

Directorate-General
for Energy
and Transport



LEARNING FROM ACCIDENTS

Proposal for a Regulation on investigation and prevention of accidents and incidents in civil aviation

European Commission
DG TREN – Air Transport Directorate
Air Safety

● **Current regulatory framework**

Accident Investigation (Directive 94/56)

- Mandatory investigation of each accident and serious incident with the only objective to prevent its recurrence
- Separation between judicial enquiry and safety investigation with the reinforcement of the latter's statute
- Permanent and independent investigation body with sufficient resources to be established in each Member State
- Mandatory publication of investigation reports containing conclusions and safety recommendations
- Follow-up to safety recommendations

● **Current regulatory framework**

Occurrence reporting (Directive 2003/42)

- Pro-active prevention of accidents and incidents
- Sole objective to improve safety and not to attribute blame or liability
- Improvement of air safety by ensuring that the relevant information on safety is reported, collected, stored, protected and disseminated
- Central repository established (ECCAIRS database) to store and process the reports at the EU level



● Why a reform is necessary ?

- Much more complex organisation of the air transport sector than a decade ago
- More divergence in the investigating capacity of the EU Member States compared to 1994
- New legal and institutional environment (adoption of European aviation safety rules, establishment of the European Aviation Safety Agency)
- Wealth of practical experiences in the application of Directive 94/56/EC by the Community and the Member States

● What are the issues to be addressed ?

- Quality of safety investigations in the Community and the uniformity in the investigating capacity of the Member States
- Protection of the rights of the victims of air accidents
- Independence of safety investigations and protection of sources of information
- The role of Community (EASA in particular) in accident investigation
- Management and implementation of safety recommendations (especially of EU-wide concern)

● Who is affected ?

- The travelling public and the victims of air accidents
- The National Safety Investigating Authorities of the Member States
- The Community and the European Aviation Safety Agency in particular
- The European air transport industry and aviation professionals
- Judicial authorities of the Member States
- Third countries, where Member States are entitled to participate in foreign investigations through accredited representatives

● **What are the possible policy options ?**

- Do nothing ('baseline scenario')
- Establish a European Civil Aviation Safety Board
- Promote voluntary co-operation between the Member States
- Back voluntary cooperation by a number of principles enshrined in law

● European Civil Aviation Safety Board

- Meeting all the policy objectives and addressing identified problem areas
- Preferred option of the industry (especially manufacturers) but controversial amongst the Member States
- High risks to implementation in the EU context (legal and practical issues)
- High social costs
- Could be an option for the future



● Promotion of voluntary co-operation

- Based on the existing cooperation of the National Safety Investigation Authorities of the Member States
- Expected to bring additional safety and efficiency benefits (coordination of investigation resources, training, exchange of safety information etc.)
- Lack of a clear mandate to act in a legally binding framework
- Not expected to provide the necessary legal certainty regarding protection of the sources of information and the roles of the parties involved

● Voluntary cooperation backed by a legal mandate – the Commission's proposal

- Building on the provisions of Directive 94/56/EC (occurrence reporting addressed only to a very limited extent), and Annex 13 to the Chicago Convention
- Scope covering also 'participation rights' (Directive Directive 94/56/EC focused on the rights and obligations of the State of Occurrence only)
- Does not shift the current division of responsibilities for accident investigation, which rest with the Member States
- Obligation to investigate all accidents and serious incidents involving civil aviation aircraft other than « EASA Annex II aircraft »
- Member States free to investigate other events if they expect that safety lessons can be learned



● **Voluntary cooperation backed by a legal mandate – the Commission's proposal**

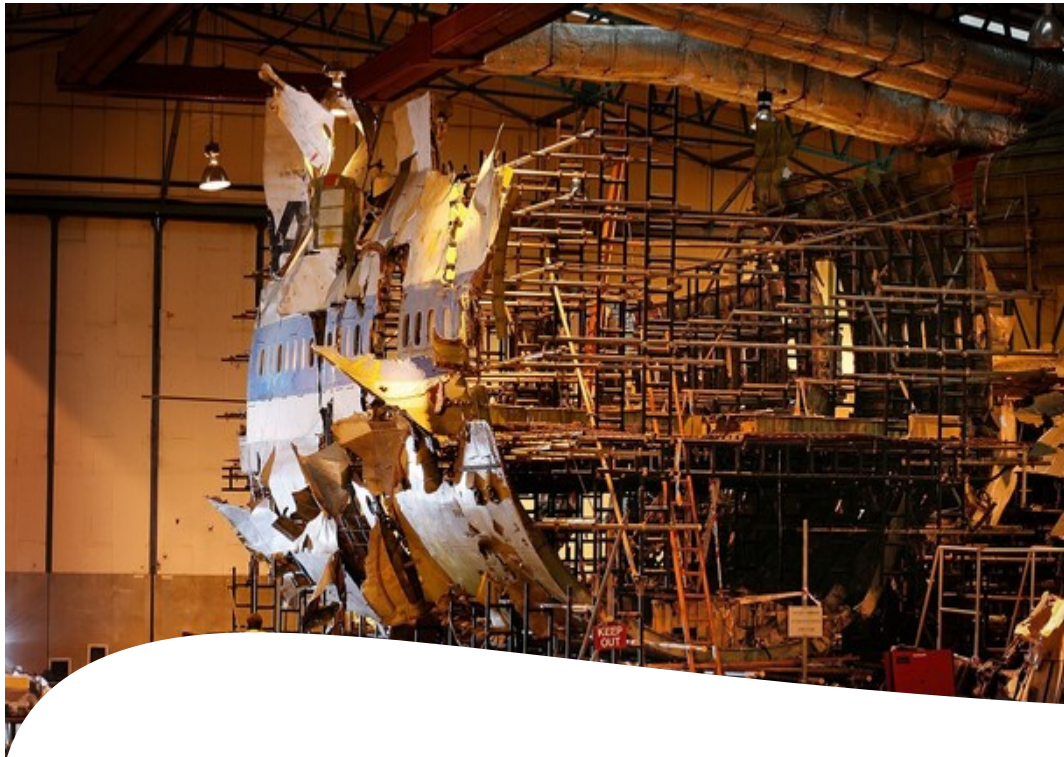
- Establishment of a European Network of Civil Aviation Safety Investigation Authorities
- Strengthening the independent status of safety investigations
- Clarification of the participation rights of EASA without affecting the independence of investigations
- Better protection of the rights of victims of air accidents (access to information, passenger lists, right to assistance)
- Better implementation of safety recommendations (obligation to reply to a recommendation, European database of safety recommendations etc.)
- Better coordination between safety investigations and judicial proceedings
- Stronger protection of evidence and sensitive safety information without affecting the administration of justice

● **European Network of Civil Aviation Safety Investigation Authorities**

- Independent platform for cooperation between the national safety investigation authorities, the Commission and EASA
- Building on the already existing cooperation between the Member States (Council of European Aviation Safety Investigation Authorities)
- Having a clear mandate to act within a legally established framework
- Discharging a number of central functions to be defined in an annual work programme (sharing of resources, coordination of training etc.)
- No legal personality under the Community law (but having a status of a body pursuing an aim of general European interest)

● Expected benefits

- Better and more uniform quality of accident investigations across the EU
- Better protection of the rights of the victims of air accidents
- More independence for accident investigation bodies and better protection of sensitive safety information and their sources
- Clarity as to the roles of the various actors involved in accident investigation at the national and Community level
- Improvement of air safety by better implementation of safety recommendations)



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For more information visit:

http://ec.europa.eu/transport/air/safety/accident_investigation_en.htm

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