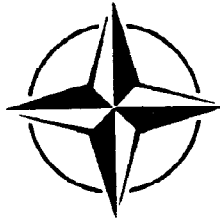


NORTH ATLANTIC TREATY ORGANIZATION
(NATO)



MILITARY AGENCY FOR STANDARDIZATION
(MAS)

STANDARDIZATION AGREEMENT
(STANAG)

SUBJECT: SAFETY INVESTIGATION AND REPORTING OF ACCIDENTS/INCIDENTS
INVOLVING MILITARY AIRCRAFT AND/OR MISSILES

DISTRIBUTION STATEMENT C

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Promulgated on 4 October 1991

E. Stai

E. STAI
Major-General, NOAF
Chairman, MAS

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RECORD OF AMENDMENTS

No.	Reference/date of amendment	Date entered	Signature
1	6 JUN 94	?	

EXPLANATORY NOTES

AGREEMENT

1. This NATO Standardization Agreement (STANAG) is promulgated by the Chairman MAS under the authority vested in him by the NATO Military Committee.
2. No departure may be made from the agreement without consultation with the tasking authority. Nations may propose changes at any time to the tasking authority where they will be processed in the same manner as the original agreement.
3. Ratifying nations have agreed that national orders, manuals and instructions implementing this STANAG will include a reference to the STANAG number for purposes of identification.

DEFINITIONS

4. Ratification is "The declaration by which a nation formally accepts the content of this Standardization Agreement".
5. Implementation is "The fulfilment by a nation of its obligations under this Standardization Agreement".
6. Reservation is "The stated qualification by a nation which describes that part of this Standardization Agreement which it cannot implement or can implement only with limitations".

RATIFICATION, IMPLEMENTATION AND RESERVATIONS

7. Page iii gives the details of ratification and implementation of this agreement. If no details are shown it signifies that the nation has not yet notified the tasking authority of its intentions. Page iv (and subsequent) gives details of reservations and proprietary rights that have been stated.

NATO STANDARDIZATION AGREEMENT
(STANAG)

SAFETY INVESTIGATION AND REPORTING OF ACCIDENTS/INCIDENTS
INVOLVING MILITARY AIRCRAFT AND/OR MISSILES

Related Documents: STANAG 3101 FS - EXCHANGE OF ACCIDENT/INCIDENT INFORMATION
CONCERNING AIRCRAFT AND MISSILES
STANAG 3113 ACS - PROVISION OF SUPPORT TO VISITING PERSONNEL,
AIRCRAFT AND VEHICLES
STANAG 3318 AMD - AEROMEDICAL ASPECTS OF AIRCRAFT ACCIDENT/
INCIDENT INVESTIGATION
ICAO Convention on International Civil Aviation, Annex 13 -
Aircraft Accident Investigation

AIM

1. The aim of this agreement is to establish procedures for the safety investigation and reporting of accidents/incidents of military aircraft and/or missiles which involve the equipment, facilities and/or personnel of two or more nations.

AGREEMENT

2. Participating nations agree that the procedures for the safety investigation and reporting of accidents/incidents of military aircraft and/or missiles which involve the equipment, facilities and/or personnel of two or more nations are as detailed herein.

GENERAL

3. This agreement applies specifically to the safety investigation of accidents/incidents of military aircraft and/or missiles which involve the equipment, facilities and/or personnel of two or more nations. It does not apply to investigations to apportion blame, to determine liability, or for any other non-safety purposes.

4. The fundamental objective of the safety investigation of accidents/incidents is the prevention of accidents/incidents. The safety investigation is quite separate from any non-safety investigations which may be required by the laws of any involved nation. Throughout a safety investigation, all laws of the nation of occurrence shall be respected.

5. For accidents/incidents involving civil aircraft and military aircraft and/or missiles, the safety investigation shall be conducted in accordance with the provisions of Annex 13 to the ICAO Convention on International Civil Aviation. Some nations may have laws/regulations which require that their national civil authorities investigate all accidents/incidents involving civil aircraft. The procedures to be followed when a national civil safety investigation is required are detailed in paragraph 12.

TERMINOLOGY

6. The term aircraft and/or missile accident/incident, or words to this effect, applies to any occurrence which may be classified as an aircraft and/or missile accident/incident by any involved nation.
7. The term missile includes air-to-air missiles, surface-to-surface missiles, air-to-surface missiles, surface-to-air missiles, and aerospace vehicles other than aircraft, whether guided or unguided.
8. The definitions of pertinent terms used in this agreement are as follows:
 - a. 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.
 - b. Aircraft and/or Missile Accident/Incident Safety Investigation. A process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of cause(s) and, when appropriate, the making of safety recommendations. (Often shortened to "Safety Investigation")
 - c. Aircraft and/or Missile Accident/Incident Safety Investigation Committee. A group, comprised of such investigators, advisers and observers as may be deemed necessary by the involved nations, appointed to conduct the safety investigation of an accident/incident involving aircraft and/or missiles. (Often shortened to "Safety Investigation Committee")
 - d. Nation of occurrence. The nation on, or above, whose territory (including territorial waters), or on whose ship, the accident/incident occurred.
 - e. Operating nation. The nation which owns the aircraft and/or missile involved in the accident/incident. The involved nations may agree that the operating nation is the nation under whose direct control the aircraft and/or missile was being operated at the time of the accident/incident. In this case, the nation which owns the aircraft and/or missile shall be an involved nation. (Note: The involvement of an exchange officer in any capacity shall not of itself make his/her parent nation an operating nation)
 - f. Involved nation. The nation of occurrence, the operating nation, the nation which owns the aircraft and/or missile involved in the accident/incident, the parent nation of any exchange officer involved in the accident/incident, and the nation which owns the equipment, facilities and/or personnel involved during the accident/incident.

POLICY

9. The nation of occurrence is ultimately responsible for investigating accidents/incidents of aircraft and/or missiles which occur on, or above, its territory (including territorial waters), or on its ships. In the case of accidents/incidents of military aircraft and/or missiles which involve the equipment, facilities and/or personnel of two or more nations, the

responsibility for conducting the safety investigation shall normally be delegated to the military authorities of the operating nation. When the operating nation is unable or chooses not to investigate an accident/incident, this responsibility shall revert to the nation of occurrence.

10. The safety investigation shall be initiated by the military authorities of the operating nation after they have notified the appropriate military authorities of the nation of occurrence as detailed in paragraph 23.

11. The Safety Investigation Committee shall be composed of national investigating groups of investigators, technical advisers, medical advisers and observers as may be deemed necessary by each involved nation. The following criteria shall apply:

- a. The operating nation shall normally provide an investigating group as the nucleus of the Safety Investigation Committee.
- b. The nation of occurrence may provide an investigating group for appointment to the Safety Investigation Committee as Members or Observers and/or may conduct a separate safety investigation at its sole discretion. The nation of occurrence shall provide an officer to provide liaison between the Safety Investigation Committee and the civilian authorities of the nation of occurrence, and shall provide interpretation/translation services as required.
- c. The nation which owns the aircraft and/or missile may provide an investigating group for appointment to the Safety Investigation Committee as Members or Observers and/or may conduct a separate safety investigation at its sole discretion.
- d. The parent nation of an exchange officer or other foreign officer involved in the accident/incident may provide an investigating group for appointment to the Safety Investigation Committee as Observers and/or may conduct a separate safety investigation at its sole discretion.

12. It is desirable to conduct only one safety investigation which has the participation and full support of all involved nations. The provision in paragraph 11 which permits any involved nation to conduct a separate safety investigation at its sole discretion accommodates those nations which, because of law, agreement or procedure, have policies that may vary as follows:

- a. Some nations may permit the use of safety investigation results for disciplinary actions, claims, litigation or for other administrative purposes.
- b. Some nations may consider safety investigation results as privileged information to be used solely for accident/incident prevention purposes.
- c. Some nations may require that their national civil authorities conduct the safety investigation of all accidents/incidents involving civil aircraft. In the case of an accident/incident involving civil aircraft and military aircraft and/or missiles, the military authorities of the nation of occurrence shall ensure that the operating nation is invited to participate in the national civil safety investigation.

- d. Some nations may require that separate safety investigations of accidents/incidents involving civil aircraft and military aircraft and/or missiles are conducted by their national civil authorities and by military authorities. In this case, the military authorities of the nation of occurrence shall ensure that the operating nation is invited to participate in the national civil safety investigation. The military safety investigation shall be conducted in accordance with the provisions of this agreement.
13. Nations should endeavour to follow procedures that will:
- a. Provide timely notification of aircraft and/or missile accidents/incidents to the involved nations.
 - b. Make available operational and/or technical experts for advice and/or consultation. These experts may be provided for appointment to the Safety Investigation Committee as Members or Observers.
 - c. Provide timely and appropriate information from the Safety Investigation Committee to the involved nations.
14. When an airfield or launch site situated in one nation is occupied by the forces of another nation, the military authorities of the occupying nation shall be responsible for all measures to be taken in the event of an accident/incident which involves only their aircraft and/or missiles and which occurs within the limits of such airfield or launch site.
15. Involved nations shall co-operate in the safety investigations conducted by operating nations and, whenever possible, shall provide/release to the Safety Investigation Committee all information which is relevant to the safety investigation and which does not compromise security or conflict with practices regarding privilege.
16. The nation of occurrence shall respect the security restrictions which are normally imposed by the operating nation with regard to issuing statements to the press or to the public concerning accidents/incidents which occur within the operating nation's territory. No statement shall be issued to the press or to the public without the concurrence of the operating nation. When an investigation under national procedures is made by one nation into an accident/incident involving the aircraft and/or missiles of another nation, communication with the press shall not be made without previous consultation between these two nations.
17. Investigating groups of the involved nations shall be formed into one Safety Investigation Committee working under the direction of a unified Co-ordinating Group.
18. The Co-ordinating Group for the Safety Investigation Committee shall be composed of the designated senior member of each involved nation's investigating group which has one or more representatives appointed as Members of the Safety Investigation Committee. The Co-ordinating Group shall be responsible for the overall direction of the safety investigation, and shall:
- a. Organize the Safety Investigation Committee into specialized sub-committees as necessary.

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- b. Ensure that the safety investigation is conducted in accordance with procedures in effect within the operating nation insofar as this is possible within the provisions of this STANAG.
- c. Ensure that the safety investigation is conducted so that the wreckage can be recovered as soon as practicable.

19. The President of the Safety Investigation Committee shall be the designated senior member of the operating nation's investigating group. When aircraft and/or missiles from two or more nations are involved in an accident/incident over the territory of a different nation, the President of the Safety Investigation Committee shall be determined by agreement among the two or more operating nations.

20. The President of the Safety Investigation Committee may accept any evidence he considers relevant to the investigation, whether oral or written and whether or not it would be admissible in a civil court. The Safety Investigation Committee may accept expert opinion and evidence of any type, whether sworn or unsworn, and may draw any reasonable inference from this opinion and evidence.

21. No person, who in the line of duty may be deemed to be directly associated with the cause factor(s) of the accident/incident or who may have personal interest in the outcome of the investigation, may participate as a Member or Observer of the Safety Investigation Committee, or as an advisor to the Safety Investigation Committee.

22. If there is any indication that the equipment, facilities and/or personnel of any other nation were contributory causes to the accident/incident, that nation shall be notified and invited to participate in the safety investigation.

ACTIONS BY NATION OF OCCURRENCE

23. When an accident/incident involving military aircraft and/or missiles of another nation occurs, the nearest representative of the operating nation and of other involved nations (Military Attache, military base, etc) shall be notified immediately. The accident/incident shall be reported in accordance with local procedures to the applicable national agencies listed in STANAG 3101. The report to the operating nation shall contain the names (if known) and the location of the personnel involved, and the nature and seriousness of any injuries. The operating nation shall be invited to send an investigating group as the nucleus of a Safety Investigation Committee to investigate the accident/incident in accordance with the provisions of this STANAG. Each additional involved nation shall be invited to send an investigating group to participate in the safety investigation. Upon being notified of an accident/incident, involved nations shall advise the nation of occurrence of:

- a. Their intentions concerning participation in the safety investigation.
- b. The names of the personnel comprising their investigating group and the designated senior member of the group.

24. All assistance necessary shall be rendered to the injured, and fatalities shall be removed. In the case of fatal accidents, an officer shall be provided to initiate the necessary legal actions required by the local civil authorities. The local military authorities shall accord the honours to fatalities prescribed by the nation of occurrence, and shall treat fatalities in accordance with the desires of their parent nation(s) as far as practicable.

25. An officer, preferably with flight safety qualifications, shall be sent immediately to the scene of an accident/incident to facilitate the work of the Safety Investigation Committee by taking photographs and collecting all possible written statements and other information before the Safety Investigation Committee has arrived. Thereafter, this officer shall assist the Safety Investigation Committee as required, and should be included in the investigating group of the nation of occurrence.

26. A medical doctor, preferably with aeromedical specialist qualifications, shall be provided to initiate the necessary aeromedical investigation in accordance with the provisions of STANAG 3318, and to subsequently assist the medical Member of the Safety Investigation Committee as required.

27. The nation of occurrence shall be responsible for guarding the scene of the accident/incident throughout the investigation until the wreckage has been recovered and for ensuring that the scene of the accident/incident and the wreckage remain undisturbed until movement is authorized by the Safety Investigation Committee. However, if the nation of occurrence authorities determine that any part of the wreckage must be moved before the Safety Investigation Committee arrives, appropriate photographs, drawings and map marking shall be made before the wreckage is moved to permit a subsequent reconstruction of the scene of the accident/incident. When there is a reason to suspect the presence of hazardous conditions (explosives, radiation, chemicals, electricity, carbon fibre composites, etc) an appropriate safety zone around the hazardous conditions shall be established pending information and advice from the operating nation. Each nation shall provide appropriate protective equipment for its own on-site personnel. If the operating nation provides guards to assist in securing the scene of the accident/incident, these guards shall abide at all times by the laws and regulations of the nation of occurrence. If recovery of the wreckage is made by the nation of occurrence at the operating nation's request, the payment of recovery costs shall be in accordance with the provisions of STANAG 3113.

REPORT

28. The Safety Investigation Committee shall prepare a Safety Investigation Report which includes, but is not limited to, the following sections:

- a. Factual Circumstances.
- b. Investigation and Analysis.
- c. Findings and Cause(s).
- d. Recommendations.

29. Any statements, photographs or other information that may make the findings more meaningful and comprehensive may be attached to the report.

30. The cause(s) of the accident/incident established by the Safety Investigation Committee shall be included in the report. If the Members of the Safety Investigation Committee are unable to unanimously agree as to the cause(s) of the accident/incident, the national points of view which differ from the established causes shall be stated.

31. The designated senior member of each involved nation's investigating group shall indicate on the report his concurrence or non-concurrence.

32. The report shall be a complete and separate document. It may be included as part of any other reports which are required by the regulations of any involved nation.

33. The report shall be forwarded to the appropriate military authorities of the involved nations which participated in the safety investigation. Any involved nation which did not directly participate in the safety investigation may request copies of the original Safety Investigation Report, and copies shall be provided unless privileged status precludes release of the report.

IMPLEMENTATION OF THE AGREEMENT

34. This STANAG is implemented when a nation has issued the necessary orders/instructions to the forces concerned putting the details of this agreement into effect.

RATIFICATION AND IMPLEMENTATION DETAILS
STADE DE RATIFICATION ET DE MISE EN APPLICATION

N A T I O N	NATIONAL RATIFICATION REFERENCE DE LA RATIFICATION NATIONALE	NATIONAL IMPLEMENTING DOCUMENT NATIONAL DE MISE EN APPLICATION	IMPLEMENTATION/MISE EN APPLICATION					
			FORECAST DATE PREVUE			ACTUAL DATE DATE REELLE		
			NAVY MER	ARMY TERRE	AIR	NAVY MER	ARMY TERRE	AIR
BE +	VS3/MAS/592 of/du 5.8.91	Flight Safety Instruction				8.91	8.91	8.91
CA	2441-3531 (DFC3) of/du 22.5.91					5.91		
DA	MA204.67-S3531/MAM4-11239 of/du 11.7.91	See overleaf/ voir au verso				12.91	12.91	12.91
FR *	N° 43/DEF/EMAA/3 OPS/SV/NPO of/du 29.7.91						10.92	10.92
GE *	BMVg Fü S IV 1 Az 03-51-40 of/du 12.3.92	STANAG ZDv 19/6				3.92	3.92	3.92
GR	F.060/612030/HAFGS/C1/3 of/du 24.7.91	STANAG				6.91	6.92	8.91
IT	SMA-341/5702/G-49-3 of/du 10.7.91	STANAG				10.91	10.91	10.91
LU	NOT PARTICIPATING/ NE PARTICIPE PAS							
NL	91/ST3531/15228 of/du 3.7.91	RNLNA: 1 VVKM 15.II				9.91		9.91
NO	MAS/397/92/LST/FTI/TN/tee of/du 7.5.92	STANAG						5.92
PO +	RRN 015/91/DC of/du 9.7.91	STANAG						1.92
SP								
TU	Gn.P.P:2307-453-91/And.D. of/du 25.7.91	DENSTANEM 166		8.94		12.91		3.92
UK	D/ACDS Concepts/332/531/ NMST of/du 4.7.91	ANNEX 072A, AP3207 JSP 318				4.92	4.92	4.92
US *	AF/XOXX(ISO) of/du 21.6.91	See overleaf/ voir au verso				9.91	9.91	9.91

See overleaf reservations(*)/comments(+)
Voir au verso réserves(*)/commentaires(+)

RESERVATIONS

- FR: Legal authority agreement should be obtained before moving a wreck and removing any parts from it. Reciprocally, the legal authorities should act in the presence of the Investigation Committee or of the officer mentioned in Para. 25.
- GF: Germany reserves the right to investigate, by either military or civil authorities, all accidents/incidents of aircraft and/or missiles which occur on, or above, its territory (including territorial waters), or on its ships.
- US: a. Paras 10, 11 and 12. The US reserves the right as an operating nation to conduct, at its sole discretion, a separate safety investigation instead of convening a Safety Investigation Committee comprised of the involved nations. Privileged reports prepared by the safety investigation board of the US will not be exchanged under either this STANAG or STANAG 3101 FS - EXCHANGE OF ACCIDENT/INCIDENT INFORMATION CONCERNING AIRCRAFT AND MISSILES.
- b. Para 8.f. The US does not recognize as an involved nation the parent nation of any exchange officer involved in a accident/incident.

COMMENTS

BE: Upon notification of an accident involving an aircraft of the Belgian Forces and/or personnel (not only limited to crew of the aircraft) not only our Permanent Military Air Board of Inquiry (PMABI) is alerted but also the Military Law Court authorities. It is the latter authority which, in the case of civilian involvement (material or personnel), notifies the civilian authorities who are then solely responsible for deciding how to conduct the civilian portion of the inquiry. Generally in the past, appeal has been made to the PMABI for conducting the technical side of the inquiry on purely civilian aircraft accidents. The Belgian Staff will, however, at all times wherever Belgian Forces material or personnel are involved, order the PMABI to conduct an inquiry on the military side of the matter. It could, therefore, legally be possible that the PMABI leads two separate inquiries; one on the civil side (civilian technical inquiry) and one on the military side (military technical inquiry).

Neither the military nor the civil authorities, therefore, have any decision authority on the overall control of such a combined inquiry, unless one of the two parties is designated as such.

PO: There are no provisions between portuguese military and civilian authorities for the investigation of accidents/incidents involving air assets.

NATIONAL IMPLEMENTING DOCUMENTS

DA: FKO BST 152.2
FTK BST 152.2.-10
ARMY and NAVY MISSILES: STANAG

US: Navy: OPNAVINST 37.50.6
Army: AR 385-40, AR 385-95
Air Force: AFR 127-4