Libyan Civil Aviation Authority shall, on request from the State conducting the investigation, provide that State with all the relevant information available to it.
- 6.6.2. The Libyan Civil Aviation Authority, regarding any facilities or services of which have been, or would normally have been, used by an aircraft prior to an accident or an incident, and which has information pertinent to the investigation, shall provide such information to the State conducting the investigation.

6.7. OBLIGATIONS

- 6.7.1. The accredited representative appointed by the Libyan Civil Aviation Authority to participate in investigation conducted by foreign state and his nominated advisors, shall:
- (a) provide the state conducting the investigation with all relevant information available to them; and
 - (b) not disclose information on the progress and the findings of the investigation without the express consent of the State conducting the investigation.

Chapter 7.FINAL REPORT

7.1. RELEASE OF INFORMATION.

7.1.1. The Libyan Civil Aviation Authority shall not circulate, publish, or give access to a draft report or any part thereof, or any document obtained during an investigation of an accident, serious incident, or incident, without the express consent of the State which conducted the investigation unless such reports or documents have already published or released by that latter State.

7.2. CONSULTATION

7.2.1. The Libyan Civil Aviation Authority, as the Authority of the State conducting the investigation, shall send a copy, as soon as possible and on confidential basis, of the draft final report to the State which instituted the investigation and to all States that participated in the investigation, inviting their significant and substantiated comments on the report. The draft final report of the investigation shall be sent for comments to:

- (a) the State of Registry;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) any other States or parties the Libyan Civil Aviation Authority finds appropriate to receive comments from it.

7.2.2. If the Libyan Civil Aviation Authority receives comments within sixty days of the date of the transmittal letter, the Libyan Civil Aviation Authority 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 Libyan Civil Aviation Authority receives no comments within sixty days of the date of the first transmittal letter, it shall issue the final report to the recipient States unless an extension of that period, has agreed by the States concerned.

7.2.3. A person who receives a draft report under 7.2.1(e) shall not:

- (a) make a copy of the whole or any part of the report;
- (b) disclose any of the contents of the report to any other person; or
- (c) use it to any disciplinary or legal proceedings.

7.3. RECIPIENTS OF THE FINAL REPORT

7.3.1. The Libyan Civil Aviation Authority, as the Authority of the State conducting the investigation, shall send, with a minimum of delay, the final report to:

- (a) the State which instituted the investigation;
- (b) the State of Registry;
- (c) the State of the Operator;
- (d) the State of Design;
- (e) the State of Manufacture;
- (f) any State that participated in the investigation

- (g) any States having suffered fatalities or serious injuries to its citizens; and
- (h) any State which provided relevant information, significant facilities or experts.

7.3.2. The Libyan Civil Aviation Authority, as the Authority of the State conducting the investigation, shall send, with a minimum of delay, the final report to the International Civil Aviation when the aircraft mass is over 5,700 kg.:

7.4. PUBLICATION OF REPORTS

7.4.1. Public Access:

- (a) The Director General of Libyan Civil Aviation Authority shall, unless in his opinion there are valid reasons to the contrary, cause the investigation reports to be, made public, wholly or in part, in such manner as it is appropriate.
- (b) In the interest of accident prevention, the Libyan Civil Aviation Authority shall make every possible effort to release the final report as soon as possible, within twelve months of the date of the occurrence. If the Final Report, cannot be, made publicly available within twelve months, the Libyan Civil Aviation Authority shall make an interim statement publicly available on each anniversary of the occurrence, detailing the progress of the investigation and any safety issues raised.

7.4.2. Format:

The format of the final report shall be in conformity with Annex 13 to the Convention on International Civil Aviation.

Chapter 8.SAFETY RECOMMENDATIONS

8.1. GENERAL

- 8.1.1. At any stage of the investigation of an accident or incident, the Libyan Civil Aviation Authority, as the investigation authority, shall recommend to the appropriate authorities, including those in other States, and other parties as appropriate, any preventative action, which it considers necessary to be-taken promptly to enhance aviation safety.
- 8.1.2. The Libyan Civil Aviation Authority, if conducting investigations of accidents or incidents, shall address, when appropriate, any safety recommendations arising out of its investigations to the accident investigation authorities of other State(s) concerned, other parties as appropriate, and, when ICAO documents are involved, to ICAO.
- 8.1.3. The Libyan Civil Aviation Authority may make public a status report of its issued safety recommendations and a brief of the related correspondences of each.
- 8.1.4. The Libyan Civil Aviation Authority may also issue safety recommendations based on studies or analysis of a series of investigations or any other activities conducted in accordance with this Part.
- 8.1.5. A safety recommendation shall in no case create a presumption of blame or liability for an accident, serious incident, or incident.

8.2. ACTION ON SAFETY RECOMMENDATIONS

- 8.2.1. On receipt of any safety recommendations or other proposals for preventative action, the Libyan Civil Aviation Authority shall inform the proposing State, within ninety days of the date of the transmittal correspondence, of the preventative action taken or under consideration, or the reasons why no action will be, taken.
- 8.2.2. On receipt of any safety recommendations or other proposals for preventative action, all addressees in the state of Libya shall, within ninety days of the date of the transmittal correspondence:
- (a) take that recommendation into consideration and, where appropriate, act upon it; and;
 - (b) send to the Libyan Civil Aviation Authority:
 - (1) full details of the measures, if any, it has taken or proposes to take to implement the recommendation and, in a case where it proposes to implement measures, the timetable for securing that implementation;
 - (2) a full explanation, including a safety assessment study, as to why the recommendation is not to be the subject of measures to be, taken; or
 - (3) a notice, if at any time, any information provided to the Libyan Civil Aviation Authority in pursuance of 8.2.2(b)(1) and 8.2.2(b)(2) concerning the measures it proposes to take or the timetable for securing their implementation is, rendered inaccurate by any change of circumstances.
- 8.2.3. The Libyan Civil Aviation Authority shall, within sixty days of the receipt of the reply, inform the addressee whether, or not it considers the reply adequate and give justification when it disagrees with the decision to take no action.

- 8.2.4. The Libyan Civil Aviation Authority shall implement procedures to record and track the responses to the safety recommendations it issued or it receives from foreign States and the progress of the action taken in response to each safety recommendation.
- 8.2.5. Each addressee, within the state of Libya, receiving a Libyan Civil Aviation Authority's safety recommendation or a safety recommendation issued by a foreign investigation authority, shall implement procedures to monitor the progress of the action taken in response to the safety recommendation received. The procedure shall be part of the addressee's Safety Management System.
- 8.2.6. Each addressee, within the state of Libya, receiving a Libyan Civil Aviation Authority's safety recommendation or a safety recommendation issued by a foreign investigation authority, shall discuss his remedy action to that safety recommendation with the principal department in the Libyan Civil Aviation Authority.
- 8.2.7. The Libyan Civil Aviation Authority shall take all the necessary actions to apply 8.2.2 and 8.2.3 to foreign addressees receiving a Libyan Civil Aviation Authority's safety recommendation including the authorities responsible for civil aviation.
- 8.2.8. In addition to safety recommendations arising from accident and incident investigations, the Libyan Civil Aviation Authority may issue safety recommendations by result from diverse sources, including safety studies. If safety recommendations are address to an organization in another State, the Libyan Civil Aviation Authority shall transmit them to the State's investigation authority.

Chapter 9.ACCIDENT/INCIDENT DATA REPORTING

9.1. PRELIMINARY REPORT

9.1.1. Accidents to Aircraft over 2,250 kg:

When the aircraft involved in an accident is of a maximum mass of over 2,250 kg, the Libyan Civil Aviation Authority, as the Authority of the State conducting the investigation, shall send a preliminary report to:

- (a) the State of Registry or the State of Occurrence, as appropriate;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture;
- (e) any State which provided relevant information, significant facilities, or experts; and
- (f) the International Civil Aviation Organization.

9.1.2. Accidents to Aircraft of 2,250 kg or Less:

When an aircraft of a maximum mass of 2,250 kg or less is involved in an accident, and when airworthiness or matters considered to be of interest to other States are involved, the Libyan Civil Aviation Authority, as the Authority of the State conducting the investigation, shall forward the preliminary report to:

- (a) the State of Registry or the State of Occurrence, as appropriate;
- (b) the State of the Operator;
- (c) the State of Design;
- (d) the State of Manufacture; and
- (e) any State, which provided relevant information, significant facilities, or experts

9.1.3. Language:

The preliminary report shall be, submitted to appropriate States and to the International Civil Aviation Organization in English language.

9.1.4. Dispatch:

The preliminary report shall be, sent by facsimile, e-mail, or airmail within thirty days of the date of the accident unless that time has sent the accident/incident data report. 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.

9.2. ACCIDENT/INCIDENT DATA REPORT

9.2.1. Accidents to Aircraft over 2,250 kg:

When the aircraft involved in an accident is of a maximum mass of over 2,250 kg, the Libyan Civil Aviation Authority, as the Authority of the State conducting the investigation, shall send, as soon as practicable after the investigation, accident data report to the International Civil Aviation Organization.

9.2.2. Incidents Involving Aircraft over 5,700 kg:

The Libyan Civil Aviation Authority, as the Authority of the State conducting the investigation into a incident to an aircraft of a maximum mass of over 5,700 kg, shall send, as soon as is practicable after the investigation, incident data report to the International Civil Aviation Organization.

9.2.3. Additional Information:

The Libyan Civil Aviation Authority, as the Authority of the state conducting the investigation, shall, upon request, provide other states with pertinent information additional to that made available in the accident/incident data report.

Chapter 10.ACCIDENT PREVENTION MEASURES

10.1. MANDATORY REPORTING

10.1.1. Notwithstanding 4.2, all Libyan Civil Aviation Authority's certificate holders shall establish a system to report to the Libyan Civil Aviation Authority, any accident, serious incident, or incident within 72 hours from the time of occurrence.

10.2. VOLUNTARY REPORTING

10.2.1. The Libyan Civil Aviation Authority shall establish a voluntary occurrence reporting system to facilitate collection of information on actual or potential safety deficiencies that may not captured by the mandatory incident reporting system. The voluntary occurrence reporting system shall be non-punitive and afford protection to the sources of the information.

10.2.2. All Libyan Civil Aviation Authority certificate holders shall establish a system to educate their personnel of how to report an actual or potential safety deficiency through the Libyan Civil Aviation Authority's voluntary occurrence reporting system.

10.3. DATABASE AND PREVENTIVE ACTIONS

10.3.1. The Libyan Civil Aviation Authority shall establish and maintain an accident, incident reporting system to facilitate the effective analysis of the information on actual or potential safety deficiencies obtained, and to determine any preventative actions required.

Chapter 11.POST ACCIDENT/INCIDENT COMMUNICATIONS

11.1. GENERAL

- 11.1.1. The Libyan Civil Aviation Authority shall establish a system to promote dissemination, on regular basis, of factual information of an accident or incident and the progress of its investigation to the media
- 11.1.2. The system shall ensure that speculation and rumors about the accident or incident, are minimized and that the released facts do not cause prejudice to the investigation and that the needs of the media do not interfere with the proper conduct of the investigation.

11.2. MEDIA ACCESS TO THE ACCIDENT SITE

- 11.2.1. If conditions permit, and considering limitations posed by physical and biomedical hazards, the Investigator-In-Charge (IIC) may grant admittance for the news media, either in total or in a pool arrangement, to limited access to the accident site itself.
- 11.2.2. The news media staff shall not interfere with the investigation work and shall always be escorted by the Investigator-In-Charge (IIC) or his delegate.

11.3. PRESS AND MEDIA RELEASE

- 11.3.1. Nobody, other than Investigator-In-Charge (IIC) or a designated person by the Director General of Libyan Civil Aviation Authority, may release, or cause to be-released, any information to the media about the progress of the investigation, on any findings or causes thereof.
- 11.3.2. The accident investigation authorities and the accredited representatives and their advisers participating in an investigation shall not give the media or the public access to any documents obtained during the investigation without the express consent of the Director General.

Appendix A LIST OF EXAMPLES OF SERIOUS INCIDENTS

The incidents listed are typical examples of incidents that are likely to be serious incidents.

The list is not exhaustive and only serves as guidance to the definition of serious incident.

- Near collisions requiring an avoidance maneuver to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate.
- Controlled flight into terrain only marginally avoided.
- Collisions not classified as accidents.
- Aborted take-offs on a closed or engaged runway, on a taxiway, excluding authorized operations by helicopters, or unassigned runway.
- Take-offs from a closed or engaged runway, from a taxiway, excluding authorized operations by helicopters, or unassigned runway.
- Landings or attempted landings on a closed or engaged runway, on a taxiway, excluding authorized operations by helicopters, or unassigned runway.
- Gross failures to achieve predicted performance during take-off or initial climb.
- Fires and/or smoke in the cockpit, in the passenger compartment, in cargo compartments or engine fires, even though such fires were, extinguished by, the use of extinguishing agents.
- Events requiring the emergency use of oxygen by the flight crew.
- Aircraft structural failures or engine disintegrations, including uncontained turbine engine failures, not classified as an accident.
- Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft.
- Flight crew incapacitation in flight.
- Fuel quantity level or distribution situations requiring the declaration of an emergency by the pilot such as insufficient fuel, fuel exhaustion, fuel starvation, or inability to use all usable fuel on board.
- Runway incursions classified with severity A. The Manual on the Prevention of Runway Incursions (ICAO Doc 9870) 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, operations outside the approved flight envelope or other occurrences which caused or could have caused difficulties in controlling the aircraft.
- Failures of more than one system in a redundancy system mandatory for flight guidance and navigation.
- The unintentional or, as an emergency measure, the intentional release of a slung load or any other load carried external to the aircraft.

Appendix B GUIDANCE FOR THE DETERMINATION OF AIRCRAFT DAMAGE

- (1) If an engine separates from an aircraft, the event categorized as an accident even if damage confined to the engine.
- (2) A loss of engine cowls (fan or core) or reverser components which does not result in further damage to the aircraft not considered an accident.
- (3) Occurrences where compressor or turbine blades or other engine internal components ejected through the engine tail pipe are not consider an accident.
- (4) A collapsed or missing radome not considered an accident unless there is related substantial damage in other structures or systems.
- (5) Missing flap, slat and other lift augmenting devices, winglets, etc., that permitted for dispatch under the configuration deviation list (CDL) are not consider to be an accident.
- (6) Retraction of a landing gear leg, or wheels-up landing, resulting in skin abrasion only. If the aircraft can be safely dispatch after minor repairs, or patching, and subsequently undergoes more extensive work to affect a permanent repair, then the occurrence would not be classifie as an accident.
- (7) If the structural damage is such that the aircraft depressurizes, or cannot pressurized, the occurrence categorized as an accident.
- (8) The removal of components for inspection following an occurrence, such as the precautionary removal of an undercarriage leg following a low-speed runway excursion, while involving considerable work, is not consider an accident unless significant damage found.
- (9) Occurrences that involve an emergency evacuation are not count as an accident unless someone receives serious injuries or the aircraft has otherwise sustained significant damage.

Note 1- *Regarding aircraft damage which adversely affects the structural strength, performance or flight characteristics, the aircraft may have landed safely, but cannot be safely dispatch on a further sector without repair.*

Note 2- *If the aircraft can be safely dispatch after minor repairs and subsequently undergoes more extensive work to affect a permanent repair, then the occurrence would not be, classified as an accident.*

Likewise, if the aircraft can be dispatch under the CDL with the affected component removed, missing or inoperative, the repair would not be, consider as a major repair and consequently the occurrence would not be, considered an accident.

Note 3- *The cost of repairs, or estimated loss, such as provided by insurance companies may provide an indication of the damage sustained but should not be used as the sole guide as to whether the damage is, sufficient to be counted the occurrence as an accident. Likewise, an aircraft may be considered a "hull loss" because it is uneconomic to repair, without it having incurred sufficient damage to be, classified as an accident.*