



Republic of the Philippines
CIVIL AVIATION AUTHORITY OF THE PHILIPPINES

MEMORANDUM CIRCULAR NO. 014-2023

TO : ALL CONCERNED

FROM : THE DIRECTOR GENERAL

SUBJECT : ADOPTION OF ICAO ANNEX 13,
AMENDMENT 17 TO THE PHILIPPINE CIVIL AVIATION
REGULATIONS PARTS 1 AND 13

REFERENCES:

1. Philippine Civil Aviation Regulations Part 1 and 13
2. ICAO State Letter AN 6/ 1.1-19/34
3. Regulations Amendment/Revision Procedure
4. Board Resolution No. 2012-054 dated 28 September 2012

Pursuant to the powers vested on the Director General of the Civil Aviation Authority of the Philippines under Republic Act No. 9497, otherwise known as the Civil Aviation Authority Act of 2008 and in accordance with the Regulations Amendment/Revision Procedure with Board Resolution No. 2012-054 dated 28 September 2012, I hereby approve the incorporation of the following amendments to the Philippine Civil Aviation Regulations Parts 1 and 13.

AMENDED REGULATIONS:

PHILIPPINE CIVIL AVIATION REGULATIONS PART 1

APPENDIX A: DEFINITIONS

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Accredited representative. Means a person designated by a Contracting 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 the State's accident investigation~~ Authority.

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PHILIPPINE CIVIL AVIATION REGULATIONS PART 13

13.030 CONTENT OF THE NOTIFICATION

- (a) The notice to the Chairman referred to in Section 13.025 shall state, as far as possible the following information —
- (1) in the case of an accident, the identifying abbreviation “ACCID” or, in the case of a serious incident “SINCID” or other incident, the identifying abbreviation “INCID”; (Refer to IS 13.030 - List of samples of Serious Incidents, IS 13.175-1 to IS 13.175-3).

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(5) the date and time (local time or UTC) of the accident or serious incident;

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13.055 OCCURRENCE IN THE REPUBLIC OF THE PHILIPPINES

(a) Where an accident or an incident occurs in Republic of the Philippines involving a civil aircraft, the Chairman or Investigator-in-Charge shall do the following:

(1) with the least possible delay and by the quickest means of communication available, forward a notification of the accident, or a serious incident or an incident to be investigated within the context of this Part containing as much of the information referred to in paragraph 13.030(a) as may be available to

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(4) The notification shall be in plain language prepared in one of the working languages of ICAO, taking into account the language of the recipient(s) and contain as much of the information readily available per 13.030(a) but its dispatch shall not be delayed due to lack of complete information.

13.060 OCCURRENCE OUTSIDE THE REPUBLIC OF THE PHILIPPINES

(a) Upon receipt of a notification of an accident or a serious incident which occurs outside Republic of the Philippines involving a Republic of the Philippines aircraft or an aircraft operated by a Republic of the Philippines operator, the Chairman shall do the following:

(1) acknowledge the receipt of the notification;

(2) where the State of Occurrence, the State of Registry or the State of the Operator which is investigating the accident or serious incident is a Contracting State, provide the State with the following information with the least possible delay:

(i) any relevant information he has regarding the aircraft and flight crew involved in the accident or serious incident; and

(ii) if Republic of the Philippines is the State of the Operator, details of any dangerous goods on board the aircraft;

(iii) If the Republic of the Philippines is the state of the facilities or services used by an aircraft prior to an accident or incident and has information relevant to the investigation, it shall provide such information to the state conducting the investigation.

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

(c) When a Republic of the Philippines aircraft or an aircraft operated by a Republic of the Philippines operator is involved in an accident or a serious incident and lands in a State other than the State of Occurrence, the Chairman 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.

(d) When a Republic of the Philippines aircraft or an aircraft operated by a Republic of the Philippines operator is involved in an accident or a serious incident, the Chairman shall provide to the State conducting investigation pertinent information on any organization whose activities may have directly or indirectly influenced the operation of the aircraft.

13.095 OBLIGATION TO INVESTIGATE

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- (e) The Chairman shall institute an investigation into the circumstances of the accident and serious incident where the Republic of the Philippines is the State of Registry and the location of the accident or the serious incident cannot definitely be established as being in the territory of any State. The Chairman may delegate the whole or any part of the investigation to another State or a regional accident and incident investigation organization by mutual arrangement and consent.
- (f) If the Chairman does not institute and conduct an investigation, and does not delegate the investigation to another State or a regional accident and incident investigation organization as indicated in (c) and (d), the State of the Registry or, in the following order, the State of the Operator, the State of Design or the State of Manufacture is entitled to request in writing the State of Occurrence to delegate the conducting of such investigation. If the Chairman gives express consent or does not reply to such a request within 30 days, the State making the request should institute and conduct the investigation with such information as is available.

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Note 6. – The delegation of an investigation does not absolve the State of Occurrence from its obligation under this Part.

Note 7. – Paragraph (f) does not necessarily give the State making the request the right to access the accident site, wreckage or any other evidence or information situated within the territory of the State of Occurrence.

13.110 POWERS OF INVESTIGATOR-IN-CHARGE

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- (b) The investigator-in-charge shall —

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- (6) have unrestricted access to all available evidential material without delay.

13.125 ENTITLEMENT OF ACCREDITED REPRESENTATIVE, ADVISERS AND EXPERT FROM OTHER CONTRACTING STATES

- (a) Where an investigation into an accident or a serious incident is being carried out by an investigator-in-charge under this Part, each of the following States that is a Contracting State shall be entitled to appoint an accredited representative to participate in the investigation and one or more advisers, to assist the accredited representative:

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Note. – Facilitation of the entry of the accredited representatives, their advisers and equipment is covered in ICAO Annex 9 – Facilitation. The carriage of an official or service passport may expedite the entry. Entry of investigation personnel and equipment may be expedited by the establishment of prior agreements between the accident investigation authority and immigration and customs authorities within the State.

- (b) xxx

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(g) xxx

Note 1. – Nothing in this Part is intended to imply that the accredited representative and advisers of a State have to be always present in the State in which the investigation is conducted.

Note 2. – Nothing in this Part is intended to preclude the State that designed or manufactured the powerplant or major components of the aircraft from requesting participation in the investigation of an accident.

13.135 APPLICABILITY

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(b) The Preliminary Report in paragraph (a) (2) shall be submitted in one of the working languages of ICAO.

13.140 ACTIONS OF INVESTIGATOR-IN-CHARGE

(a) xxx

(1) xxx

(2) xxx

(3) if no comments are received within 60 days of the date on which the draft Final Report is sent out and no extension of time has been agreed upon with the Contracting State to whom it was sent, issue and send out the Final Report with a minimum of delay to the following parties —

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13.145 PUBLICATION OF REPORTS

(a) xxx

(b) xxx

(c) In the interest of accident prevention, the ~~Aircraft Accident Investigation and Inquiry Board (AAIIB)~~ **Chairman** shall make the Final Report publicly available as soon as possible, and, if possible, within twelve months. Making a Final Report publicly available can be achieved by posting the Final Report on the internet, and does not necessarily require a hard-copy publication of the Final Report.

(d) If the report cannot be made publicly available within twelve months, the ~~AAIIB~~ **Chairman** shall make an interim statement publicly available on each anniversary of the occurrence, detailing the process of the investigation and any issues raised.

(e) xxx

(f) The ~~AAIIB~~ **Chairman** shall establish and maintain an accident and investigated incident database to facilitate the effective analysis of information on actual or potential safety deficiencies and to determine any preventive actions required.

(g) xxx

13.150 SAFETY RECOMMENDATIONS

(a) The Chairman or the investigator-in-charge may, at any stage of an investigation carried out under this Part, do the following:

- (1) recommend in a dated transmittal correspondence to the appropriate authorities, including those in other Contracting States, any preventive action that the investigator-in-charge considers necessary to be taken promptly to enhance aviation safety; and
- (2) xxx

Note. – Nothing in this Part is intended to preclude the State conducting the investigation from consulting States participating in the investigation on its draft safety recommendations, inviting their comments on the appropriateness and effectiveness of these recommendations.

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(h) xxx

(i) Other States participating in the investigation shall be entitled to issue safety recommendations after coordinating with the Chairman or the Investigator-In-Charge.

Note 1.- Guidance on the identification, drafting and follow-up of safety recommendation is contained in the Manual of Aircraft Accident and Incident Investigation (Doc 9756), Part IV – Reporting.

Note 2. – Effective coordination of draft safety recommendations would avoid issuance of conflicting safety recommendations by the States participating in the investigation.

PART 13 IMPLEMENTING STANDARDS

IS: 13.030 LIST OF EXAMPLES OF SERIOUS INCIDENTS

(a) There may be a high probability of an accident if there are few or no safety defences remaining to prevent the incident from progressing to an accident. To determine this, an event risk-based analysis, that takes into account the most credible scenario had the incident escalated and the effectiveness of the remaining defences between the incident and the potential accident, can be performed as follows:

- (1) consider whether there is a credible scenario by which this incident could have escalated into an accident; and
- (2) assess the remaining defences between the incident and the potential accident as:
 - (i) effective, if several defences remained and needed to coincidentally fail; or
 - (ii) limited, if few or no defences remained, or when the accident was only avoided due to providence.

(b) Consider both the number and robustness of the remaining defences between the incident and the potential accident. Ignore defences that already failed, and consider only those which worked and any subsequent defences still in place.

Note 1.— The most credible scenario refers to the realistic assessment of injury and/or damage resulting from the potential accident.

Note 2.— Defences include crew, their training and procedures, ATC, alerts (within and outside the aircraft), aircraft systems and redundancies, structural design of the aircraft and aerodrome infrastructure.

(c) The combination of these two assessments helps to determine which incidents are serious incidents:

	<i>b) Remaining defences between the incident and the potential accident</i>
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		<i>Effective</i>	<i>Limited</i>
<i>a) Most credible scenario</i>	<i>Accident</i>	Incident	Serious Incident
	<i>No accident</i>	Incident	

(d) The incidents listed are typical examples of incidents that are likely to be may be serious incidents. However, the list is not exhaustive and only serves as guidance to the definition of and, depending on the context, items on the list may not be classified as serious incidents if effective defences remained between the incident and the credible scenario.

1. A near collision requiring an avoidance maneuver to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate.
2. Collisions not classified as accidents.
3. A controlled flight into terrain only marginally avoided.
4. An aborted take-off on a closed or engaged runway, on a taxiway (excluding authorized operations by helicopters) or unassigned runway.
5. A take-off from a closed or engaged runway, from a taxiway (excluding authorized operations by helicopters) or unassigned runway.
6. A landing or an attempted landing on a closed or engaged runway, on a taxiway (excluding authorized operations by helicopters) or, unassigned runway or unintended landing locations such as roadways.
7. Retraction of a landing gear leg or wheels-up landing not classified as an accident.
8. Dragging during landing of a wing tip, an engine pod or any other part of the aircraft, when not classified as an accident.
9. A gross failure to achieve predicted performance during take-off or initial climb.
10. Fire and/or smoke in the cockpit, in the passenger compartment, in the cargo compartment or engine fire, even though such a fire was extinguished by the use of extinguishing agents.
11. An event requiring the emergency use of oxygen by the flight crew.
12. An aircraft structural failure or engine disintegration, including uncontained turbine engine failure, not classified as an accident.
13. Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft.
14. Flight crew incapacitation in flight:
 - (i) for single pilot operations (including remote pilot);
 - (ii) for multi-pilot operations for which flight safety was compromised because of a significant increase in workload for the remaining crew.
15. 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.
16. Runway incursions classified with severity A. (per Manual on the Prevention of Runway Incursions (Document 9870) contains information on the severity classifications.
17. A take-off or landing incident such as undershooting, overrunning or running off the side of runways.

- ~~16~~18. A system failure, (including loss of power or thrust), weather phenomenon, an operation outside the approved flight envelope or other occurrence which caused or could have caused difficulties controlling the aircraft.
- ~~17~~19. Failures of more than one system in a redundancy system mandatory for flight guidance and navigation.
- ~~18~~20. Aircraft collide in flight.
- ~~19~~21. Damage to property, other than the aircraft, estimated to exceed \$25,000 for repair (including materials and labor) or fair market value in the event of total loss, whichever is less.
2022. For large multiengine aircraft (more than 5,700 kg maximum takeoff weight);
- (a) xxx
 - (b) xxx
 - (c) xxx
- ~~21~~23. The unintentional or, as an emergency measure, the intentional release of a slung load or any other load carried external to the aircraft.

IS: 13.095 INVESTIGATION DELEGATION AGREEMENTS

- (a) In accordance with paragraph 13.095 (c), the State of Occurrence is responsible for instituting and conducting an investigation, but it may delegate the whole or any part of the conducting of such investigation to another State or a regional accident and incident investigation organization (RAIO) by mutual arrangement and consent. Similarly, delegation of the conducting an investigation can take place when a State is required to institute an investigation of accidents or serious incidents occurring in the territory of a non-Contracting State that does not intend to conduct an investigation in accordance with ICAO Annex 13, or when the location of the accident or serious incident cannot definitely be established as being in the territory of any State.
- (b) Entering into an investigation delegation agreement normally begins with a decision made by the State responsible for instituting and conducting the investigation. In general, such a State may consider delegating the conducting of the investigation to another State or RAIO, in particular for those situations when it might be beneficial or more practical for the selected State or RAIO to conduct the investigation, or when the State responsible for instituting the investigation lacks the resources or capability to investigate the occurrence in accordance with ICAO Annex 13.
- (c) Depending on the parties involved in the investigation, the scope of the investigation to be conducted by another State or RAIO would determine whether a formal investigation delegation agreement is required, or if a mutual understanding would suffice. In general, delegation of the whole investigation requires a formal investigation delegation agreement. In the case of delegation of part of the investigation, a formal delegation agreement would be at the discretion of the two parties.
- (d) When the whole investigation is delegated to another State or an RAIO, such State or RAIO is expected to be responsible for the conduct of the investigation, including the issuance of the Final Report and the ADREP reporting. When a part of the investigation is delegated, the delegating State usually retains the responsibility for the conduct of the investigation, including the issuance of the Final Report and the ADREP reporting. In any event, the delegating State shall use every means to facilitate the investigation.

- (e) It is important to differentiate between the institution and the conduct of an investigation in terms of the triggering and terminating events of each function. Instituting the investigation begins from the time the accident investigation authority is informed about the accident or incident, and forwards the official notification of the occurrence to concerned States and to ICAO as required in 13.055 (a). Conducting the investigation is the function of performing an investigation in accordance with ICAO Annex 13, and issuing reports including the Final Report.
- (f) It is important that the investigation delegation agreement achieves the purpose of the investigation and maintains conformity with the requirements of ICAO Annex 13. Therefore, the parties to the agreement should ensure that the responsibility of each party is clearly defined. The contents and details of the agreement depend on the scope of the delegation.

Note. – The Manual of Aircraft Accident and Incident Investigation, Part I – Organization and Planning (ICAO Doc 9756), Chapter 2, contains guidance material on the delegation of investigations and a model delegation agreement.

“End of Text”

Separability Clause If, for any reason, any provision of this Memorandum Circular is declared invalid or unconstitutional, the other part or parts thereof which are not affected thereby shall continue to be in full force and effect.

Repealing Clause All orders, rules, regulations and issuances, or parts thereof which are inconsistent with this Memorandum Circular are hereby repealed, superseded or modified accordingly.

Determination of Changes To highlight the amendments and/or revisions in the Memorandum Circular, the deleted text shall be shown with strikethrough and the new inserted text shall be highlighted with grey shading, as illustrated below:

1. Text deleted: ~~Text to be deleted is shown with a line through it.~~
2. New text inserted: **New text is highlighted with grey shading.**
3. New text replacing existing text: ~~Text to be deleted is shown with a line through it~~ followed by the replacement text which is highlighted with grey shading.

Effectivity Fifteen (15) days after compliance with the requisite publication in a single newspaper of general circulation and a copy filed with the U.P. Law Center – Office of the National Administrative Register, these amendments shall be incorporated to the Philippine CAR, series of 2023.

Signed this 24 day of AUG 2023, CAAP, Pasay City.


CAPTAIN MANUEL ANTONIO L. TAMAYO
Director General