



## **On approval of the Agreement on cooperation in investigation of aviation accidents involving state aircraft of member states of the Commonwealth of Independent States**

### *Unofficial translation*

Decree of the Government of the Republic of Kazakhstan dated September 2, 2010 No. 874

### *Unofficial translation*

The Government of the Republic of Kazakhstan **hereby RESOLVED as follows:**

1. To approve the Agreement on cooperation in investigation of aviation accidents involving state aircraft of member states of the Commonwealth of Independent States, signed in Yalta on November 20, 2009.

2. This resolution shall be enforced from the date of its signing.

*Prime Minister of the Republic of Kazakhstan*

*K. Massimov*

## **AGREEMENT**

### **on cooperation in investigation of aviation accidents involving state aircraft of member states of the Commonwealth of Independent States**

Governments of member states of the Commonwealth of Independent States, hereinafter referred to as the Parties,

bearing in mind the importance of objectively determining the causes of air accidents involving state aircraft,

with a view to ensuring a unified approach to the investigation of aircraft accidents involving state aircraft of one state in the territory of another state party to this Agreement

**hereby agreed as follows:**

### **Article 1**

The following definitions shall be used for the purposes of this Agreement:

"aviation accident" - an event involving the flight operation of an aircraft which resulted in the death (fatal injury) of a person on board the aircraft and/or the loss of that aircraft;

"state aviation" - aviation used to carry out military, border, police, customs and other state service of the CIS member states;

"state aircraft" – aircraft of the state aviation;

"investigation of aviation accident" - a process involving the identification, collection and examination of information on facts, conditions and circumstances related to the event under consideration, the conduct of studies, examinations and experiments, the synthesis and analysis of the obtained data, the preparation of conclusions on the causes of the aviation

incident and recommendations on the results of the aviation incident investigation on the basis of the results of the works carried out;

"recommendations on investigation of aviation accident" - proposals made on the basis of information received during the investigation and aimed at preventing aviation accidents;

"authorized body for the safety of flights of state aviation" - a body conducting investigations of aviation accidents with state aircraft, their classification and registration, as well as state interdepartmental control over the activities of aviation personnel of state aviation of the member states to this Agreement with regard to flight safety.

## **Article 2**

The Parties, through their authorized bodies, shall cooperate in the investigation of aircraft accidents with state aircraft in the territories of the state parties to this Agreement in accordance with the Rules for the investigation of aircraft accidents with state aircraft of the member states of the Commonwealth of Independent States, which shall be an integral part of this Agreement (attached).

## **Article 3**

The objectives of the investigation of aircraft accidents shall be determination of the causes of the aviation accident and to develop recommendations based on the results of the investigation of aircraft accidents.

Establishing someone's guilt and liability shall not be the purpose of the investigation of aircraft accidents.

Any judicial or administrative proceedings aimed at establishing someone's guilt or liability shall be conducted separately from the investigation of the aviation accident on the basis of the relevant agreements and the national legislation of the member states to this Agreement.

## **Article 4**

The Parties shall carry out coordinated activities in conducting scientific developments, designing, manufacturing, acquiring and implementing technical means and integrated systems of investigation of aviation accident, including through the development of joint programs to improve methods of investigation of aviation accidents.

## **Article 5**

Training and retraining of specialists in the field of investigation of aviation accidents and safety of flights of state aircraft shall be carried out according to agreed methods and programs on the basis of agreements between the Parties.

## **Article 6**

The Parties shall bear the expenses which shall arise in the course of their performance of this Agreement unless otherwise agreed upon in each case.

## **Article 7**

The Parties shall, in the course of the implementation of this Agreement, shall ensure the protection of the information for which the transmitting Party has required confidentiality. Such information shall be communicated in accordance with the relevant agreements and national legislation of the state parties to this Agreement.

## **Article 8**

This Agreement shall not affect the rights and obligations of each member state to this Agreement arising for it from other international treaties to which it shall be a party.

## **Article 9**

In order to implement the provisions of this Agreement, the Parties shall determine the authorized body for the safety of flights of state aviation, which shall inform the depositary at the same time as notification of the implementation of domestic procedures.

In the event of a change in the name of the authorized aviation safety body, the Party concerned shall inform the depositary.

## **Article 10**

By agreement of the Parties, this Agreement may be amended and supplemented as an integral part thereof, which shall be formalized by the relevant protocol.

## **Article 11**

Disputes between the Parties arising in the implementation and interpretation of this Agreement shall be resolved through consultations and negotiations between the Parties concerned.

## **Article 12**

This Agreement shall be entered for an indefinite period.

Each Party may withdraw from this Agreement by giving written notification to the depositary of such intention not later than six months prior to withdrawal and by settling financial and other obligations arising during the term of the Agreement.

## Article 13

This Agreement shall, after its entry into force, be open for accession by any CIS member states by means of an instrument of accession to the depositary.

For an acceding state, the Agreement shall enter into force upon expiry of 30 days after the date on which the depositary receives the instrument of accession.

## Article 14

This Agreement shall enter into force upon expiry of 30 days after the date of receipt by the depositary of the third notification of compliance by the signatory Parties with the domestic procedures necessary for its entry into force.

For Parties that have implemented domestic procedures at a later date, this Agreement shall enter into force upon expiry of 30 days after the date of receipt by the depositary of the relevant documents.

Done in Yalta on November 20, 2009 in one original copy, in Russian. The original copy shall be kept by the Executive Committee of the Commonwealth of Independent States, which shall send to each signatory state a certified copy thereof.

For the Government of the Republic of Azerbaijan	For the Government of the Russian Federation
For the Government of the Republic of Armenia	For the Government of the Republic of Tajikistan
For the Government of the Republic of Belarus	For the Government of Turkmenistan
For the Government of the Republic of Kazakhstan	For the Government of the Republic of Uzbekistan
For the Government of the Kyrgyz Republic	For the Government of Ukraine
For the Government of the Republic of Moldova	

Project  
Annex  
to the Agreement on cooperation  
in investigation of aviation  
accidents involving state aircraft  
of member states of the  
Commonwealth of Independent  
States  
dated November 20, 2009

## RULES

**of investigations of aviation accidents involving state aircraft of member states -  
of the Commonwealth of Independent States**

These Rules shall be aimed at ensuring a unified approach to the organization of investigation of aviation accidents and shall apply to aviation accidents involving state aircraft of one state in the territory of another member state to this Agreement.

## **I. General provisions**

These Rules shall include the definitions and classification of aviation accidents involving state aircraft of the member state to this Agreement, the procedure for conducting an investigation and the degree of participation of authorized representatives and their advisers in the investigation of aviation accidents involving state aircraft of one state in the territory of another member state to this Agreement.

Each aviation accident involving state aircraft of one state in the territory of another member state to this Agreement shall be subject to mandatory investigation.

Investigation of an aviation accident - a process involving the identification, collection and examination of information on facts, conditions and circumstances related to the event under consideration, the conduct of studies, examinations and experiments, the synthesis and analysis of the obtained data, the preparation of conclusions on the causes of the aviation accident and recommendations on the results of the investigation of the aviation accident on the basis of the results of the work carried out.

## **II. Classification and definitions**

1. Aviation events shall be divided into:

- a) aviation accidents;
- b) aviation incidents;
- c) emergency accidents;
- d) land accidents.

2. Aviation accidents, depending on their consequences, shall be divided into:

- a) catastrophe;
- b) accidents.

3. Aviation incidents, depending on their levels of hazards and consequences, shall be divided into:

- a) aviation incidents;
- B) serious aviation incidents.

The following terms and definitions shall be used to ensure a unified approach to investigation of aviation accidents:

"aviation event" - an event related to the flight operation of an aircraft during which an special situation occurred.

A special situation - a situation that occurred during flight operation of an aircraft as a result of the occurrence (impact) of hazardous factors.

Hazardous factor - a potential cause (factor) that has led to (or may lead to) the occurrence and/or development of a special situation;

"aviation accident" - an event involving the flight operation of an aircraft that resulted in the death (fatal injury) of a person on board the aircraft and/or the loss of that aircraft.

The aircraft shall be considered lost when:

the aircraft was completely destroyed;

the aircraft (its debris) has not been found and its official search has been stopped;

evacuation of aircraft from its place of forced landing shall be impossible or impractical regardless of damage received;

restoration of the aircraft shall not be feasible or economically feasible;

"aviation incident" - an event involving the flight operation of a state aircraft that may or may not have threatened the integrity of the state aircraft and/or the lives of the persons on board but did not result in an aviation accident;

"accident" - an aviation accident without any death;

"catastrophe" - an aviation accident resulting in fatal injury to a person or the disappearance of passengers or crew of an aircraft.

Fatal injury - only for the purpose of statistical uniformity, injury resulting in death within 30 days of the incident shall be classified as fatal injury;

"serious aviation incident" - an aviation incident involving the occurrence of conditions characterized by a significant increase in the probability of an aviation incident, which requires the performance by the crew and/or air traffic management bodies of complex and/or emergency actions not used in the normal flight of the aircraft.

Serious aviation incidents shall be characterized by:

aircraft exit beyond flight operation conditions;

occurrence of harmful effects (smoke, vapors, caustic substances, toxic gases, elevated or reduced temperature, pressure, etc.) on the crew or passengers of the aircraft;

significant deterioration of stability and controllability characteristics, flight or strength characteristics of aircraft;

significant reduction of efficiency of aircraft crew members;

significant increase of psychophysiological load on aircraft crew;

real possibility of damage to vital aircraft elements as a result of fire, destruction or disconnection of control elements, non-localized destruction of engine, transmission, etc.;

"flight operation of the aircraft" - the operation of an aircraft from the beginning of a pre-flight inspection of the aircraft by the flight crew until all persons on board the aircraft for the purpose of flight have left the aircraft;

"the land accident" - an event related to the maintenance, storage or transportation of an aircraft in which it has been damaged or lost;

"causes (factors) of an aviation accident" - the acts, omissions, circumstances, conditions or combination thereof that led to the aviation accident;

"emergency event" - a non-aviation event involving the operation of an aircraft with one of the following consequences:

loss of the aircraft or death of people on board during combat departure, terrorist act, hijacking or attempted hijacking of the aircraft;

death of people on board of the aircraft as a result of adverse environmental effects following its forced landing outside the airfield;

loss of the aircraft or death of people on the ground (deck of the ship) as a result of an aviation accident with another aircraft;

loss of the aircraft or death of people on the aircraft during special tasks in emergency zones;

"the state of the place of event" - the state in whose territory the aviation accident occurred;

"the state of registration of an aircraft" - the state in whose registers the state aircraft shall be registered;

"the state of the operating aircraft" - the state in whose territory the main place of activity of the organization operating the state aircraft shall be located or, if the organization operating the state aircraft does not have such a place of activity, the permanent place of residence of the organization;

"the states concerned" - the state of the place of the event; the state of registration of the aircraft; the operating state of the aircraft; the state with jurisdiction over the organization responsible for the final assembly of the aircraft; the state having jurisdiction over the organization responsible for the design of the aircraft type, as well as the state whose citizens were died or injured in an aviation accident;

"Chairman of the Commission of investigation" - a person who, because of his qualifications, shall be entrusted with the organization and conduct of the investigation;

"the authorized representative" - the person assigned by the head of the authorized aviation safety authority of the state party to this Agreement to participate in the investigation of an aviation accident conducted by the other Party;

"adviser to the authorized representative" - the person with relevant qualifications and assisting the authorized representative in the investigation of an aviation accident;

"air traffic service bodies" - air traffic service bodies (flight control) of air space users performing air traffic service (flight control) or other air space use activities.

### **III. Investigation of aviation accidents**

#### **Organization of investigation**

4. The investigation of aviation accidents with state aircraft shall be organized by the authorized aviation safety body of the state party to this Agreement, which is the state of the place of event.

5. The state of the place of event shall have the right to transfer the right of investigation to the state of registration of the aircraft or to another interested state party to this Agreement, which shall be formalized in a separate document.

In this case, the investigation shall be organized by the authorized aviation safety authority of the state party to this Agreement to which the rights of investigation have been transferred.

6. The investigation of aviation accidents involving state aircraft shall be carried out by a commission established by the authorized aviation safety authority of the state party to this Agreement conducting the investigation in accordance with the international treaties to which the state concerned is a party, the present Rules and the national legislation of the state of the place of event.

7. The states concerned may appoint their authorized representatives and advisers of the authorized representatives to participate in the investigation of an aviation accident.

Notification of the composition of authorized representatives shall be made through diplomatic channels.

8. The authorized aviation safety body of the state party to this Agreement conducting the investigation shall include the authorized representatives and advisers of the authorized representatives of the states concerned in the working bodies of the commission on investigation of the aviation accident.

9. The degree of participation of the authorized representatives and advisers of the authorized representatives of the states concerned in the investigation of the aviation accident shall be determined by the authorized aviation safety authority of the state party to this Agreement conducting the investigation and shall give them the right, in consultation with the Chairman of the Commission and under his control:

- to visit the site of the aviation accident;

- to inspect the aircraft or parts of the destroyed aircraft, as well as aircraft flight means and facilities;

- to receive information containing the testimony of witnesses and suggest the subject matter of their survey;

- to have access to all aviation-related evidence;

- to receive documents related to the aviation accident;

- to participate in investigation activities outside the aviation site, such as inspection and research of units, technical consultations, testing and modeling to investigate the aviation accident;

- to participate in meetings related to the formulation of conclusions, causes and recommendations on the aviation accident.



10. Persons involved in the investigation of an aviation accident must have the appropriate qualifications, must not be involved in the organization, performance, provision or maintenance of the flight under investigation, nor can they represent the interests of insurance companies with financial obligations to legal entities or individuals involved in the aviation accident.

11. The delivery of persons involved in the investigation to the territory of the state of the place of the event and back shall be organized by the head of the authorized body for the safety of flights of the state aviation of the state party to this Agreement sending these representatives.

The transport of members of the commission and persons involved in the investigation to and from the place of the aviation accident shall be organized by the head of the authorized body for the safety of flights of the state aviation of the state of the place of the event.

12. The executive authorities, organizations, diplomatic missions and consular offices of the state party to this Agreement shall facilitate the work of the Commission.

### **Aviation accident alert**

13. In the case of an aviation accident, the air traffic service authorities directing (managing) the flight of the aircraft operate in accordance with the national legislation of the state of the place of event.

14. The authorized body of safety of flights of the state of the place of event immediately shall inform about the aviation accident the authorized bodies of safety of flights of the state of registration of the aircraft, the state-operator of the aircraft, and, if necessary, the authorized bodies of safety of flights of the state aviation of other states concerned.

### **Actions of officials in case of aviation accident**

15. Organization of search of aircraft, rescue of its passengers and crew members, assistance shall be carried out in accordance with the national legislation of the state of the event place.

16. The heads of the relevant organizations of the states concerned shall be obliged, when receiving information on an aircraft accident, to take measures to ensure the preservation of documentation relating to the development, testing, production, repair and operation of the aircraft and to ensure its flight.

17. The decision to stop the search for the state aircraft not returned from the flight shall be taken by the head of the authorized aviation safety body of the state of the place of the event in agreement with the head of the executive authority or organization of the state operating the aircraft.

18. The decision on the expediency of evacuation of the state aircraft shall be made by the heads of executive authorities and organizations of the state of registration of the aircraft in agreement with the chairman of the commission.

#### **IV. The procedure for making public information on aviation accident**

19. The procedure for making public information on the fact of the aviation accident shall be determined by the national legislation of the state parties to this Agreement.

20. Information obtained during the investigation of the aviation accident and containing any applications and witness of persons, any correspondence related to the aviation accident, other information about the aviation accident may be made public only in agreement with the law enforcement agencies conducting the investigation.

21. Newly established information on the circumstances of the aviation accident shall be reported to the Chairman of the Commission by the participants in the investigation. With the consent of the Chairman of the Commission, they may use this information to take measures aimed at improving flight safety. In order not to damage the investigation process, the information in question may under no circumstances be provided or discussed with persons who are not members of the commission or with specialists who are not involved in the investigation of the aviation accident.

S t a t e m e n t                    o f                    U k r a i n e  
o n     p a r a g r a p h            1 1            o f            t h e            m e e t i n g            a g e n d a  
o f t h e C I S C o u n c i l o f H e a d s o f G o v e r n m e n t

#### **On Agreement on cooperation in the field of investigation of aviation accidents with state aircraft of the member states of the Commonwealth of Independent States**

November 20, 2009

"The Ukrainian side shall determine its position after the completion of domestic procedures".

*Prime minister of Ukraine,*

*Head of Delegation Yu. TYMOSHENKO*

I hereby certify that the attached text shall be an authentic copy of the Agreement on Cooperation in the investigation of aviation accidents with state aircraft of the member states of the Commonwealth of Independent States adopted at the meeting of the Council of Heads of Government of the Commonwealth of Independent States held in Yalta on November 20, 2009. The original copy of the above-mentioned Agreement shall be kept in the Executive Committee of the Commonwealth of Independent States.

*The First Deputy Chairman*

*Executive Committee -  
CIS Executive Secretary V. Garkun*

I hereby certify that this text shall be the certified copy of the certified copy of the Agreement on cooperation in the field of investigation of aviation accidents with the state aircrafts of the member states of the Commonwealth of Independent States made on November 20, 2009 in the city of Yalta.

*Head of department  
International law department  
of the Ministry of Foreign Affairs  
of the Republic of Kazakhstan B. Piskorsky*

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