



Department
for Transport

From the Minister for Aviation,
Maritime and Security
[REDACTED]

Department for Transport
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P Bennett
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28th July 2025

Dear Mr Bennett,

Prevention of Future Deaths Notice Response

Thank you for your report of 10th June 2025 (Case Reference [REDACTED] made under the Coroners and Justice Act 2009 and the Coroners (Investigations) Regulations 2013, following the conclusion of the inquest conducted into the death of Richard Mohamed Fekry Osman. I am responding as Minister for Aviation, Maritime and Security.

I was deeply saddened by the circumstances of Mr Osman's death and extend my condolences to Mr Osman's family and friends.

The UK Civil Aviation Authority (CAA) is addressing Point 1 of the Coroner's Prevention of Future Deaths Notice in their own response. This letter is to address Points 2) (a) and (b) of your report:

(2) That a drafting committee be convened to consider amending Annex 13 of the Convention on International Civil Aviation signed at Chicago on 7 December 1944 to provide:

- (a) a right for states entitled to participate in an investigation to have access to evidence to enable those participating states to release a statement in accordance with Chapter 6.6.1 in circumstances where they have been excluded from an investigation by the state of occurrence;*

(b) A right of states entitled to participate in an investigation to take over conduct of an investigation in circumstances where a state of occurrence does not produce a final report within a reasonable timeframe and does not produce interim statements indicating the progress of the investigation and safety issues raised within a reasonable timeframe and has not otherwise consented to the delegation of the investigation in accordance with Chapter 5.1.

The Department for Transport (DfT) is committed to working with other agencies, both domestically and internationally, to strive towards zero accidents involving commercial air transport that result in serious injuries or fatalities and no serious injuries or fatalities to third parties as a result of aviation activities.

As a signatory to the Chicago Convention on Civil Aviation, the investigation of all aircraft accidents involving the United Kingdom and its citizens is governed by the International Civil Aviation Organization (ICAO), as detailed in *Annex 13 to the Convention on International Civil Aviation*.

All ICAO member states can contribute to the development or modification of a Standard and Recommended Practice (SARP). Other than in exceptional circumstances, member states are expected to transpose the contents of a SARP into domestic regulations. There are currently 193 ICAO member states, including Egypt, France and the United Kingdom. The United Kingdom has transposed the contents of *Annex 13* into domestic law through *The Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2018*.

Annex 13 clearly sets out the roles in air accident investigation. Where a state has the technical competencies to do so, the state of occurrence will lead on the accident investigation, for EgyptAir Flight 804 investigation this was the Egyptian Aircraft Accident Investigation Directorate (EAAID). The investigative authorities of the state(s) where the aircraft and its engines were designed and/or manufactured are afforded the status of 'accredited representative', which allows them full access to and participation in the investigation. As the state of design and manufacture of the aircraft type, the French aircraft accident investigation authority, the Bureau of Enquiry and Analysis for Civil Aviation Safety (BEA) participated in the accident investigation, as did the National Transportation Safety Board (NTSB), as the state of design of the aircraft's engines.

Investigative authorities from states whose nationals were killed or injured in an accident are afforded 'expert' status in accident investigations, the United Kingdom's Air Accidents Investigation Branch (AAIB) was assigned this status for the EgyptAir Flight 804 investigation as one British national had died. 'Expert' officials have more limited access to the investigation and are only entitled to visit the scene of the

accident, access information approved for public release, receive information on the progress of the investigation and receive a copy of the final report.

It is already the case that accredited representatives (usually investigators from the state of design, operation or registry) have full access to the investigation materials and evidence. There are safeguards in place to protect evidence in accident investigations being more widely available for very good reasons. These include people being more likely to cooperate knowing any evidence they provide will not be used against them in civil or criminal proceedings. This contributes to a “just culture” of being open and honest and prioritising learning over assigning blame. There are also ethical considerations about protecting individuals involved and controlling access to evidence which also helps maintain the chain of custody. Therefore with regard to Point 2a, we do not believe further amendments regarding access to evidence are necessary.

In relation to Point 2b, since the accident ICAO has amended Annex 13 via SARP 5.1.3 (Amendment 17 of Annex 13) introducing the right for another state to request that they take over investigative responsibility should no investigation be initiated within thirty days and giving states the right to do their own investigation using widely available information if no investigation is then initiated. ICAO also encourages states to release information publicly in the early days of the investigation. It is important to maintain clear roles and parameters for involvement in accident investigations to ensure they remain impartial, they are investigated thoroughly and lessons are learned to prevent future recurrence.

The DfT believes the above provides adequate assurance that accidents involving British nationals abroad will be appropriately investigated.

The safety of the travelling public is a priority and the DfT will continue to prioritise improvements to global aviation safety.

Yours sincerely,



MINISTER FOR AVIATION, MARITIME AND SECURITY