

Investigations into accidents and incidents in civil aviation

1993/0519(SYN) - 21/11/1994 - Final act

OBJECTIVE: to improve air safety by facilitating the expeditious holding of investigations, the sole objective of which is the prevention of future accidents or incidents. **COMMUNITY MEASURE:** Council directive 94/56/EC establishing the fundamental principles governing the investigation of civil aviation accidents and incidents. **CONTENT:** The basic principles proposed are as follows: . every accident or serious incident and certain civil aviation incidents to be investigated, the sole objective being to prevent them from happening again; . scope of investigations: investigations to be limited to accidents and incidents on Community territory or involving an aircraft registered in a Member State or operated by an undertaking established in a Member State, where such investigations are not carried out by another state; . a clear distinction to be made between the judicial enquiry (to establish liability) and the technical investigation (which now has enhanced status); . action which the investigators are authorised to take (free access to the site of the accident and to the aircraft, immediate listing of evidence, immediate access to flight recorders, access to the bodies of victims etc.); . the body or entity in charge of the investigation to be a permanent, independent body which may call on the bodies or entities of other Member States for assistance; . these agencies or bodies to publish an accident report in the shortest possible time, if possible within 12 months of the date of the accident. This report may contain safety recommendations; . Member States to monitor the action taken on safety recommendations; . the investigation to be protected from being used for purposes other than accident prevention; . the principle whereby a safety recommendation does not under any circumstances create a presumption of blame or liability for an accident or incident; . Directive 80/1266/EEC on future cooperation and mutual assistance between the Member States in the field of air accident investigation (OJ L375/80) to be repealed; . examples of serious incidents are listed in the annex to the directive. **DATE OF ENTRY INTO FORCE:** 1 January 1995 **DATE OF TRANSPOSITION:** 21 November 1996