

2749.

According to paragraph 2 Article 170 – i of the Aviation Act ("Official Gazette of the Republic of Macedonia", No. 14/2006, 24/2007, 103/2008 and 67/210), the Government of the Republic of Macedonia, at its Session held on 5 October 2010, enacted the following

REGULATION
on rules regarding the investigation of
an accident, serious incident, incident and occurrence
of civil and state aircraft and the reporting method^(*)

I. General Provisions

Article 1

Rules regarding the investigation of an accident, serious incident, incident and occurrence of civil and state aircraft as well as the reporting method thereof shall be regulated by this Regulation.

Article 2

- (1) Investigation of an accident, serious incident and/or incident shall be conducted with the intention of determining conclusions and making safety recommendations for purpose of increasing air services safety and preventing future accidents, serious incidents and/or incidents and in no case has the purpose of creating a presumption of blame or liability for an accident or incident.
- (2) Incident reporting shall be with the intention of determining the causes for purpose of preventing the occurrence of accidents and incidents and in no case has the purpose of creating a presumption of blame or liability for an accident or incident

Definition

- (1) Certain terms used in this Regulation shall have the following meaning:
 1. "**Safety recommendation**" means measures proposed by the Investigation Committee conducting the technical investigation and based on information obtained during the investigation for purpose of preventing accidents and incidents;

^(*) Compliance with the following shall be done by this Regulation:

1. Council Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents (31994L0056), and
2. Directive 2003/42/EC of 13 June 2003 on occurrence reporting in civil aviation

2. **"Investigator-in-charge"** means a person charged, on the basis of his or her qualifications, with the responsibility for the organization, conduct and control of an investigation;
3. **"Disidentification"** means removing from reports submitted all personal details pertaining to the reporter and technical details which might lead to the identity of the reporter, or of third parties, being inferred from the information;
4. **"Incident"** means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.
5. **"Investigation"** means a process conducted for the purpose of accident or incident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of cause (causes) and, when appropriate, the making of safety recommendations
6. **"Occurrence"** means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident, hereinafter referred to as "accident or serious incident", as defined in Article 3(a) and (k) of Directive 94/56/EC;
7. **"Accident"** means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which:
 - a) a person is fatally or seriously injured as a result of:
 - being in the aircraft, or
 - 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 the engine, its cowlings or accessories, or for damage limited to to propellers, wing tips, antennas, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, small dents or puncture holes in the aircraft skin;

- c) the aircraft is missing or is completely inaccessible.
8. **"Causes"** means actions, omissions, events, conditions or a combination thereof, which led to the accident or incident;
9. **"Serious incident"** means an incident involving circumstances indicating that an accident nearly occurred (a list of examples of serious incidents can be found in the Annex of Council Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents);
10. **"Serious injury"** means an injury which is sustained by a person in an accident and which:
- a) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received; or
 - b) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); or
 - c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
 - d) involves injury to any internal organ; or
 - e) involves second or third degree burns, or any burns affecting more than 5% of the body surface; or
 - f) involves verified exposure to infectious substances or harmful radiation;
11. **"Fatal injury"** means an injury which is sustained by a person in an accident and which results in his/her death within 30 days of the date of the accident;
12. **"Flight recorder"** means any type of recorder installed in the aircraft for the purpose of facilitating accident/incident investigations; and
- (2) The other terms used in this Regulation have the meanings respectively assigned to them in the Aviation Act and accepted international standards.

II. Occurrence reporting in civil aviation

Article 4

Occurrence reporting in civil aviation shall contribute to the enhancement of aviation safety by ensuring that relevant information on safety has been reported, collected, stored, protected and disseminated.

Article 5

The provisions referred to in this part of this Regulation shall apply to occurrences which, if not prevented, would endanger an aircraft, its passengers and crew members or any other person.

Article 6

(1) Occurrences to be mandatory reported are listed in Annex 1 thereto. The occurrences shall be reported by every person listed below in the exercise of his/her functions:

- (a) the operator or commander of a turbine-powered or a public transport aircraft used by an operator for which the Agency ensures safety oversight of operations;
- (b) a person who carries on the business of designing, manufacturing, maintaining or modifying a turbine-powered or a public transport aircraft, or any equipment or part thereof, under the oversight of the Civil Aviation Agency;
- (c) a person who signs a certificate of maintenance review, or of release to service in respect of a turbine-powered or a public transport aircraft, or any equipment or part thereof, under the oversight of the Civil Aviation Agency;
- (d) a person who performs a function which requires him to be authorised by a Member State as an air traffic controller or as a flight information officer;
- (e) a person who performs a function connected with the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities;
- (f) a person who performs a function connected with the ground-handling of aircraft, including fuelling, servicing, loadsheet preparation, loading, de-icing and towing at an airport, and.
- (g) a manager of an airport.

(2) Persons referred to in items a), b) and c) paragraph (1) of this Article shall also report civil aviation occurrences with respect to all other aircraft and related operations.

(3) In addition of persons referred to in paragraph (1) of this Article, any person who participated or knew of certain occurrence may voluntary report that occurrence, in a way prescribed by this part of this Regulation.

Article 7

(1) Occurrence referred to in Annex 1 of this Regulation shall be reported in writing to the Investigation Committee and Civil Aviation Agency within 72 hours from the time of the occurrence, as well as to the aviation industry entities participating therein or where the occurrence took place.

(2) The Committee and Civil Aviation Agency shall enter in their database all collected information referred to in paragraph (1) of this Article.

(3) The Investigation Committee shall develop forms and guidelines regarding the mandatory reporting of the occurrences referred to in paragraph (1) of this Article and publish it in a way usually used in the aviation industry and on its web page. Occurrence-reporting system shall be available both in writing and electronic form according to the requirements by the European Commission and EUROCONTROL.

(4) Aviation industry entities shall establish an occurrence-reporting and assessment system as a part of their Safety Management System. An air navigation services provider shall establish an occurrence-reporting and assessment system according to the EUROCONTROL Safety Regulatory Requirement 2 – Reporting and Assessment of Safety Occurrences in ATM and appropriate guidance documents.

Article 8

(1) Notwithstanding the provisions of Article 7 of this Regulation, any person who may have knowledge of aircraft accident and/or serious incident in the airspace of the territory of the Republic of Macedonia or in the territory of the Republic of Macedonia may report it to the following entities:

- (a) Police (telephone No.: 192);
- (b) Crises Management Centre (telephone No.: 195, or
- (c) The competent air traffic control at the closest airport of the Republic of Macedonia.

(2) The competent entity referred to in paragraph (1) of this Article receiving the notification about aircraft accident and/or serious incident shall notify the other entities referred to in paragraph (1) of this Article.

(3) Based on the received information, the entity referred to in paragraph (1) of this Article shall without delay notify:

- Investigation Committee;
- Ministry of Foreign Affairs, in case a foreign aircraft has been involved in the accident and/or serious incident;
- Appropriate Ministry, in case a State aircraft has been involved in the accident and/or serious incident.

Article 9

(1) Investigation Committee shall participate in an exchange of information by making all relevant safety-related information stored in the database available to the competent authorities of other States and European Commission.

(2) The database shall be compatible with the software used for data handling according to paragraph (4) of this Article.

(3) The Investigation Committee or Civil Aviation Agency receiving an occurrence report shall enter it into the database and notify, whenever necessary, the competent authority of the State where the occurrence took place, where the aircraft is registered, where the aircraft is manufactured and/or where the operator is certificated.

(4) The Investigation Committee or Civil Aviation Agency may use special data handling software developed by the European Commission and/or any other entity for the purpose of this Regulation.

Article 10

(1) The Investigation Committee or Civil Aviation Agency shall, for purpose to draw the safety lessons from the reported occurrences, have access to information on occurrences collected and exchanged in accordance with this Regulation.

(2) The Civil Aviation agency shall on its web page publish at least annually a safety review containing information on the types of occurrences collected by the national mandatory occurrence-reporting system for purpose to inform the public of the level of civil aviation safety.

(3) The Civil Aviation Agency may also publish disidentified reports.

(4) In case the information is of classified nature, it shall be treated in accordance with the regulations regarding the classified information.

Article 11

(1) The Civil Aviation Agency and Investigation Committee shall, according to regulations regarding the personal data protection, take necessary measures to ensure appropriate confidentiality of the information received according to paragraph (1) Article 9 and paragraph (1) Article 10 of this Regulation. They shall use this information solely for the objective of this Regulation, except in cases when the competent authorities finds out that the dissemination of the same will not have negative international or national influence on the further investigation.

(2) Regardless of the type or classification of occurrence and accident or serious incident, names or addresses of individual persons shall never be recorded on the database.

(3) The Civil Aviation Agency shall refrain from instituting proceedings in respect of unpremeditated or inadvertent infringements of the law which come to their attention only because they have been reported under the mandatory occurrence-reporting system, except in cases of gross negligence.

(4) Employees who report occurrences shall not be subjected to any prejudice by their employer.

(5) Activities referred to in paragraphs (1) and (2) of this Article shall be carried out in accordance with the provisions of the Law on Free Access to Information of Public Importance.

(6) Protection of safety – related information stored in the database shall be carried out according to the guidance material of ICAO Annex 13.

Article 12

(1) In addition to the mandatory reporting system established according to Article 6 and 7 of this Regulation, the Civil Aviation Agency shall put in place a voluntary occurrence–reporting system to collect and analyse information on observed deficiencies in aviation, which are not required to be reported under the system of mandatory reporting, but which are perceived by the reporter as an actual or potential hazard.

(2) The Civil Aviation Agency shall develop the Forms and guidance material regarding the voluntary reporting of occurrences referred to in paragraph (1) of this Article and publish it in a way usually used in the aviation industry and on its web page.

(3) The Civil Aviation Agency shall:

- establish the conditions for the disidentification of voluntary reported occurrences presented under the system referred to in paragraph (1) of this Article, and
- ensure that relevant disidentified safety information deriving from the analysis of voluntary reports is stored and made available to all parties so that it may be used for improvement of aviation safety and not to creating a presumption of blame.

Article 13

(1) Dissemination of information on civil aviation occurrences to the interested parties shall be done in accordance with the Commission Regulation (EC) No. 1330/2007 of 24 September 2007 laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrences referred to in Article 7(2) of Directive 2003/42/EC of the European Parliament and of the Council, undertaken under the Annex 1 to the Multilateral Agreement on the Establishment of a European Common Aviation Area ("Official Gazette of the Republic of Macedonia", No. 27/2007 and 98/2009), being accepted and directly applied.

(2) Integration of the information on civil aviation occurrences shall be done in accordance with the Commission Regulation (EC) No. 1321/2007 of 12 November 2007 laying down implementing rules for the integration into a central repository of information on civil aviation occurrences exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council, into the central repository, undertaken under the Annex 1 to the Multilateral Agreement on the Establishment of a European Common Aviation Area ("Official Gazette of the Republic of Macedonia", No. 27/2007 and 98/2009), being accepted and directly applied.

III. Investigation of an accident, serious incident, incident and occurrence of civil aircraft

Article 14

Investigation of an accident, serious incident, incident and occurrence of civil aircraft which have occurred in the territory of the Republic of Macedonia shall be carried out in accordance with the provisions of this part of this Regulation and if an aircraft registered in the Republic of Macedonia has been involved in an accident, serious incident in the territory of other country, the investigation of such an accident/serious incident shall be carried out according to the provisions of this part of this Regulation, if the investigation has not been carried out by that other country.

Article 15

- (1) Every accident or serious incident shall be subject to an investigation.
- (2) The investigation of accidents, serious incidents, incidents shall be carried out in accordance with the Chicago Convention and accepted international standards set out in the ICAO Annex 13 (Annex 13, Aircraft Accident and Incident Investigation).
- (3) Technical investigation of the accident and serious incidents in which civil aircraft and parachutes have been involved and reported under the mandatory occurrence-reporting according to Articles 6 and 7 of this Regulation shall be carried out by the Investigation Committee of Air Accidents and Serious Incidents (hereinafter referred to as "the Investigation Committee), and regarding the incidents and occurrences reported under the voluntary reporting according to Article 12 of this Regulation by the Civil Aviation Agency.
- (4) Independently of the investigation carried out by the Investigation Committee and Civil Aviation Agency, aviation industry entities involved in certain serious incident, incident or other occurrence shall investigate the same and submit the results to the Investigation Committee and Civil Aviation Agency according to Article 165 of the Aviation Act.
- (5) In addition to the investigators, certain activities related to the investigation may be carried out by other experts selected from the List of Aviation Experts or from abroad according to paragraph 2 Article 170-a of the Aviation Act.
- (6) An aviation inspector or a person approving the aircraft airworthiness shall not be designated to perform the activities referred to in paragraph (3) of this Article.
- (7) In case the accident or serious incident of a foreign or domestic civil aircraft has occurred in the aerodrome zone, a representative of the airport operator shall take part in the activities of the Investigation Committee.

(8) Organization and method of performing the duties under its competence, specific competences of the President and its members, form, content, procedure regarding the issue, revocation and use of an investigator's identity card, policy for investigators mandatory training, procedure for training programme development, training plans, book keeping of completed training, policy of cooperation with the authorities responsible for the judicial inquiry, the Civil Aviation Agency and other national or foreign authorities and institutions, as well as other necessary internal procedures and policies shall be defined in detail in the Work Plan of the Investigation Committee.

(9) The Investigation Committee shall make an agreement with the judicial and investigation authorities on cooperation during conducting the accidents investigation for purpose of facilitating the coordination during investigation activities and maintaining of separation regarding the two types of investigations.

Article 16

(1) The sole objective of the Investigation Committee shall be to investigate and analyse the accidents and serious incidents for purpose of determining the causes and circumstances under which they have occurred and to propose safety recommendations to prevent reoccurrence of such accidents and serious incidents.

(2) Resources and equipment required for investigation of accidents and serious incidents according to ICAO Annex 13 (Aircraft Accident and Incident Investigation), ICAO Doc. 6920 – AN/855/4 (Manual of Aircraft Accident and Incident Investigation, Part IV: Reporting) shall be provided by the Budget of the Republic of Macedonia.

Article 17

(1) The Investigation Committee shall carried out prevention activities for purpose of reducing the number and consequences of the accidents, serious incidents and/or incidents, as well as of safety risks in aviation according to ICAO Doc. 9422–AN/93 (Accident Prevention Manual).

(1) Prevention activities referred to in paragraph (1) of this Article shall consist of:

- study of methods for prevention of accidents, serious incidents and incidents taking into account the nature of occurrences, human factors and human relationship within the industry;
- activities in the international exchange of information related to aircraft accidents, serious incidents and incidents, aviation risk assessment and making of safety recommendations to required level, all for purpose of reducing of aircraft accidents, serious incident and incidents;
- safety monitoring by means of statistics in relation to aviation accidents, serious incidents and incidents and making of safety recommendations in case of decrease of the level of safety of air services, and

- professional advisory services regarding the establishment and maintenance of an aviation safety assurance system.

Article 18

(1) The Investigation Committee may request or provide assistance of/to institutions from other countries or regional organizations regarding an accident investigation covering the following:

- a) installations, facilities, equipment for:
 - the technical investigation of wreckage and aircraft equipment and other objects relevant to the investigation,
 - the evaluation of information from flight recorder, and
 - the computer storage and evaluation of air accident data.
- b) professional/expert assistance for conducting of specific tasks but only when an investigation is opened following a major accident.

(2) The provision of regional support and cooperation in conducting of an investigation activities shall be ensured by the Investigation Committee in accordance with Article 26 of the Chicago Convention and Annex 13 thereto as well as ECAC Document ("Code of Conduct on cooperation in the field of civil aviation accident/incident investigation").

Article 19

(1) The Investigation Committee shall notify on accidents and/or serious incidents occurred in the territory of the Republic of Macedonia for the cases of serious incidents specified in Annex 2 to this Regulation, being an integral part thereof.

(2) Notification on aviation accidents and/or serious incidents shall be submitted in accordance with ICAO Annex 13, Attachment B (Aircraft Accident and Incident Investigation).

(3) Notification referred to in paragraph (2) of this Article shall be submitted to the foreign investigation authorities specified in ICAO Doc. 9756–AN/965 (Manual of Aircraft Incident and Incident Investigation, Part IV: Reporting).

(4) If the accident and/or serious incident have been however connected to other country or international organization the Republic of Macedonia is a Member State thereof, the Ministry of Foreign Affairs of the Republic of Macedonia and the Government of the Republic of Macedonia shall be also notified.

(5) Notification form and content are specified in ICAO Annex (Aircraft Accident and Incident Investigation) and Doc. 9756–AN/965 (Manual of Aircraft Incident and Incident Investigation, Part IV: Reporting).

(6) The notification shall be submitted without any delay, through usual communications means used by the civil aviation (telephone, fax, AFTN, SITA, etc), and/or through diplomatic mail. The notification shall contain at least the information specified in ICAO Annex 13 (Aircraft Accident and Incident Investigation). The notification forwarded to the ICAO shall use indicators specified in ICAO Doc. 8585 (Indicators of Aircraft Operations, Aviation Authorities and Services).

(7) Such notifications shall be written in a plain language and in one of the working language of ICAO, taking into consideration the language of the recipient.

Article 20

(1) The Investigation Committee shall acknowledge receipt of notification on an accident and/or serious incident received by the country in which the accident and/or serious incident have occurred, and a Macedonian aircraft has been involved therein.

(2) The Investigation Committee shall forward without any delay all relevant information to the country in which the accident and/or serious incident has occurred and in respect of the following:

- the aircraft,
- the flight crew members,
- the other personnel,
- passengers,

involved in the accident and/or serious incident.

(3) The Investigation Committee shall, without any delay provide the country in which the accident and/or serious incident has occurred, with all details of dangerous goods on board the aircraft involved in the accident and/or serious incident, if such dangerous goods have been involved in the accident and/or serious incident.

Article 21

(1) In case the investigation of an aviation accident and/or serious incident has been opened, the notification shall be forwarded, without any delay, to:

- the State of Registry,
- the State of the Operator,
- the State of the Manufacture,
- the State of Design, and
- ICAO, (when the aircraft involved is a maximum mass of over 2 250 kg).

(2) The notification referred to in paragraph (1) of this Article shall include information in respect of the composition of the Investigation Committee and engaged personas in

accordance with paragraphs (2) and (3) Article 170–a of the Aviation Act and paragraphs (5) and (7) Article 15 of this Regulation.

Article 22

(1) Logistic support for the Investigation Committee in respect of persons, equipment, funds and facilities shall be provided within three hours upon submission of a request to the President of the Investigation Committee or the investigator-in-charge.

(2) The logistic support shall cover the following:

- Communication links with communications equipment;
- Required facilities and the way of payment regarding the operational needs of the Investigation Committee and of the services needed for completion of an investigation;
- Premises required for the Investigation Committee operation and premises for storage of aircraft wreckage;
- Resources for transport of and services provided for aircraft wreckage transport;
- Resources for transport and services for transport of investigators, engaged persons specified in paragraphs (2) and (3) Article 170–a of the Aviation Act and paragraphs (3) and (5) Article 15 of this Regulation.

Article 23

The Committee shall in respect of any investigation of less complex accident or serious incident make a draft report in a form appropriate to the type and seriousness of the accident or serious incident in accordance with ICAO Annex 13 (Aircraft Accident and Incident Investigation) and Doc. 9156 – AN/900 (Accident/Incident Reporting Manual).

Article 24

Reports on aircraft accidents and serious incidents shall be as follows:

1. Preliminary report, made by the Investigation Committee in case the investigation has not been completed within 30 days from the date of the accident or serious incident;
2. Preliminary Report, made by the Investigation Committee upon determinations of the facts, and
3. Final Report made by the Investigation Committee within the period of 12 months from the date of the accident or serious incident, except, due to objective circumstances the period of investigation is prolonged. Detail instructions for making of a Final Report are given in ICAO Doc. 9756 (Manual of Aircraft Accident and Incident Investigation).

Article 25

(1) Upon completion of an investigation of accident or serious incident, the Investigation Committee shall make a final report on the accident and serious incident in a form appropriate to the type and seriousness of the accident or serious incident. The final report shall state the sole objective of the investigation as referred to in Article 2 of this Regulation, and contain proposals for safety recommendations.

(2) If any of the investigators does not agree with the other members of the Investigation Committee in respect of the made conclusions or certain parts of the final report, he shall have a right to separate opinion to be expressed in writing stating any factor and reasons therefor, and such opinion shall be an integral part thereof.

(3) Prior to the completion of the final report on the accident or serious incident, the Investigation Committee shall send a copy of the draft final report to the aircraft operator, flight crew members, aircraft and its components manufacturer, aircraft designer and other legal entities and physical persons involved in the accident and serious incident.

(4) The legal entities and physical persons referred to in paragraph 3 of this Article shall express their opinions and comments on the draft final report of the Investigation Committee within sixty days of the date of receipt of the draft final report. Opinions and comments received within the specified period shall not be included in the final report but shall be appended thereto.

(5) The President and members of the Investigation Committee shall put their signatures on the final report on the investigation of an accident and the President shall put his initials on every page of the report.

(6) The final report on the investigation of an accident or serious incident shall be a public document and the Investigation Committee shall publish the same on its web page as soon as possible and if, possible, within 12 months of the date of the accident or serious incident. A copy of the final report shall be released to:

- the Ministry of Transport and Communications;
- the Civil Aviation Agency;
- the appropriate ministry involved;
- the State of Registry;
- the State of the Operator;
- the State of Design/Construction;
- the State of Manufacture;
- the State having suffered fatalities or serious injuries to its citizens;
- the State which provided relevant information, significant facilities or experts;
- the International Civil Aviation Organization (ICAO), (when the aircraft involved is a maximum mass of over 2 250 kg).
- the European Conference of Civil Aviation (ECAC);
- the European Commission;

(7) Notwithstanding the provisions referred to in paragraph (6) of this Article, when a civil aircraft of MTOW of 2 250 kg up to 5 700 kg is involved in the accident or serious incident, a shortened version of the final report shall be forwarded to the ICAO.

(8) The Investigation Committee shall forward the final report to the public prosecutor, the Ministry of Foreign Affairs and concerned insurance companies in case of an uncertainty/doubt of committed criminal act or at their request.

(9) The confidentiality of information shall be ensured by the final report.

(10) The competent authorities, legal entities and physical persons to which the final report with proposals of safety recommendations to prevent future serious incidents and/or accidents have been forwarded, shall be obliged to notify the Civil Aviation Agency on the measures undertaken.

(11) A safety recommendation shall in no case have the purpose of creating presumption of blame or liability for an accident or incident.

(12) The Civil Aviation Agency shall monitor the implementation of proposed safety recommendations, based on written reports by the entities competent for implementation of proposed safety recommendations.

Article 26

(1) The Investigation Committee shall make and forward the safety recommendations to the Civil Aviation Agency and/or other interested parties.

(2) The Civil Aviation Agency and/or other interested parties shall analyzed safety recommendations referred to in paragraph (1) of this Article in a professional way and make appropriate measures and notify the Investigation Committee on the adopted measures within 30 days of the date of adoption thereof.

(3) The competent authorities/institutions receiving the safety recommendations by foreign investigation authorities/institutions shall be obliged to send, without any delay, the same to the Civil Aviation Agency in order to take all appropriate measures in accordance with the regulations regarding the aviation matters.

(4) The Civil Aviation Agency shall develop an internal procedure for notification of foreign investigation authorities/institutions which have forwarded to the Republic of Macedonia safety recommendations, on taken preventive measures or reasons for not taken such measures.

Article 27

The Investigation Committee shall keep statistics on accidents and/or serious incidents in accordance with ICAO Doc. 9060-AT/723/4 (Manual on the ICAO Statistic Programme) and the international agreement binding on the Republic of Macedonia.

Article 28

Upon completion of an investigation, the occurrences jeopardizing the safety, serious incidents and accidents shall be classified according to the EUROCONTROL document – Safety Regulatory Requirement 2 – Reporting and Assessment of Safety Occurrences in ATM and its all Guidance Documents.

Article 29

(1) The Civil Aviation Agency shall ensure that all appropriate safety information have been collected and submitted to the EUROCONTROL in the annual report in respect of their safety indicators, which is in compliance with the requirements under ESSAR 2, Annex B.

(2) The Investigation Committee shall submit to the ICAO an annual report on the accidents or serious incidents of civil aircraft with MTOW over 2 250 kg.

IV. Investigation and reporting of accidents, serious incidents and occurrences of State aircraft

Article 30

(1) Any accident, serious incident, incident and occurrence of a State aircraft shall be subject to an investigation.

(2) The investigation of an accident, serious incident and incident of State aircraft or parachutes shall be conducted by a Commission established by the Minister for Defence for the military aircraft, the Minister for Internal Affairs for police aircraft and the Minister for Finance for customs aircraft.

(3) The Investigation Commission of accidents, serious incidents and incidents shall be independent and autonomous in its operation.

Article 31

Technical investigation of accidents and serious incidents in which civil and State aircraft and parachutes have been involved shall be conducted by the Investigation Committee with participation of a representative from the competent ministry user of a State aircraft.

Article 32

Every accident, serious incident, incident and occurrence of a State aircraft or parachute shall be seriously investigated and analysed for purpose of determination of reasons and circumstances under which it has occurred and taking of appropriate measures for preventing of future accidents, serious incidents or incidents.

Article 33

An accident, serious incident, incident and occurrence of a State aircraft or parachute occurred in the territory of another country shall be investigated in accordance with the international regulations and/or an international agreement.

Article 34

The following principles shall be followed during the investigation of an accident, serious incident or incident of a State aircraft or parachute, that is:

- the actual, direct and indirect reasons of the accident, serious incident and/or occurrence shall be determined by the investigation of an accident, serious incident, incident and occurrence of a State aircraft or parachute for purpose to ensure a real base for drawing conclusions and proposing of safety recommendations for purpose of enhancement of aviation safety and preventing of future accidents and/or incidents and occurrences;
- the investigation of an accident, serious incident, incident and occurrence of a State aircraft or parachute shall be conducted in a conscientious, impartial, systematical and professional manner using comprehensive knowledge of aircraft maintenance, regulations, guidance material, conditions/requirements and way of an aircraft operation as well as an excellent knowledge of the aircraft;
- the investigation shall be expeditious and efficient in order not to lose any material evidence of causes or fading of memories and impressions of the accident witnesses and to take preventive measures;
- proper accident investigation shall not allow the chance for prompt drawing of premature and unexplained conclusions and require the investigation to be carried out till final conclusions.

Article 35

An investigation shall consist of the following procedures:

- determination of all circumstances under which the accident, serious incident, incident or occurrence of a State or parachute has occurred;
- analysis and conclusions related to the causes of the accident, serious incident, incident or occurrence of a State aircraft of parachute, and
- proposal of safety recommendations for purpose of preventing future accidents, serious incidents, incidents and occurrences.

Article 36

Procedure and method for reporting and investigation of accidents, serious incidents, incidents and occurrences of military aircraft as well as the form and content of a reporting form is given in Annex 3 of this Regulation, and shall be an integral part thereof.

V. Transitional and Final Provisions

Article 37

Upon entry into force of this Regulation terminates the effect of the Regulation on the method with respect of aircraft accident investigation ("Official Gazette of SFRY", No. 66/87) and the Regulation on investigation of jeopardizing the aircraft safety ("Official Gazette of the Republic of Macedonia", No. 41/2003).

Article 38

Provisions of this Regulation relating to the finance of the Investigation Committee shall be applied commencing 1 January 2012.

Article 39

This Regulation shall enter into force the next day following the date of its publication in the "Official Gazette of the Republic of Macedonia".

No. 51 – 5305/1
5 October 2010
Skopje

Vice President of the
Republic of Macedonia
Vasko Naumovski, Ph.D.