

# The Regulation Governing the Handling of Investigation Procedures for Civil and Public Aircraft Occurrence

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2004

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Safety Board Order 1090000691A on  
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## Provisions

### Chapter I General Principles

#### Article 1

The Regulation is prescribed pursuant to Article 38 of the Transportation Occurrence Investigation Act (hereinafter referred to as the “Act”) and shall apply to the investigation of major aviation occurrences for civil and public aircraft.

#### Article 2

The terms used in the Regulation shall be defined as follows:

1..Major Aviation occurrences: refer to the Major aviation occurrences (Civil aircraft and public aircraft) specified in the scope of the Major Transportation Occurrences prescribed in the first paragraph of Article 1 of the Act..

2. Death : means that the person is in the aircraft, in direct contact with any part of the aircraft, or directly exposed to the airflow caused or caused by the aircraft, and it is not resulting from natural causes, self-induced behaviors, intrusion by another person, or concealment in non-passenger and non-crew seated areas for purposes of illegal immigration. As a result, those who died on the spot or within 30 days of being injured.

3. Injury: refers to the person is in the aircraft, in direct contact with any part of the aircraft, or directly exposed to the airflow caused or caused by the aircraft, and it is not resulting from natural causes, self-induced behaviors, intrusion by another person, or concealment in non-passenger and non-crew seated areas for purposes of illegal immigration, who may have one of the following situations:

1) Hospitalization for more than forty-eight (48) hours is required within seven (7) days upon occurrence of the injury.

2) Fracture, excluding that of any finger, toe or nose.

3) Serious bleeding or damage to nerves, muscles or tendons due to laceration.

4) Any harm to an internal organ.

5) Burns of Grade 2 or 3, or more than 5 percents of burns on the skin of the whole body.

6) Confirmed exposure to contaminated substances or harmful radiations.

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

5. "Missing": Fail to recover the wreckage of the aircraft at the conclusion of the search efforts as determined by the Taiwan Transportation Safety Board (hereinafter referred to as the TTSB).

6. "Accredited Representative" : After an major aviation occurrence arises, an individual who is appointed by the government of the State of Registry, the State of the Operator, the State of Design or the State of Manufacture or any other state concerned (excluding the State whose nationals having sustained death in the occurrence), and who is authorized to lead one or more advisors from the same State to participate in the investigation of the major aviation occurrence conducted by the State of Occurrence or by the State that has been delegated the conduction of the investigation.

7. Duty Officer: Refers to the personnel who alternately serves by the investigators of the TTSB, who are on duty 24 hours a day, and are responsible for handling notification of major aviation occurrences.

8. "On-scene Investigator": An aviation safety investigator who, after the TTSB learns of a major aviation occurrence or an alleged major aviation occurrence, is appointed by the TTSB to take charge of directing the go-team to carry out on-scene identification of the major aviation occurrence and investigation-related operations, and whose mission shall terminate upon appointment of an Investigator-In-Charge.

9. "Go-team": A temporary task force formed by investigators of the TTSB to carry out the identification of a major aviation occurrence, on-scene inspection and collection of occurrence-related information.

10. "Investigator-In-Charge": An aviation safety investigator who, after a major aviation occurrence arises, is designated by the TTSB pursuant to the Act to take charge of the investigation of the aviation occurrence.

11 "Investigation Task Force": An investigation team established by the Investigator-In-Charge pursuant to the Act, which shall, during the investigation, submit to the direction of the Investigator-In-Charge in conducting relevant operations.

12 “Command Post of Investigation”: A place set up for the purposes of direction, control, communication and logistic support for the implementation of on-scene investigation and conducting of such relevant operations as meetings and mission briefings for the investigation task force.,

13. Flight data recorder: Refers to the device that records aircraft system, performance and environmental parameters in the flight recorder.

14. Cockpit voice recorder: Refers to the device in the flight recorder that records the voice in the cockpit.

### Article 3

When a major aviation occurrence mentioned in the third paragraph of Article 6 of the Act arises, the TTSB shall, upon receipt of the invitation by the investigation authority of the State of occurrence, immediately designate an accredited representative and invite the owner of the aircraft, the operator of the aircraft, the designer of the aircraft, the manufacturer of the aircraft and personnel of the Civil Aeronautics Administration of the Ministry of Transportation and Communications (hereinafter referred to as CAA), to form a team for the purposes of participating in the investigation operations.

The expenses relating to the participation of the investigation referred to in the preceding paragraph shall be borne by the various authorities (organizations) respectively.

## Chapter II Notification of Major Aviation Occurrence

### Article 4

According to Article 6 of the Act, after a major aviation occurrence or an alleged major aviation occurrence arises, the owner of the aircraft, the operator of the aircraft and the air traffic control authority (organization) agency shall, within the time limit specified in Article 9 of the Act, promptly notify TTSB duty officer by telephone on present situations of the occurrence and fill out a Major Aviation Occurrence Notification Form

transmitting to the TTSB by fax or email.

#### Article 5

The owner of the aircraft, the operator of the aircraft and the air traffic control authority (organization) shall notify the TTSB of the following occurrence or alleged occurrence:

1. Death or injury of any person;
2. The aircraft is missing or is completely inaccessibility;
3. Substantial damage to aircraft or existence of sufficient ground to believe that the aircraft is subjected to substantial damage;
4. An aircraft is in close proximity to another aircraft within five hundred feet in the air and requiring an avoidance maneuver to avoid a collision or an unsafe situation;
5. The aircraft collision event may cause substantial damage to the aircraft;
6. During controllable flights, those who deviate from the course or fail to comply with the air traffic control instructions must take emergency avoidance maneuver to avoid collision with terrain or ground barriers;
7. Aborted take-offs on a closed or engaged runway, on a taxiway or unassigned runway;
8. Take-offs from a closed or engaged runway, from a taxiway or unassigned runway;
9. Landings or attempted landings on a closed or engaged runway, on a taxiway or unassigned runway (height lower than three hundred feet above the ground, or instructed by the air traffic controller to make a correction);
10. Gross failures to achieve predicted performance during take-off or initial climb;
11. Fire and/or smoke in the cockpit, passenger compartment or cargo compartment, or engine fire.
12. The flight crew must use oxygen in an emergency situation pursuant to

the operation manual;

13. Aircraft structural failures or engine disintegrations, including uncontained turbine engine failures, not classified as an accident;

14. Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft;

15. Flight crew incapacitation in flight;

16. Fuel quantity level or distribution situations requiring the declaration of an emergency by the pilot, such as insufficient fuel, fuel exhaustion or inability to use all usable fuel on board;

17. Runway incursion occurred due to the aircraft is close to an obstacle or other aircraft in take-off or landing phase;

18. Take-off or landing incidents, such as under-shooting, overrunning or running off the side of runways;

19. System failures, weather phenomena, operations outside the approved flight envelope or other occurrences which caused or could have caused difficulties controlling the aircraft;

20. Failures of more than one system in a redundancy system mandatory for flight guidance and navigation;

21. The unintentional or, as an emergency measure, the intentional release of a slung load or any other load carried external to the aircraft; or

22. Any other situation that may cause death, injury or conform to the content of paragraph 17 of Article 2 of the Civil Aviation Law.

Chapter III Identification of Major Aviation Occurrences

## Article 6

Upon receipt of any notification, the TTSB may, if it deems necessary, designate an on-scene investigator to lead a go-team to the scene of the occurrence and take any necessary actions for the identification of the occurrence. The owner of the aircraft, the operator of the aircraft, the local government where the occurrence took place, the operator of the airport, the CAA, Taiwan International Ports Corporation Limited (hereinafter referred to as TIPC), Maritime and Port Bureau, Ministry of Transportation and Communications (hereinafter referred to as MPB), coast guard authority and other related organizations shall assist the on-scene investigator to carry out his or her tasks.

## Article 7

The TTSB shall, based on the contents of the notification and the information gathered by the go-team, identify whether the subject event of the notification is a major aviation occurrence, and, if and when necessary, may form a review board to review the disputes arising out of the identification.

## Article 8

The TTSB may, after deliberating upon the practicability of the investigation, terminate the investigation while the investigation is in process, but the grounds for such suspension shall be specified.

## Chapter IV On-scene Handling of Aviation Occurrences

### Article 9

Members of the go-team and investigation task force shall carry an identification card issued by the TTSB for an investigator when entering such restricted areas as the scene of the occurrence, wreckage search areas, wreckage storage area, reconstruction area, investigation command center, airport and so forth

## Article 10

After a major aviation occurrence arises, the owner of the aircraft, the operator of the aircraft, local government where the occurrence occurred, the operator of the airport, the CAA, TIPC, MPB, coast guard authority or Ministry of National Defense shall in addition to assist the investigation matters designated by the investigation task force, also render assistance ex officio in respect of the following matters:

1. Collect information regarding casualties;
2. Collect information regarding the damage to the aircraft;
3. Collect information regarding the site of the occurrence;
4. Conduct alcoholic and drug tests on the flight crew;
5. Locate the flight data recorder and the cockpit voice recorder;
6. Keep contact information of the flight crew and on-site eyewitnesses and taking down their statements; and
7. Transport, make aerial reconnaissance and provide information of military and civil dual-purpose airports.

## Article 11

After a major aviation occurrence arises, the local government, the operator of the airport, the CAA, TIPC, MPB or the coast guard authority where the occurrence occurred shall provide spaces for the operations of the command center of the investigation, temporary wreckage storage, as well as communications and office equipments.

The TTSB may request local government and police departments to enforce necessary security maintenance and precautionary measures in the area where the occurrence occurred so as to prevent hazards to the safety of the general public caused by the wreckage of the aircraft or the dangerous goods on board as well as to avoid man-made destruction of the scene.



## Article 12

Pursuant to the second paragraph of Article 12 of the Act, the operator of the aircraft shall use its best efforts to require the personnel at the occurrence site to turn off the power source of the cockpit voice recorder after the aircraft touches down and shuts down its engines. The supervisor concerned shall promptly confirm the power cutoff.

## Article 13

In the course of the investigation, the Ministry of the Interior, Ministry of National Defense, and Ministry of Transportation and Communications, coast guard authorities, local governments or any other civilian enterprises deemed appropriate and entrusted by the TTSB may, as requested by the investigation task force, take such measures as aerial surveillance or photography, and notify the TTSB promptly of any information so collected.

## Article 14

After a major aviation occurrence arises, the investigation task force may request the Ministry of Economic Affairs to further direct the utilities concerned to furnish the layouts of public gas and fuel lines, diagrams of power transmission lines, markings information and any other necessary data and charts so as to prevent a derivative hazards.

## Article 15

If any of the following situations is likely to occur, the Investigator-In-Charge may consent to necessary clearance of the scene of the major aviation occurrence pursuant to Article 13 of the Act:

1. Derivative damage of the wreckage;
2. Derivative hazards;

3. Injury to the general public;
4. Environmental pollution; or
5. Airport inoperable due to the major aviation occurrence.

## Chapter V Investigation of Major Aviation Occurrences

### Article 16

When a major aviation occurrence mentioned by the first paragraph of Article 6 arises, the TTSB shall, in reference to the rules issued by the International Civil Aviation Organization (hereinafter referred to as ICAO), notify the ICAO and the aviation occurrence investigation authority of the State of Registry, the State of the Operator, the State of Design, the State of Manufacture or the State of fatalities or injuries to its citizens in the occurrence within thirty (30) days after the identification of the occurrence.

### Article 17

The Investigator-In-Charge in implementing Article 11 of the Act, shall invite an investigation team composed of representatives and experts from the following authorities (organizations) to join the investigation task force if he or she deems necessary:

1. The CAA;
2. The authorities (organizations) concerned in the occurrence;
3. The owner of the aircraft or the operator of the aircraft;
4. The aviation occurrence investigation authority of the aircraft's State of Registry, the State of manufacture, the State of Design, as well as the State of Operator; and
5. Any other professional organization related to aviation safety.

Neither lawyers nor representatives from insurance companies may participate in the investigation task force.

## Article 18

If any person participating in the investigation referred to in the preceding article fails to obey any direction given by the Investigator-In-Charge or violates any matter contained in the commitment on confidentiality, the Investigator-In-Charge may suspend his or her participation in the operations of the investigation task force.

## Article 19

Pursuant to Article 20 of the Act, the accredited representatives from the aviation occurrence investigation authority of the State of Registry, the State of the Operator, the State of Design and the State of Manufacture may, upon making a written confidentiality commitment and obtaining consent from the Investigator-In-Charge, may engage in the following tasks:

1. Visit the scene of the occurrence;
2. Examine the wreckage;
3. Interview the witnesses and get testimonies in conjunction with the personnel of the investigation task force;
4. Examine the relevant evidences;
5. Receive copies of all pertinent documents;
6. Participate in readouts of the flight recorders;
7. Participating in the off-scene investigative activities, such as; components examinations, technical briefings, tests and simulations;
8. Participate in progress meetings including deliberations to analysis, findings, causes and safety recommendations;
9. Making recommendations as to the various investigation processes.

## Article 20

Pursuant to Article 20 of the Act, the representatives from the aviation occurrence investigation authority of the State whose nationals having sustained death in the occurrence may, upon making a written confidentiality commitment and complying with the directions given by the

Investigator-In-Charge, may engage the following tasks:

1. Visit the scene of the occurrence;
2. Participate in the identification of the victims;
3. Assist in interviewing the surviving passengers of the same nationality;
4. Have access to the relevant factual information published by the TTSB, and information on the progress of the investigation; and
5. Receive a copy of the Final Report.

#### Article 21

Pursuant to Article 14 of the Act, the TTSB holds the priority in taking custody of any relevant evidence. In the course of the investigation, it may return to the authorities (organizations) concerned such evidence as are no longer required in the investigation.

After the Final Report is released, the TTSB shall promptly return the relevant evidence to the authorities (organizations) concerned such as the aircraft, wreckage, documents and manuals.

In case of any involvement of death or injury of any person in a major aviation occurrence, the TTSB may not return relevant evidence to the authorities (organizations) concerned until the prosecutorial authority gives its consent.

#### Chapter VI Personnel Interviews

##### Article 22

Prior to an interview, an interviewee may request a person to accompany him or her to the place where the interview is conducted. No supervisor, employer, lawyer or insurance agent of the interviewee or any member of the judiciary, prosecutorial or investigative authorities may so accompany the interviewee unless the TTSB gives its consent.

The person accompanying the interviewee may not enter the place

where the interview is conducted unless he or she undertakes not to disclose the contents of the interview and not to interfere with the interview.

During the interview, the interviewee shall answer truthfully to any question presented to him or her by the TTSB's investigation task force. The accompanying person may not make any statement or interfere with or interrupt the interview, however, the interviewee may discuss the question with the accompanying person.

Prior to the interview, the supervisor or employer of the interviewee may not in any way affect the interviewee as to his or her statements concerning the facts, nor interfere with the interview.

No person may enter the place where the interview is conducted except those permitted by the investigation task force.

After the interview, the interviewee may not disclose the contents of the interview.

## Article 23

The public disclosure of recordings or records of the interview and any restricted documents with respect to any situation described in Articles 21 and 22 of the Act and the subparagraphs of first paragraph of Article 18 of the Freedom of Government Information Law, shall be limited.

## Chapter VII Draft Final Report Review and Safety Recommendations

### Article 24

The authorities (organizations) concerned, domestic or abroad, as well as any unit subjected to investigation, may file a written application for presenting their dissent at the Board meeting of the TTSB within fifteen (15) days after receipt of a Draft Final Report pursuant to second paragraph of Article 24 of the Act.

### Article 25

When a major aviation occurrence of an aircraft registered in the ROC or operated by an airline incorporated in the ROC arises outside the territory of the ROC and the investigation is conducted by the State of Occurrence, the authority (organization) concerned shall inform the TTSB in ninety (90) days after receipt of the safety recommendation issued by the State of Occurrence transmitted by the TTSB, of the preventive action taken or under consideration, if impracticable, detailed reasons shall also be stated.

To improve flight safety, the TTSB may refer the final report issued by the State of Occurrence as mentioned in preceding paragraph and issue flight safety recommendations to government authorities pursuant to Article 27 of the Act.

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## Chapter VIII Supplementary Provisions

### Article 26

In respect to any matter regarding the notification, identification, on-scene handling, personnel interviews, investigation and release of investigation reports relating to major aviation occurrences that involves international affairs but fails to be covered by the Regulation, the TTSB may, further formulate administrative regulations to supplement the applicable provisions of the Regulation in reference to the standards, recommendations, methods or procedures set forth in applicable international conventions and their annexes.

### Article 27

The Regulation shall become effective as of the date of promulgation.