



Opinion of AAE following adoption of the

European Regulation on Investigation and Prevention of Accidents and Incidents in Civil Aviation

The Opinions



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**REGULATION OF THE
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OF THE COUNCIL**

**on Investigation and Prevention of
Accidents and Incidents in Civil
Aviation**

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AAE Opinion following adoption of the REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Investigation and Prevention of Accidents and Incidents in Civil Aviation

The Air and Space Academy has carefully considered the new **Regulation (EU) of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation (No. 996/2010)**.

The Parliament and the Council of the European Union have adopted this Regulation, which has been in force in the European Union since December 2, 2010.

In a first step the Air and Space Academy had, on 17 June 2010, released a statement (Opinion No.2) based on a draft version of this text. Today we are satisfied that the adopted text embraces a pragmatic approach with the aim of further

enhancing the professionalism and credibility of the civil aviation safety investigation authorities, as the Air and Space Academy had wished for at this stage.

Implementation of this text, which is directly applicable across the European Union, will entail cleaning up some legal or regulatory texts in EU member states to remove previous provisions which may appear in contradiction with the new Regulation. Likewise, previous provisions and practices governing the functioning of civil aviation safety investigation authorities should be modified, notably in terms of their independence and the means at their disposal, and the reinforcement of the protection of certain information.

The new Regulation can be consulted on the following websites:

- <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:295:0035:0050:EN:PDF>
- <http://eur-lex.europa.eu/JOHtml.do?uri=OJ:L:2010:295:SOM:EN:HTML>

Provisions relating to coordination between the technical safety investigation and the judicial investigation when there is one – which recognise that a thorough, fast and credible technical investigation is crucial for the safety of the billions of passengers carried each year (2.5 billion in 2010, ICAO data) – must be clearly applied, notably:

- by determining a real process of arbitration between the needs of the judicial investigation and those of the safety investigation when the judicial authority is led to ask for a waiver of confidentiality stipulated by the regulation in its article 14 ;
- by the swift preparation and implementation of agreements as required by the Regulation to organise cooperation between safety investigation authorities and other authorities likely to be involved in the activities related to the safety investigation, including judicial authorities.

Lastly, the Regulation stipulates that plans should be set out for assistance to victims of civil aviation accidents and their relatives, and the appointment of a reference person as a point of contact for their information. The Air and Space Academy considers that these provisions should be made more precise in order to meet the needs of the victims and their relatives in terms of understanding the accident and its causes on the basis of the results of the safety investigation.

The Air and Space Academy notes that the new Regulation will be examined no later than 3 December 2014, thus ensuring that experience obtained in the meantime is taken into account and in order to assess whether fundamental modifications should be made, notably within the long-term perspective of a European centralised authority for safety investigations.