



Opinion of AAE on the

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

The Opinions



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Academy on the**

**PROPOSAL FOR A REGULATION
OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

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

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

Preamble

The Air and Space Academy supports the principle of a regulation of the European Parliament and the Council on investigation and prevention of accidents and incidents in civil aviation.

Investigations into aircraft accidents and certain significant incidents constitute a highly effective tool, as demonstrated by the remarkable improvement in the safety level of passenger air transport in recent decades. These investigations, and the organisations that perform them, must therefore

benefit from the attention of policy-makers in order to pursue this process of permanent progress, a human and economic necessity and a prerequisite for the healthy development of civil aviation.

These investigations represent the best way of determining the causes of aviation accidents and as such are also valuable to all those who, in whatever capacity and particularly those close to victims, wish to better understand the reasons for such a brutal end to human lives.

NB: The present opinion was elaborated after consultation of:

- *the version of the regulation proposal diffused by the Council on 12 March 2010*
- *the report of the European Parliament (rapporteur Christine de Veyrac) dated March 23, 2010*

1) Objective and stages

The Air and Space Academy considers that for investigations into accidents and significant incidents affecting civil aviation in Europe there can ultimately be only one organisation, comparable to the US National Transportation Safety Board in its scope of responsibility, means and credibility.

The Air and Space Academy considers that all stages towards this objective, in particular the proposed regulation currently under debate, must instigate progress of a pragmatic nature, developing professionalism and credibility. The contents of the regulation to be adopted could therefore be subject to re-examination after several years of concrete implementation.

2) Independence of the safety investigation authority

The Air and Space Academy considers that full confidence on the part of the public and their representatives in the independence and competence of the safety investigation authority is an essential element in the effectiveness

of its action. Excellent transparency is thus required for all statutes relating to organisation and operation (composition, operational and budgetary affiliations, designation of investigators, call for required skills, diffusion of information, etc.). The safety investigation authority must nevertheless be able to ensure the confidentiality of sensitive data collected during its investigations in order to preserve and develop the practice of very frank feedback reports.

3) Link between the safety investigation and the judicial investigation

The Air and Space Academy considers that the safety investigation authority must have unlimited access to all elements, tangible or intangible, that contribute to a better understanding of the causes of the accident or incident under examination.

Therefore, if the judicial authority has cause to intervene, within the context of its functions as defined by national law and international treaties, it should not impede the safety investigation authority's free performance of its

missions. The latter should make available to the judicial authority all elements it has collected according to conditions detailed in the regulation. Similarly, the regulation should detail the circumstances in which the judicial authority may recover control of the evidence or request access to sensitive data collected by the safety investigation authority, notwithstanding the principle of confidentiality mentioned above. For this reason, the safety investigation authority should process all elements likely to constitute evidence in a way which does not deteriorate their quality in legal terms.

4) Participation of the European Aviation Safety Agency in safety investigations

The Air and Space Academy considers that the regulation should specify that the European Aviation Safety Agency (EASA) should meet requests from the safety investigation authority for technical assistance from EASA personnel. Equally, the safety investigation authority should regularly provide EASA with information on the

progress of the investigation; it should especially take great care to promptly transmit any information likely to entail urgent action on the part of EASA in order to maintain the safety and efficiency of civil aviation. If this urgent action comes within the scope of national authorities, the information must be forwarded to them without delay.

5) Status of the network

The Air and Space Academy considers that the creation and development of a network of safety investigation authorities, without losing sight of the ultimate objective indicated in paragraph 1 above, should be based initially on co-operation between the national safety investigation authorities, in a similar way to the “Joint Aviation Authorities” which paved the way to the creation of EASA.

Provisions for mutual support for investigations should be agreed a priori so that they can be implemented without delay when an accident occurs.

6) Data base

The Air and Space Academy considers that the network thus constituted should, with EASA, play a decisive role in fixing objectives and methods for use of the data base referred to in the Commission's regulation 1321/2007CE.