

AGREEMENT

BETWEEN

**the National Bureau of Air Accident and Incidents
Investigation with Civil Aircraft (NBAAI)**

of

Ukraine

AND

the Dutch Safety Board

of

the Netherlands

on

DELEGATION OF INVESTIGATION

IN RESPECT OF

AIRCRAFT ACCIDENT INVOLVING

BOEING 777-200, REGISTRATION: 9M-MRD

**“MALAYSIA AIRLINES”
FLIGHT MH17**

1. INTRODUCTION

1.1 An accident has occurred in the territory of Ukraine on 17 July 2014 involving Malaysia Airlines Flight MH17.

1.2 The flight originated in the Netherlands and a large number of the deceased passengers were of Dutch nationality.

1.3 This Agreement expresses the delegation in whole of the investigation of the abovementioned accident by the *National Bureau of Air Accidents and Incidents Investigation with Civil Aircraft (NBAA)* of Ukraine to the *Dutch Safety Board* of the Netherlands, hereinafter referred to as the Parties to this agreement. The *Dutch Safety Board* of the Netherlands is expected to be responsible for the conduct of the investigation, including issuance of the Final Report and the ADREP reporting.

1.4 It is recognized that both Ukraine, and the Netherlands, are parties to the Convention on International Civil Aviation (The Chicago Convention) and that they are therefore bound by the Standards contained in Annex 13 — *Aircraft Accident and Incident Investigation* to the Chicago Convention (hereinafter referred as Annex 13) concerning accident and serious incident investigation.

Note.— Both States shall advise each other of their respective existing differences that have been filed or that will be filed against the Standards of Annex 13.

1.5. The Parties recognize that the investigation is conducted under factual circumstances which does not allow Ukrainian authorities to exercise effective control over the territory of crash site, including wreckage and flight recorders.

1.6 Both parties to this agreement are authorized by their respective Governments to act as the national authority in respect of aircraft accident and serious incident investigation matters.

1.7 This Agreement is in accordance with Annex 13, Standard 5.1, which states “The State of Occurrence shall institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation, but it may delegate the whole or any part of the conducting of such investigation to another State or a regional accident investigation organization by mutual arrangement and consent. In any event, the State of Occurrence shall use every means to facilitate the investigation.”

1.8 In accordance with Annex 13, Standard 5.18, the State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall each be entitled to appoint an accredited representative to participate in the investigation. Additionally, in according to Annex 13, Standard 5.23, any State which on request provides information, facilities or experts to the State conducting the investigation shall be entitled to appoint an accredited representative to participate in the investigation.

1.9. The Parties agreed that accredited representative of Ukraine, Ukrainian advisors and experts shall be entitled to participate in investigation.

1.10. The Parties agree that the procedures for the transfer of this accident victims' corps and remains shall be subject for separate arrangements.

2. TERMINOLOGY

2.1 The definitions used in this document have the same meaning as that ascribed to them in Annex 13 — *Aircraft Accident and Incident Investigation*.

3. THE PURPOSE OF INVESTIGATION

3.1 The purpose of investigating accidents or incidents in accordance with Annex 13 is the prevention of accidents and incidents. It is not the purpose of such an investigation to apportion blame or liability.

4. CODE OF CONDUCT

4.1 This Agreement serves to foster cooperation and mutual assistance between the parties in implementing the provisions of Annex 13. Each party shall strive to overcome difficulties that may arise due to differences in languages, national cultures, legislative systems or geographic locations.

5. DELEGATION OF INVESTIGATION BY THE STATE OF OCCURRENCE

5.1 The two parties agree to work together to ensure that a competent investigation is conducted in accordance with the procedures and intent of Annex 13.

5.2 The Parties shall exchange with information necessary for the purposes of this accident investigation. In accordance with the relevant laws of the respective States, any such information provided should be treated with at least the same rules with respect to confidentiality as those to which the providing party is bound.

6. ROLE OF ICAO

6.1 The Parties acknowledge that the International Civil Aviation Organization (ICAO) assists in the conduct of the investigation and that flight recorders shall remain under the control of ICAO.

7. COORDINATION

7.1 The contact person in *National Bureau of Air Accidents and Incidents Investigation with Civil Aircraft (NBAA)* of *Ukraine* for the implementation of this agreement is:

Mr. Oleg Babenko

Director..... (Title)

National Bureau of Air Accidents and Incidents Investigation with Civil Aircraft
(Agency/Authority)

Peremohy av., 14, Kyiv, 01135, Ukraine.....(Address)

Tel.:

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7.2 The contact person in *Dutch Safety Board of the Netherlands* for the implementation of this agreement is:

Mrs. Iep Visser, LLM(Name)

General Secretary.....(Title)

Anna van Saksenlaan 50, 2593 HT The Hague, Netherlands.

Tel.:

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.....(Name)
Co-ordinator primary investigation/technic.....(Title)
Anna van Saksenlaan 50, 2593 HT The Hague, Netherlands..... (Address)

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Fax:

8. ENTRY INTO FORCE AND TERMINATION

8.1 This Agreement will come into effect on the date of signature.

8.2 The Agreement may be terminated by mutual consent of the Parties.

DONE at Kyiv, the 23rd day of July, 2014, in duplicate, in the English and Ukrainian languages, both texts being equally authentic.

*For National Bureau of Air Accidents
and Incidents Investigation
with Civil Aircraft*



Oleg Babenko

Director

For Dutch Safety Board



Iep Visser

General Secretary