

Civil aviation safety: investigation and prevention of accidents and incidents

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Pending the European Parliament's position at first reading, the Council agreed on a **general approach** on the draft regulation on investigation and prevention of accidents and incidents in civil aviation (doc. [7085/10](#)).

The overall objective of the draft regulation is to ensure that safety investigations are carried out expeditiously and to the highest standards in order to prevent future accidents, without apportioning blame or liability. To this end, current informal cooperation among national safety investigation authorities will be transformed into a European network of civil aviation safety investigation authorities. The cooperation thus strengthened will be complemented by a set of compulsory rules for safety investigations.

Discussing the draft regulation, the delegations that still had reservations on some issues were able to lift them. However, some Member States pointed out that certain issues, such as the **relationship between safety investigations and judicial investigations**, would need to be further discussed in the course of negotiations with the European Parliament on the text. Moreover, the Commission considers that the obligation to investigate should also cover **serious incidents involving smaller aircraft** and intends to bring up this issue in the forthcoming discussions with Parliament.

As regards the time limit for making available the list of persons on board an aircraft when an accident occurs, the Council agreed that such a list should be produced as soon as possible, but at the latest within two hours after the accident so that relatives of persons on board can be informed without delay.

The network to be established will be composed of the heads of the civil aviation safety investigation authorities or their representatives and be chaired by one of its members for a mandate of three years. Its purpose is to contribute to better implementation of EU civil aviation investigation legislation and enhanced availability of investigation capacity throughout the Union. Cooperation through the network includes exchange of information, promotion of best practices, sharing of resources and provision of assistance. The network will also facilitate cooperation with the Commission and the European Aviation Safety Agency (EASA). It will have an advisory and coordination role and will not have the status of a new EU body. Responsibility for safety investigations will rest with the national authorities.

As regards the conduct of safety investigations, the draft regulation includes in particular the following common requirements:

- every accident has to be investigated by an independent body, that is, the safety investigation authority of the Member State in which the accident occurred. Such an investigation also has to be undertaken in the case of a serious incident involving aircraft with a maximum take-off mass of over 2250 kg;
- the state of registry, the state of the operator, the state of design and the state of manufacture of the aircraft concerned will be invited to designate accredited representatives to participate in the safety investigation;
- when appropriate, the EASA should be invited to appoint a representative to participate as an advisor in investigations under the control and at the discretion of the national authority in charge;
- coordination has to be ensured between safety investigations and possible judicial investigations instituted in parallel.

The text sets out the rights and obligations of safety investigators and provides for protection of sensitive information and procedures for follow-up of safety recommendations issued as a result of the investigations. It also contains provisions on assistance to victims and their families.

The proposed regulation is designed to modernise the existing EU legal framework in this field. It will replace Directive 94/56/EC, which laid the foundations of the European investigation and prevention system in civil aviation.