

Civil aviation safety: investigation and prevention of accidents and incidents

2009/0170(COD) - 20/10/2010 - Final act

PURPOSE: the adoption of new rules on investigation and prevention of accidents and incidents in civil aviation and to strengthen the rights of the victims of such catastrophes.

LEGISLATIVE ACT: Regulation (EU) No 996/2010 of the European Parliament and of the Council on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC.

CONTENT: following an agreement with the European Parliament at first reading, the Council adopted a Regulation on the investigation and prevention of accidents and incidents in civil aviation which updates the existing legal framework in this field.

The new Regulation replaces Directive 94/56/EC which laid the foundations for the European system of investigation and prevention in the civil aviation field. It applies to safety investigations of serious accidents and incidents and aims to improve aviation safety by ensuring a high level of efficiency, expediency, and quality of European civil aviation safety investigations, the sole objective of which is the prevention of future accidents and incidents without apportioning blame or liability, including through the establishment of a European Network of Civil Aviation Safety Investigation Authorities.

It also provides for rules concerning the timely availability of information relating to all persons and dangerous goods on board an aircraft involved in an accident. It also aims to improve the assistance to the victims of air accidents and their relatives.

Authority responsible for safety investigations: each Member State shall ensure that safety investigations are conducted or supervised, without external interference, by a permanent national civil aviation safety investigation authority capable of **independently** conducting a full safety investigation, either on its own or through agreements with other safety investigation authorities. A safety investigation authority from one Member State may request the assistance of safety investigation authorities from other Member States.

Obligation to investigate: every accident or serious incident involving aircraft other than specified in Annex II to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (EASA) shall be the subject of a safety investigation in the Member State in the territory of which the accident or serious incident occurred. Any person involved who has knowledge of the occurrence of an accident or serious incident shall notify **without delay** the competent safety investigation authority of the State of Occurrence thereof.

Safety investigation authorities shall, provided that the requirement of no conflict of interest is satisfied, invite **EASA and national civil aviation authorities** of the Member States concerned, within the scope of their respective competence, to appoint a representative or to participate in investigations. Where a **judicial investigation** is carried out in parallel, it must in coordination with the safety investigation, the independence of which must be respected.

Each safety investigation shall be concluded with a **report** in a form appropriate to the type and seriousness of the accident or serious incident. The report shall state that the sole objective of the safety

investigation is the prevention of future accidents and incidents without apportioning blame or liability. The report shall contain, where appropriate, safety recommendations.

European Network of Civil Aviation Safety Investigation Authorities: the currently informal cooperation between national civil aviation safety investigation authorities is transformed into a more formal European network.

The Network shall seek to further improve the quality of investigations conducted by safety investigation authorities and to strengthen their independence. In particular, it shall encourage high standards in investigation methods and investigator training. Its **tasks include** advice on all aspects relating to the development and implementation of Union policy and rules in relation to safety investigations, the exchange of information, the promotion of best practices, the coordination of training activities and skills development for investigators, and the pooling of means and assistance. The network will also facilitate cooperation with the Commission and the EASA.

Information and assistance to victims: when an accident occurs, airlines are required to communicate: i) as rapidly as possible, and at the latest **within two hours** of the notification of the occurrence of an accident, the list of all persons on board; b) immediately after the notification, the list of dangerous goods on board.

Airlines shall offer travellers the opportunity to give the **name and contact details of a person** to be contacted in the event of an accident. Each Member State shall establish a civil aviation **accident emergency plan** at national level. Such an emergency plan shall also cover assistance, including psychological support, to the victims of civil aviation accidents and their relatives.

ENTRY INTO FORCE: 02/12/2010.