

Safety

# **Investigation of NATO Nation Aircraft or Missile Accidents and Incidents**

Headquarters  
Department of the Army  
Washington, DC  
15 May 1980

**Unclassified**

# ***SUMMARY of CHANGE***

AR 385-42

Investigation of NATO Nation Aircraft or Missile Accidents and Incidents

This is a transitional reprint of this publication which places it in the new UPDATE format. Any previously published permanent numbered changes have been incorporated into the text.

Effective 15 June 1980

Safety

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Investigation of NATO Nation Aircraft or Missile Accidents and Incidents

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By Order of the Secretary of the Army:

**E. C. MEYER**  
*General, United States Army*  
*Chief of Staff*

Official:

**J. C. PENNINGTON**  
*Major General, United States Army*  
*The Adjutant General*

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**History.** This UPDATE issue is a reprint of the original form of this regulation that was published on 15 May 1980. Since that time,

no changes have been issued to amend the original.

**Summary.** This revision changes policy for use of accident reports, clarifies explanation of terms, and updates investigation procedures.

**Applicability.** See paragraph 2.

**Proponent and exception authority.** Not applicable

**Army management control process. Supplementation.** Local supplementation of this regulation is not permitted, except upon approval of the Deputy Chief of Staff for Personnel.

**Interim changes.** Interim changes are not official unless they are authenticated by The Adjutant General. Users will destroy interim

changes on their expiration dates unless sooner superseded or rescinded.

**Suggested Improvements.** The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA (DAPE-HRS), WASH DC 20310.

**Distribution.** To be distributed in accordance with DA Form 12-9A requirements for AR, Safety: Active Army, E; ARNG and USAR, None.

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\*This regulation supersedes AR 385-42, 7 May 1974.

**RESERVED**

## 1. Purpose

The purpose of this regulation is to carry out the provisions of STANAG 3531, Investigation of Aircraft/Missile Accidents/Incidents, which sets forth procedures for the investigation of these events within the NATO Armed Forces.

## 2. Applicability

This regulation applies to—

a. Active Army elements. It does not apply to the Army National Guard or the US Army Reserve.

b. All aircraft and missile accidents or incidents involving equipment, facilities, and personnel of two or more NATO member nations.

## 3. Reporting requirements

The requirements of this regulation are in addition to the reports shown in AR 385-40 for the US Army. If the aircraft or missile accident or incident involves toxic chemical materiel or nuclear weapons, the chemical accident/incident control provisions of AR 50-6 or AR 50-5 apply. Additional reporting requirements are under the reports control jurisdiction of the major oversea Army command according to AR 335-15.

## 4. Explanation of terms

a. *Aircraft*. Free balloons, gliders, airships, and flying machines, whether manned or unmanned.

b. *Missile*. Air to air, surface to surface, air to surface, surface to air, and aerospace vehicles other than aircraft, whether guided or unguided.

c. *Aircraft or missile accident or incident*. Any occurrence so classified by any of the nations involved and which involves projectiles. These projectiles can be of all types, whether guided or unguided and free falling, rocket propelled, or fired from a cannon.

d. *Aircraft or missile accident safety investigation*. A systematic and thorough analysis, research, or careful examination to disclose all relevant facts, conditions, and circumstances associated with or surrounding each aircraft or missile accident. It is conducted for the sole purpose of accident prevention. It is in addition to and separate from other investigations required by the laws of the nations involved.

e. *Aircraft or missile accident safety investigation committee*. A body comprised of such investigators and medical and technical advisers as needed by the country or each of the countries involved to carry out aircraft or missile accident safety investigations.

(1) *National committee*. A body formed by an operating nation to investigate accidents involving only equipment, facilities, or personnel of that nation.

(2) *Combined committee*. A body formed to investigate accidents involving equipment, facilities, or personnel of two or more member nations.

f. *Air force*. The air forces, naval air forces, and army air forces of the nations concerned.

g. *Nation involved*. The nation—

(1) Owning the aircraft or missile.

(2) On whose territory (including territorial waters or ship) the accident occurs.

(3) To whom the crew belongs.

h. *Operating nation*. The nation which owns the aircraft or missile. In certain cases, this explanation will not apply. Therefore, the nations concerned may agree that the operating nation is the nation under whose direct control the aircraft or missile was being flown or operated at the time of the accident or incident.

## 5. Policies

a. Each nation may conduct its own accident safety investigation. The proceedings and conclusions will be privileged. When permitted, representatives of other involved nations will be invited to attend.

b. Some NATO nations, either by law or by procedure—

(1) Permit reports of investigations into aircraft and missile accidents and incidents to be used in disciplinary or legal proceedings and for determining responsibility for claims.

(2) Feel that reports of investigations are privileged and are to be used only for accident prevention and safety.

c. A separate investigation to determine civil responsibilities may be conducted by the proper authorities of the country of occurrence. This is done according to the national laws of that country or other agreement between the governments concerned. When an investigation is required by disciplinary reasons, each nation concerned will be responsible for the conduct of the investigation.

d. The operating nation is responsible for accidents or incidents which occur in an airfield or launch site located in allied territory occupied by forces of another NATO nation.

e. Member nations will aid other member nations in investigating aircraft or missile accidents or incidents. When possible, they will release relevant information which does not compromise security or conflict with practices regarding privilege.

f. National authorities of the country of occurrence will respect any security restrictions imposed by the operating nation on the issue of statements to the press concerning accidents which occur in their territory. No statement will be issued without the consent of the operating nation.

g. When one nation carries out recovery of another nation's aircraft at that nation's request, payment of recovery costs will be as prescribed by STANAG 3113 ACS.

## 6. Responsibilities

Major US Army commanders within separate NATO complexes are responsible for the following:

a. Procedures for notifying involved countries of the accident or incident and safeguarding wreckage in an undisturbed condition until the safety investigators of each nation involved have released the wreckage.

b. Measures to establish a safety zone around the location when there is reason to suspect the presence of explosives or other hazardous conditions in an accident or incident pending further guidance from the operating nation.

c. Notifying other member nations of the names of the national agencies to be informed when equipment, facilities, or persons of that country are involved in an aircraft or missile accident or incident with the equipment, facilities, or persons of another country.

d. Designation of an authority to be advised when a combined aircraft or missile accident investigation is needed.

e. Procedures to investigate and report accidents and incidents.

## 7. Related documents

STANAG 3318, Medical Aspects of Aircraft Accident Investigations, and STANAG 3113 ACS, Provisions of Support to Visiting Personnel, Aircraft, and Vehicles, are related documents. In addition, addressees of appropriate military safety centers for NATO countries are included in and made a part of STANAG 3101. (See AR 95-30/AFR 127-11/OPNAVINST 3750.16B/CG 307.)

## 8. Investigation procedures

a. When an accident or incident occurs involving aircraft or missiles of one or more nations on another nation's territory or ship, the military authorities of the country of occurrence will perform the following:

(1) Assist injured crews and remove fatalities. In the event of fatal accidents—

(a) An officer detailed to the country of occurrence will take legal steps required by the local civil authorities.

(b) Local military authorities will accord honors to fatalities as prescribed by their regulations.

(c) Fatalities will be treated according to the desires of the nations concerned.

(2) Provide a medical doctor, preferably with specialist aeromedical qualifications, to—

(a) Initiate any necessary medical investigation according to STANAG 3318.

(b) Assist the medical member or adviser to the aircraft or missile accident safety investigation committee.

(3) Request national or local authorities to keep the scene of the accident guarded and untouched until the proper accident safety investigation committee assumes control. If the wreckage must be moved for technical or social reasons or to prevent further damage to the aircraft or missile, a reconstruction must be made by means of photographs, drawings, maps, and witnesses.

(4) Report the accident according to current procedures of the country of occurrence. The country of occurrence will promptly notify the nearest representative of the allied authorities of the countries concerned (e.g., military attaches, nearest air force, army, or naval base). The nation operating the aircraft or missile will be invited to send an accident safety investigation committee.

(5) Report to the operating nation's authorities the names (where known) of injured persons, giving their location and the seriousness of their injuries.

b. No person may sit on the investigating committee or act as an observer who, in the line of duty—

(1) May be directly associated with the cause factor(s) of the accident or incident.

(2) May have personal interest in the outcome of the investigation.

## 9. National safety investigations

a. The nation operating the aircraft or missile concerned is responsible for the accident safety investigation. However, when the operating nation does not wish to investigate an accident, the nation on whose territory the accident occurred will be responsible for the investigation. An officer (or officers) of the country of occurrence may, with the consent of both countries, be attached to the operating nation's investigating committee as an official assistant or observer. This officer will provide an interpreter if needed.

b. The operating nation's authorities will begin investigations after notifying the appropriate air force staff of the country of occurrence and the proper national headquarters.

c. Medical aspects of aircraft accident investigations will be according to STANAG 3318.

d. An officer of the country of occurrence will be sent at once to the scene of the accident to perform the following:

(1) Collect in advance all possible written statements and other evidence for the investigating committee.

(2) Assist the investigating committee as needed.

(3) Act as the liaison between the civil authorities of the country of occurrence and the accident safety investigation committee.

e. When a member nation does not wish to take part in a safety investigation, the president of the accident investigation committee may receive evidence, oral or written, that is relevant to the investigation. Such evidence may be accepted, whether or not it would be admissible in a civil court. Evidence of any type, sworn or unsworn, or expert opinion may be accepted by the committee and any reasonable inferences should be drawn.

## 10. Combined safety investigations

a. *General.* All aircraft and missile accidents or incidents involving equipment, facilities, or persons of two or more member nations normally will be investigated by a combined aircraft or missile accident safety investigation committee. If equipment, facilities, or personnel of any other member nation were contributory causes to the accident, that nation will be notified and invited to take part in a combined investigation.

b. *Composition of the combined aircraft or missile accident safety investigation committee.*

(1) The combined committee will consist of such investigators and technical advisers deemed necessary by each of the countries involved.

(2) When notified of an aircraft or missile accident falling within the category in *a* above, the nations involved will advise the headquarters of the air force or missile arm of the country of occurrence of the names of the officers in their investigating group. The nations

will also identify the officer who will serve as the senior member of their group.

(3) The investigators and technical advisers of member nations involved will be formed into one investigating committee. They will work under the unified direction of a coordinating group.

(4) The coordinating group will consist of the senior member of each nation's investigating group.

(5) The most senior member of the group appointed by the operating nation will be president of the combined committee.

(6) When aircraft or missiles of two nations are involved in accidents over the territory of a third nation, the president of the combined committee will be determined by agreement among the nations involved.

(7) When the committee is unable to present a unanimous conclusion as to the prime and contributory causes of the accident, each national point of view will be stated.

c. *Coordination of investigating efforts.* The coordinating group will—

(1) Be responsible for overall direction of the investigation.

(2) Organize the investigating committee into specialized subcommittees, as needed.

(3) Conduct the investigation according to procedures normally used by the operating nation.

d. *Reporting.*

(1) The investigation committee will report its combined findings. The report will include the following data:

(a) Factual circumstances.

(b) Investigation and analysis.

(c) Findings and conclusions.

(d) Recommendations.

(2) Attach statements or exhibits to the report if they will make the findings more meaningful and comprehensive. The chief investigator of each nation involved will show his or her concurrence or nonconcurrence on the report. This combined report may be separate from any other report required by regulations of the individual nations. Copies of the combined report will be sent to the nations taking part in the investigation.

(3) When one nation involved cannot take part in a combined investigation, that nation may request and receive copies of all original reports and conclusions of the investigation committee. When a combined investigation is not conducted because a nation involved declined to take part, copies of the investigation report will not be made available if privileged status precludes release of such reports.

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