



## ICAO Docs 9973 (AN/486) & 9998 (AN/499)

(Replaced ICAO Circular 285 - AN/166 in late 2013)





## INTRODUCTORY NOTE

This information article (first uploaded to this website in October 2013) was originally intended to provide 'critical comment & feedback' of **ICAO Circular 285 - AN/166 - 'Guidance on Assistance to Aircraft Accident Victims and their Families'**. This latter document was available for purchase from ICAO up to October 2013, but, by mid-November had 'disappeared' from the ICAO publications list. This was due Circular 285 being superseded by an upgraded, updated version known as:

**ICAO Doc 9973 AN/486 - 'Manual on Assistance to Aircraft Accident Victims & their Families' - First Edition - 2013**

**Every country (ICAO term = 'State'), appropriate aircraft operator, airport operator, ground handling company etc. - should study this latter manual and be guided accordingly**

ICAO Doc 9973 may be purchased (USD \$301 as at early 2023) via the 'ICAO Store'. However, it can also be viewed here by following the link below:

[https://www.icao.int/SAM/Documents/2016-AIG-RECORDSPRO/Doc%209973.Family%20Assistance\\_en.pdf](https://www.icao.int/SAM/Documents/2016-AIG-RECORDSPRO/Doc%209973.Family%20Assistance_en.pdf)

A separate **policy** document (also First Edition - 2013) on the same subject (ICAO Doc 9998-AN/499) can also be purchased from ICAO (USD \$35 as at early 2023) - but can also be viewed here by following the link below:

[http://www.icao.int/Meetings/a38/Documents/DOC9998\\_en.pdf](http://www.icao.int/Meetings/a38/Documents/DOC9998_en.pdf)

Readers noting errors, omissions, oversights etc. in *this / our* information article (and / or having suggestions for improvements and / or other comment) are most welcome to email the article's author / owner at:

info@aviation-erp.com





*Personal Notes from the Author / Owner of this Information Article - March 2014*

- The 2013 issue of Doc 9973 was an improvement on Circular 285 - **BUT** the changes were / are not hugely significant (*with the notable exception of the long overdue addition of 'airport operator' family assistance type accountabilities*)

Accordingly, the author / owner of this info article strongly believes that ICAO 'missed an opportunity' here to 'do better' - re providing associated guidance to all potentially involved with aviation related emergency / crisis response ops, **re the specific subject of assistance to air accident victims and their associated families, relatives and friends**

- The author also strongly believes that all and any ICAO produced information dealing with 'humanitarian (family) assistance' and related matters **should be freely / widely available via the world-wide web - i.e. it should not be available 'at a price'**

*(Reminder - ICAO sells Doc 9973 for USD \$301 (early 2023 price) and was (in 2018) only available in hard copy format - so one also needed to pay for it to be mailed [e.g. an additional \$25 to have it sent from Canada to UK]. The changes in Doc 9973 vs Circular 285 **CANNOT** justify this almost 400% price hike from \$80 (Circular 285's last price when it was discontinued) to \$301 for Doc 9973- as at 2023*

- Nowhere near enough persons around the world (whose job it is / was to have known all about ICAO Circular 285) were actually aware of its existence. The great fear is that the same thing is going to happen with Doc 9973 - unless ICAO starts to 'wake up and smell the coffee' - on the subject of aviation (air accident) related humanitarian assistance type matters

*Updated Personal Note from the Author / Owner of this Information Article - February 2015*

Reminder: This information article was first produced in March 2014

As at February 2015 'some light at the end of the tunnel' appeared - as ICAO was considering establishment of a formal '**recommended practice**' on the subject of 'assistance to air accident victims and their families'. See the Reuters article (starts next page) for more historical context re this

Note - an ICAO '**recommended practice**' carries a limited degree of authority for implementation (of whatever needs to be implemented) by all member states (countries) - but arguably 'not enough (e.g. its adoption is not mandatory)

In contrast, an ICAO '**standard**' carries much more weight in terms of 'mandatory adoption' by member states - but there still remains 'ways and means' of legally 'achieving **non**-compliance' with regards to same





## U.N. Aviation Agency eyes support for (Air) Crash Victims' Families (Reuters)

By Allison Lampert / MONTREAL Feb 11<sup>th</sup> 2015 - 10:58pm GMT



A delegate walks past a banner during a break at the International Civil Aviation Organization's (ICAO) global safety meeting in Montreal, February 4, 2015 (Credit: Reuters / Christinne Muschi)

ICAO is looking to bolster support for families of air disaster victims - as its members continue to debate strategies for preventing planes from being shot down over conflict zones, disappearing etc.

A **recommendation** currently winding its way through the Montreal-based agency (ICAO) 'would urge States (member countries i.e. around 97% of the world) to come up with concrete plans to help families of plane-crash victims' - Nancy Graham, director of the ICAO's 'Air Navigation Bureau', said on Wednesday

The recommendation would not be mandatory, but would "strongly recommend" that **States** (countries) provide assistance such as helping families obtain visas to gain access to accident sites; aiding with repatriation of victims' remains etc. It would also urge **airport** operators and **airlines** etc. to come up with their own, equivalent (complementary / supporting) plans

"Just like many other emergency plans you need to have an associated readiness plan to support the involved families," Graham told Reuters in an interview. "It is the clear intention of ICAO to send a message that we are very keen to see States take care of their own citizens and any other citizens involved"

In June 2015, ICAO's governing council will vote on whether to make family-assistance plans a **recommended practice** for the organisation's 191 member states, a change that would modify an annex (annex 9) in ICAO's founding charter, known as the 'Chicago Convention'. "This would have states treat families with dignity," said Spanish victims' rights activist Pilar Vera Palmes, who lost her niece when a Spanair flight crashed on take-off in Madrid in 2008. "It would ensure that governments, airlines etc. help victims - not just at the time of the accident but also going forward"





Whilst there are no hard statistics, Graham estimates ***less than 25%*** of ICAO member states have so far developed plans to assist families etc.

Experts say the aviation industry's underlying safety record is improving. Yet the loss of Indonesia's AirAsia Flight QZ8501 in December 2014 capped the deadliest year in civil aviation for almost a decade

Graham, who is retiring from ICAO at the end of March, lost her own maternal grandmother in a 1993 U.S. rail accident

"I'm very sensitive to what the families go through and how challenging it is when you don't have information and how painful it is when there is misrepresentation," she said ..... adding that she believes family assistance plans will one day be mandatory. "There will be enough push one day to upgrade it to an ICAO ***standard***," she said. "It's the right thing to do"

***Updated Personal Note from the Author / Owner of this Information Article - February 2016***

Reminder: This information article (the doc you are reading now) was first produced in March 2014

In October 2015 it was confirmed that an \*amendment to ICAO Annex 9 would become *effective* - and would include the following:

\* ICAO Annex 9, 14<sup>th</sup> Edition, October 2015

#### ICAO Annex 9 - Chapter 8 - Other Facilitation Provisions

##### 1 - Assistance to Aircraft Accident Victims and their Families

### 8.46 Recommended Practice

Contracting States *should* establish legislation, regulation and / or policies in support of assistance to aircraft accident victims and their families

Note - Attention is also drawn to ICAO Doc 9998 - 'ICAO Policy on Assistance to Aircraft Accident Victims and their Families' .....and Doc 9973 - 'ICAO Manual on Assistance to Aircraft Accident Victims and their Families'

The above recommended practice became fully ***applicable*** (entered into force) on **25 February 2016**





**Updated** *Personal Note from the Author / Owner of this Information Article - March 2020*

The interested reader might wish to update him / her-self on ICAO's progress (up to late 2019) on the subject matter contained in this / our information article, following on from the introduction (February 2016) of the ICAO Annex 9 / Chapter 8.46 **recommended practice**, reproduced on the previous page . See the designated pages of the articles found by following the below 'pdf' links

The whole of the following PDF (from November 2018) should be of interest:

[https://www.icao.int/Security/FAL/ANNEX9/Documents/Special%20session Family%20assistance%20report%202030%20Nov%202018.pdf](https://www.icao.int/Security/FAL/ANNEX9/Documents/Special%20session%20Family%20assistance%20report%202030%20Nov%202018.pdf)

See pages 46 to 49 of the below (July 2019) European Union document:

<https://data.consilium.europa.eu/doc/document/ST-10716-2019-INIT/en/pdf>

From October 2019 - see Appendix C below, pages 73 to 74, paras 8 and 9

[https://www.icao.int/Meetings/a40/Documents/Resolutions/a40\\_res\\_prov\\_en.pdf](https://www.icao.int/Meetings/a40/Documents/Resolutions/a40_res_prov_en.pdf)

In summary, the evolution of the above ICAO Annex 9 / Para 8.46 (which applies to 'states [i.e. countries]) indicates that it will now become an ICAO '**standard**' sooner rather than later. Furthermore it is highly likely that the below is also 'in the pipeline' to:

*'.....consider introducing a **new Annex 9 Recommended Practice**, addressed to **aircraft** and **airport** operators, on the development of appropriate plans to provide timely and effective assistance to aircraft accident victims and their families - and to communicate them to ICAO.....'*

**Updated** *Personal Note from the Author / Owner of this Information Article - February 2023*

Around mid-summer 2022 the 'ICAO Recommended Practice' (as shown on the previous page) was (at long last) upgraded to an 'ICAO **Standard**' (in the 16<sup>th</sup> edition [2022] of ICAO Annex 9 - clause 4.7)

Furthermore, a new ICAO '**Recommended Practice**' was added (clause 4.8) - which (also at long last) put some degree of responsibility on **airlines** and **airports** (and thus **Ground Handling Agents** and others also closely involved) to produce, maintain and practice their own plans for providing timely and effective assistance to aircraft accident victims and their families

For more details re the above - see next page:





Capital letter 'I' (as in 'eye')

Extract from ICAO Annex 9 / Chapter 8 - FACILITATION (16<sup>th</sup> edition - July 2022)

## I. Assistance to Aircraft Accident Victims and their Families

8.42 **Standard.** The State of Occurrence of an **aircraft** accident (+ adjacent States as required) **shall** facilitate temporary entry into its / their territory/ies, of **family members** of **victims** of said accident

8.43 **Standard.** The State of Occurrence (+ adjacent States as required) **shall** facilitate temporary entry into its / their territories, of **authorized reps** of the accident aircraft's **operator** - and / or of any associated codeshare / alliance partner etc. - so as to enable it / them to provide assistance to **a)** accident survivors and their family members; **b)** family members of deceased victims and **c)** the relevant authorities in said States

(Note: Codeshare and Alliance etc. type agreements etc. might typically require 'partner(s)' to act as "first responder(s)" on behalf of the accident aircraft's operator, if the former can reach the accident location in a significantly quicker timescale than the latter)

8.44 **Recommended Practice.** In arranging for the entry of persons referred to in 8.42 above, the State of Occurrence and adjacent States **should not** require any travel document other than a passport - or an emergency travel document issued specifically to such persons - so as to enable them to travel to said States. However, where the State of Occurrence or an adjacent State **does** still require entrance visas etc. for persons referred to in 8.42 **and** 8.43 above, it should facilitate and expedite issuance of same

8.45 **Standard.** ICAO Contracting States **shall** make arrangements to issue emergency travel documents, as required, to any of their nationals who have survived said accident

8.46 **Standard.** ICAO Contracting States **shall** extend all necessary assistance (e.g. clearing customs, arranging transport, ensuring associated dignity etc.) in the repatriation of human remains to countries of origin etc. - if so requested by family members of the deceased and / or the accident aircraft's operator

8.47 **Standard.** ICAO Contracting States **shall** establish legislation, regulation and / or policies in support of assistance to **aircraft** accident victims and their families

(Note - Attention is drawn to ICAO Doc 9998, '**Policy** on Assistance to Aircraft Accident Victims and their Families' and ICAO Doc 9973, '**Manual** on Assistance to Aircraft Accident Victims and their Families' [Comment: note that at time of writing this extract, both aforesaid documents are now 10 years old!])

8.48 **Recommended Practice.** ICAO Contracting States **should** ensure that their associated **aircraft** and **airport** operators, as appropriate / relevant, develop appropriate plans to provide timely and effective assistance to aircraft accident victims and their families

(Note: such **Airport** operators' plans may be included in / form part of the associated **Aerodrome** Emergency Plan (AEP), as per / required by ICAO 'Annex 14 - **Aerodromes**')







**Further Explanatory / Useful Information** (i.e. not part of the above as originally produced by ICAO)

At most major, commercial airports, **non-based** (at any particular airport) **aircraft** operators (passenger airlines for purposes used here) rarely have significant numbers of their own staff serving their (own) associated flights. Instead, they contract the services of an appropriate '**ground handling agent - GHA**' so to do

**Thus the associated role of such GHA in airport (aircraft accident) emergency response ops is vital - and should thus be additionally accounted for by all concerned**, in addition to what has already been written on page 7 above

**Policy on Assistance to Aircraft Accident Victims & their Families (Doc 9998)**

At only 12 pages, the above 'policy document' is referred to herein for the purposes of context only. Interested readers can access it via the link provided on page 2

