



## ENCASIA OPINION

### CONCERNING

#### The Use Of Investigation Reports In Judicial Investigations

EUROPEAN COMMISSION

20. July 2012

DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

DIRECTORATE E - Air Transport

**E.3 - Aviation safety**

**Head of Unit**

In May 2012, a Greek court sentenced three executives and an engineer from defunct Helios airline to 10 years in jail pending an appeal for the 2005 crash, which killed all 121 passengers and crew on board.

In an October 2006 report on the crash, Greek investigators cited human error as the main cause of the crash, saying the pilots and a ground engineer had left cabin pressure controls at an incorrect setting.

The report also cited Boeing for ineffectiveness of measures, since the same alarm was used for two different problems, resulting in the pilots misinterpreting the information.

With regard to Article 7(3) of Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010, on the investigation and prevention of accidents and incidents in civil aviation, and taking into account Note 1 of paragraph 5.12.1 of ICAO Annex 13, the European Network of Civil Aviation Safety Investigation Authorities (ENCASIA) wish to advise the European Commission of its significant disquiet regarding the use of Safety Investigation Authority reports and investigators in judicial proceedings.

EU996/2010 makes specific provision for the co-ordination of judicial and safety investigations allowing both parties access to evidence for them to develop independent lines of enquiry. The sole objective of Safety Investigation Authority reports however, is the prevention of future accidents and incidents without apportioning blame or liability.

ENCASIA believe that the inappropriate use of aircraft accident investigation reports in subsequent civil, administrative and criminal proceeding, developed from information given voluntarily by persons interviewed during an investigation may, in the future, cause information to no longer be openly disclosed to investigators and the lack of access to such information would impede the investigation process and seriously affect flight safety.

Chairman

Deputy Chairman