



Feedback Questionnaire on Regulation (EU) No 996/2010

Preliminary results

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Background

Pursuant to Article 24 of Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation, it is stated that:

"This Regulation shall be subject to a review no later than 3 December 2014. Where the Commission considers that this Regulation should be amended, it shall request the Network to issue a preliminary opinion, which shall also be forwarded to the European Parliament, the Council, the Member States and EASA."



Questionnaire

- Contains 22 questions
- Sent to MS and to stakeholders:
 - AEA, ERA, IATA, ETF, ELFAA, ECA, ASD Europe, ACI Europe, CANSO, IACA, EBAA, GAMA, IFATCA, Fondazione 8 ottobre 2001, FENVAC, AVJK5022

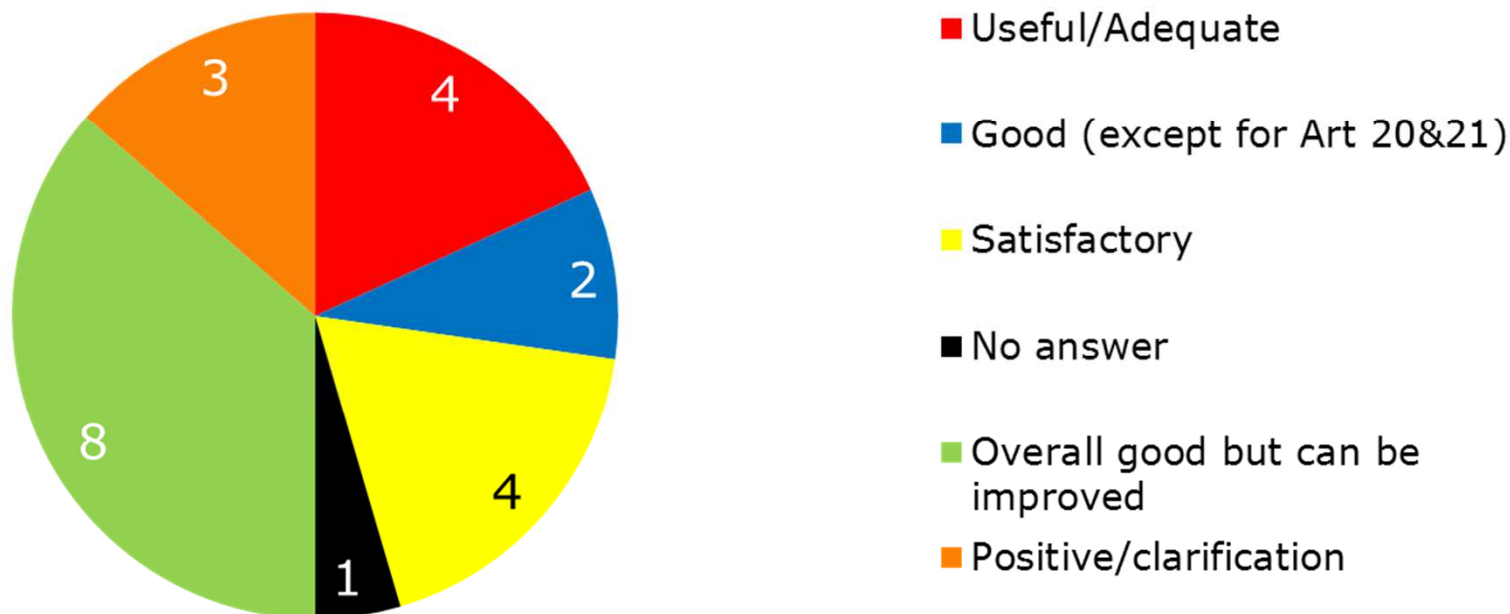
To date (28-03-14) 23 replies from:

CZ, DE, ES, FI, FR, HR, HU, IE, IT, LV MT, NL, PT, RO, SE, SI, SK, UK
+ EASA, AVJK5022, FENVAC, IACA, ECA

Question 1

How do you assess the overall functioning of Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation?

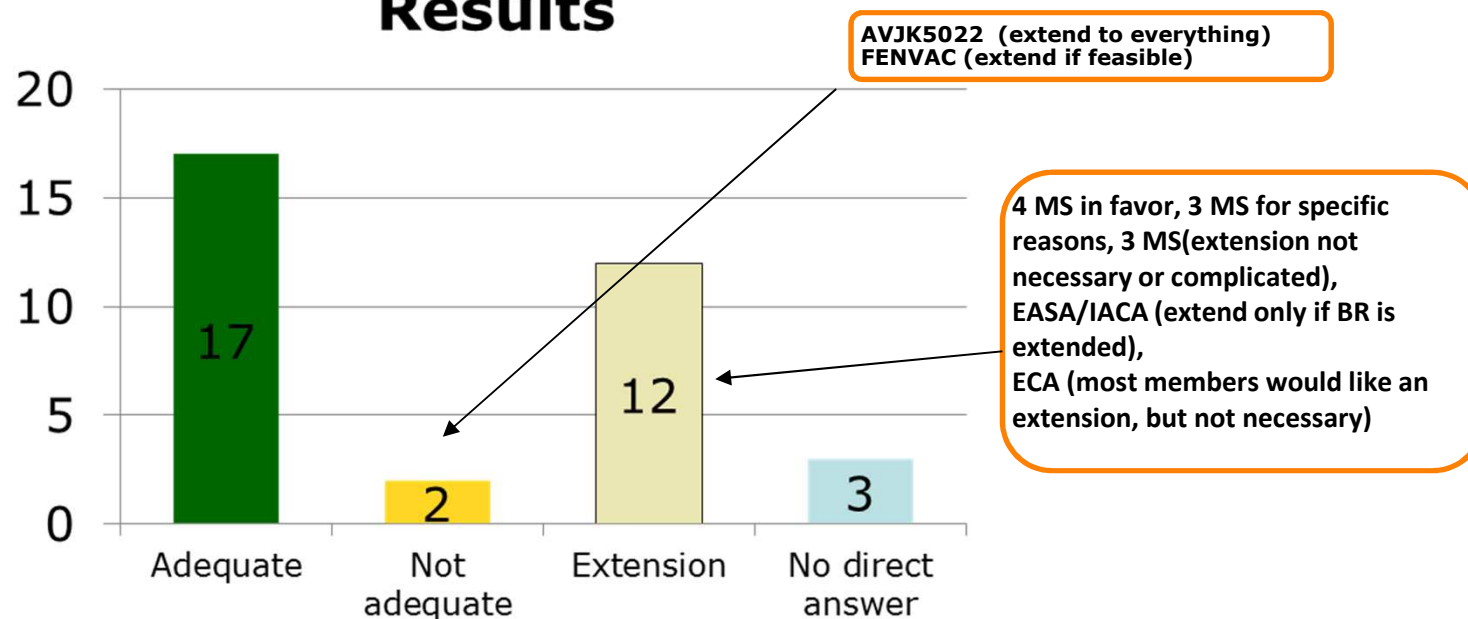
Aggregated results



Question 2

Do you consider that the scope of the Regulation is adequate? Do you consider that it should be extended, in particular by including investigations related to aircraft engaged in military, customs, police or similar services?

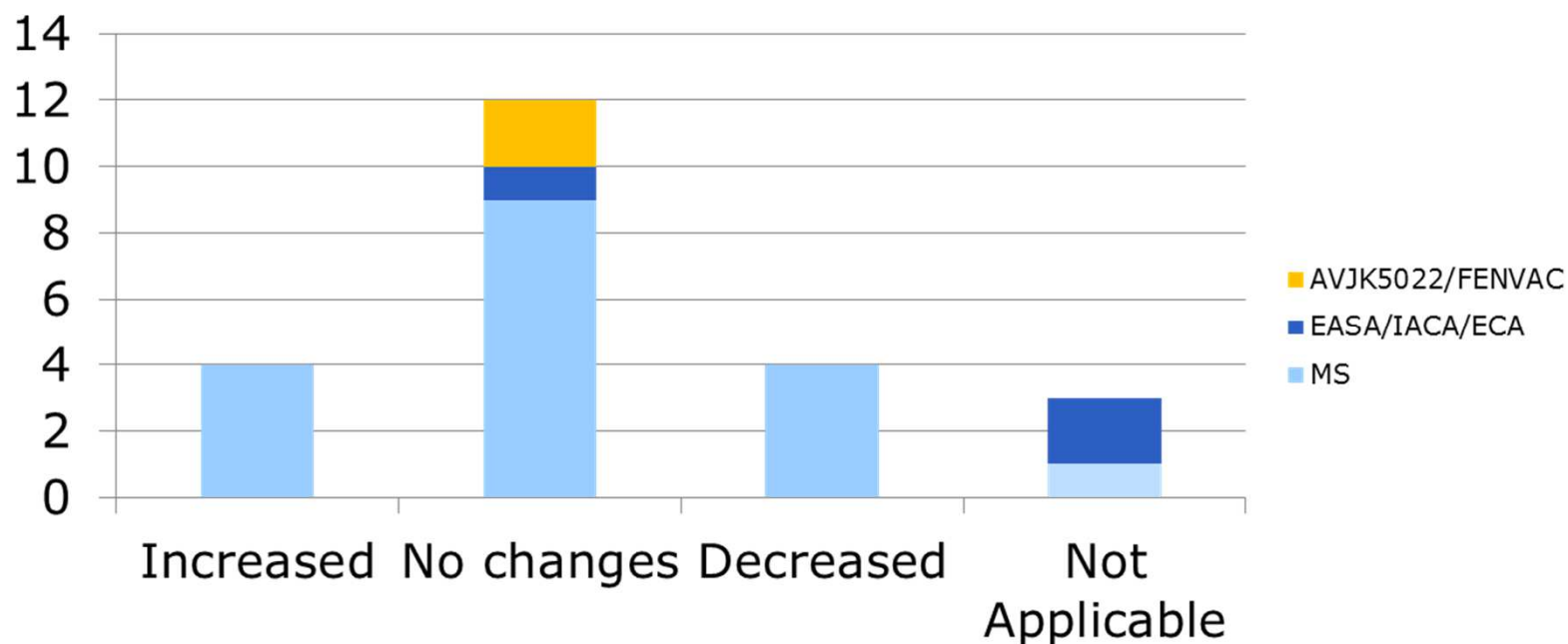
Results



Question 3

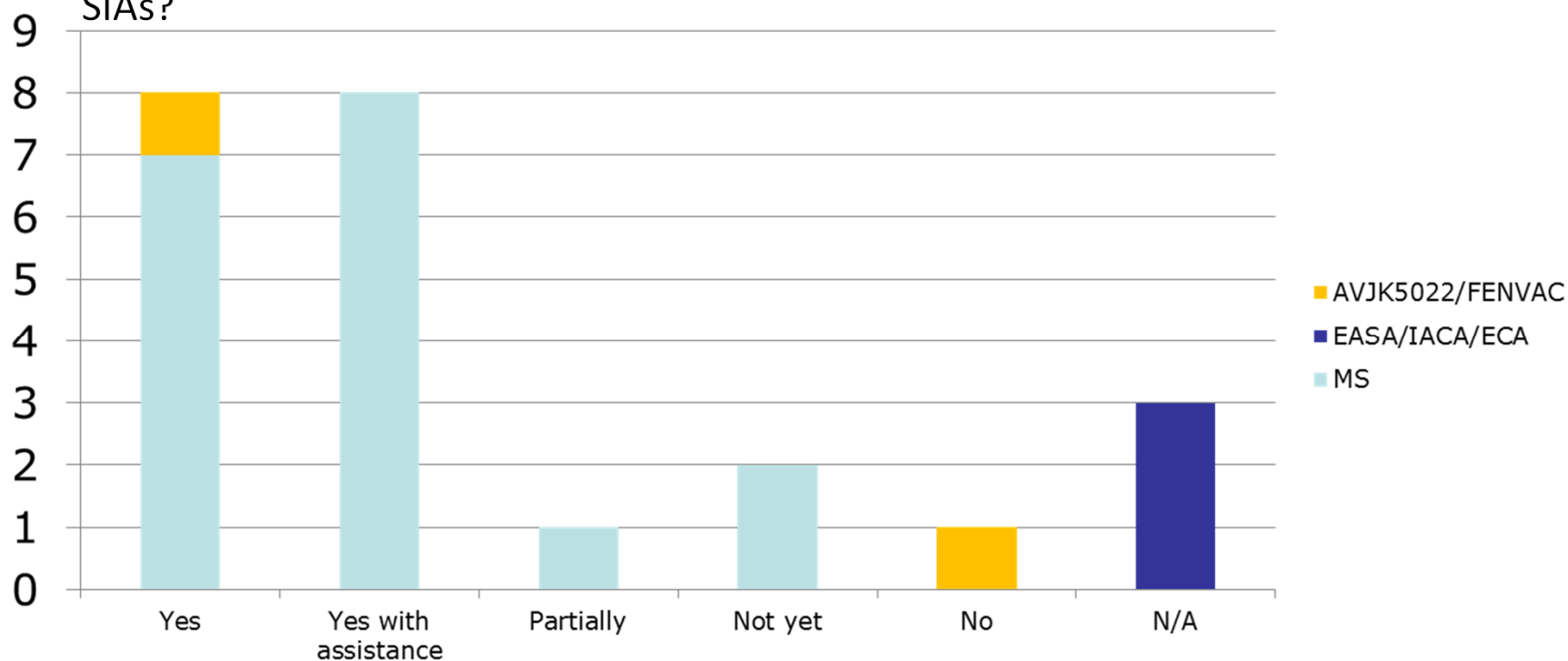
(Investigation capacity in the EU)

In you Member State, has the investigation capacity increased or decreased since the entry into force of the Regulation? Do you consider that the Regulation has helped the EU to improve its investigation capacity?



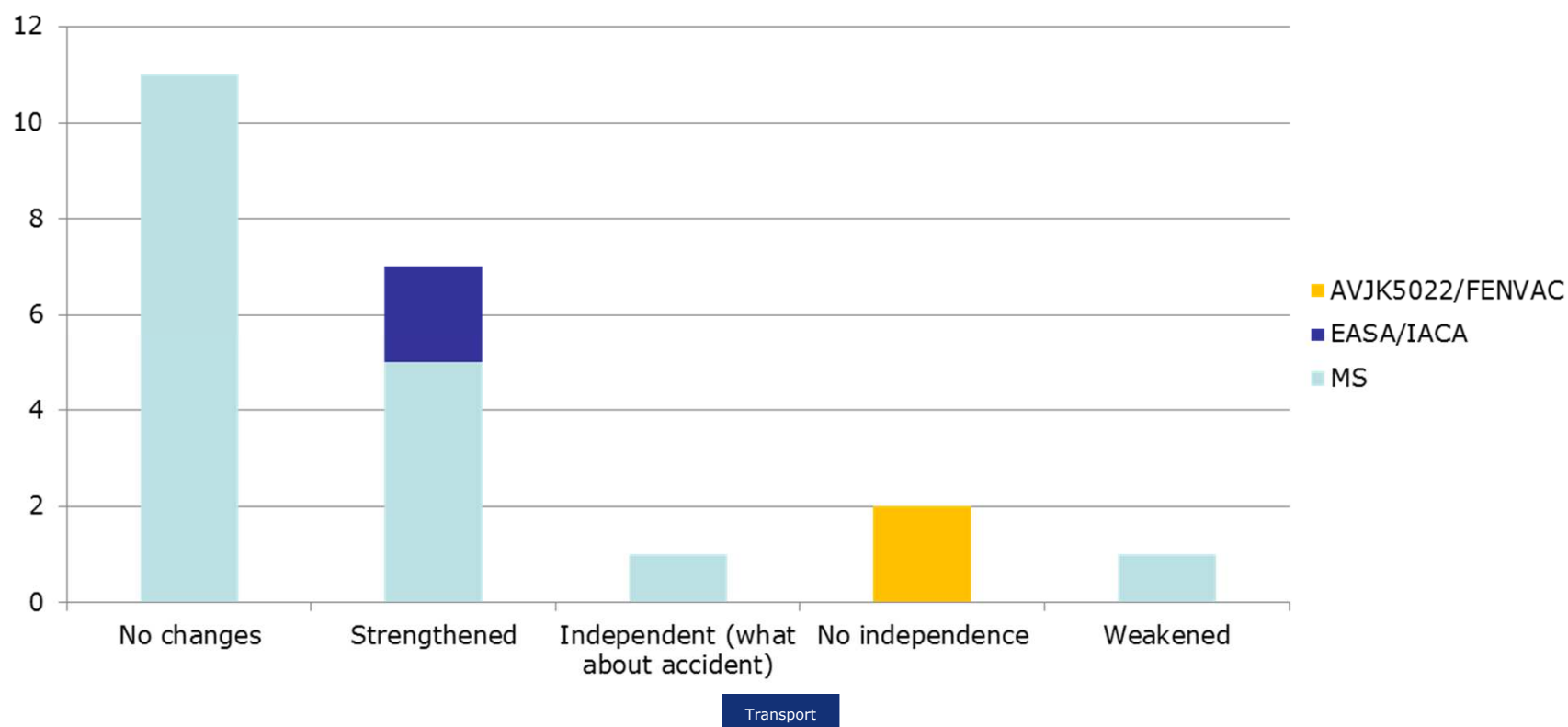
Question 4 (Investigation capacity in the EU)

Do you consider that the national Safety Investigation Authority (SIA) in your Member State can, in terms of authority and resources, adequately conduct or supervise a full safety investigation on its own or through agreements with other SIAs?



Question 5 (Independence)

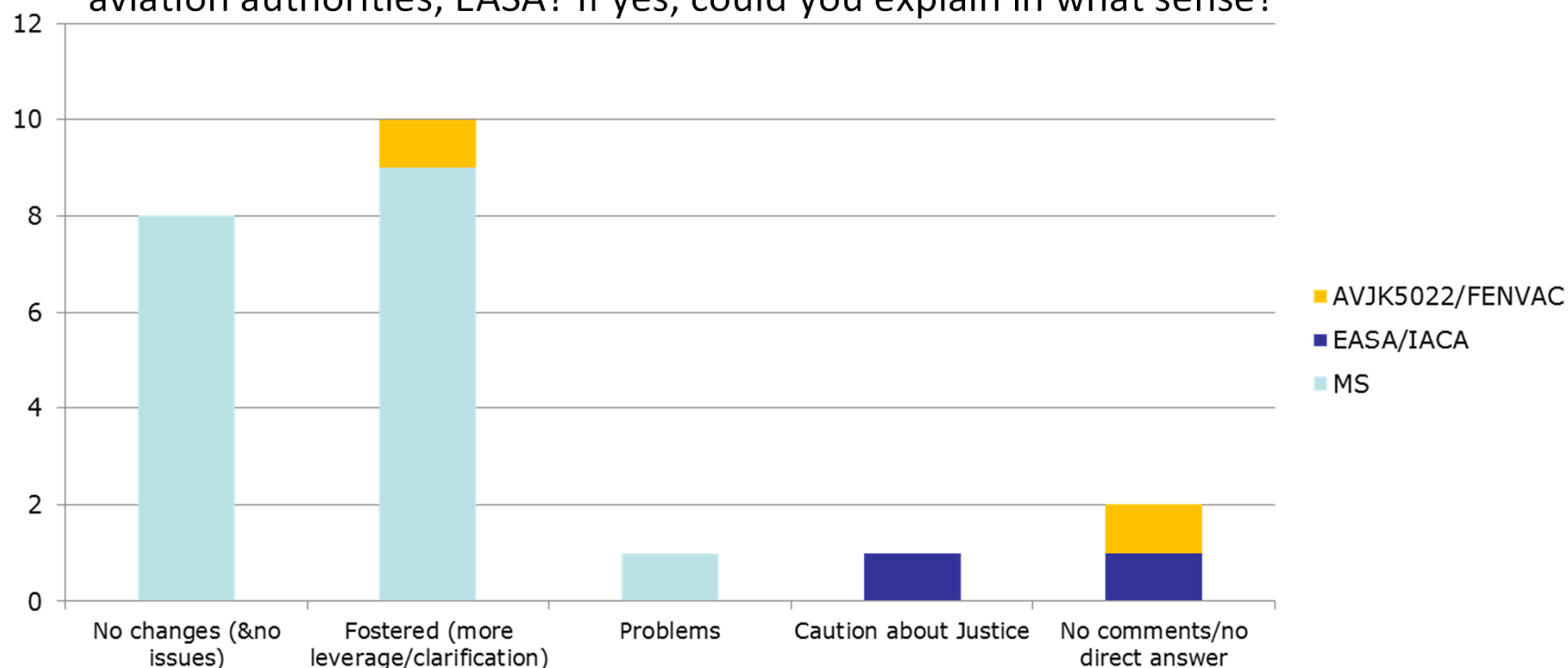
Do you consider that the Regulation has strengthened the independence of the SIA of your Member State? If yes, please describe.



Question 6

(Cooperation between authorities involved in the investigation)

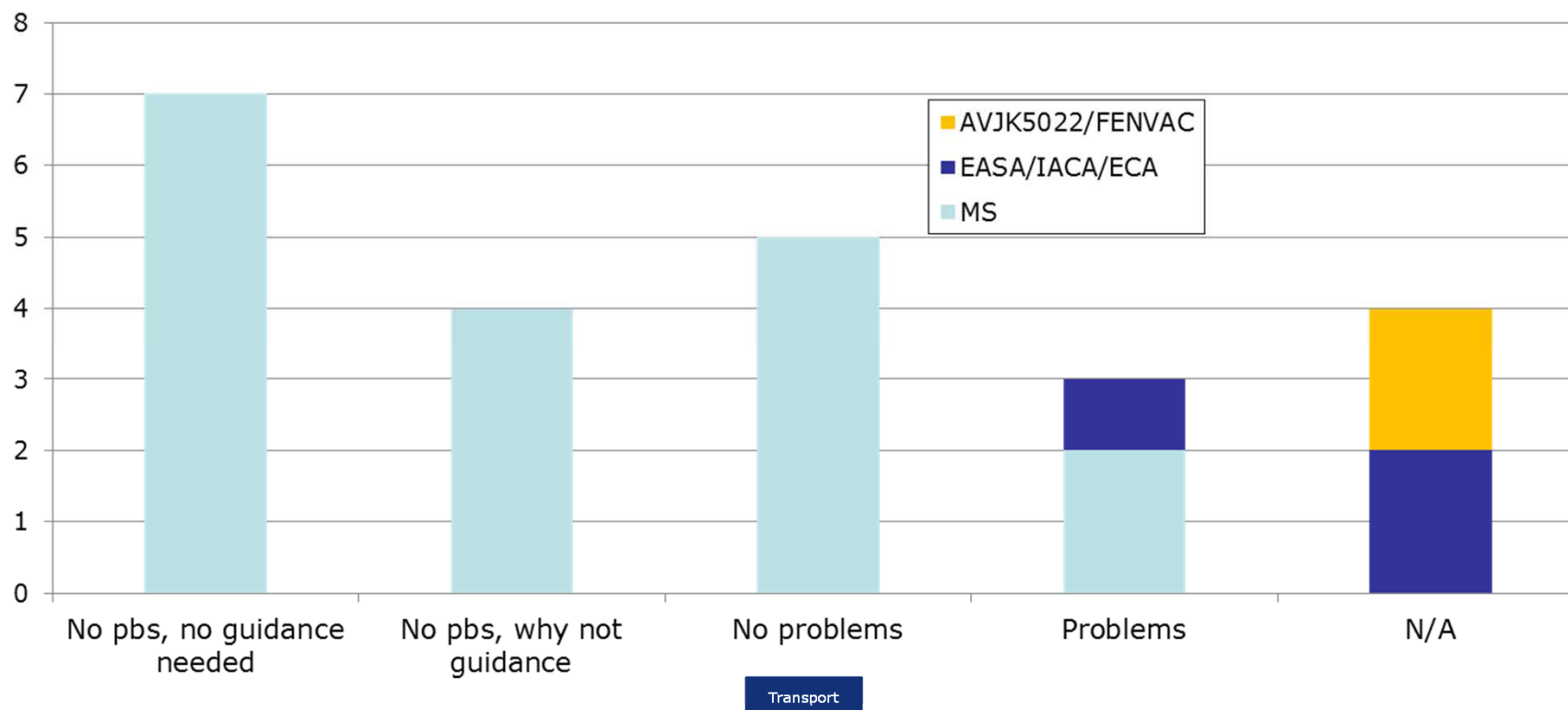
Without considering accredited representatives and their advisors, do you consider that the Regulation has fostered cooperation with the other authorities involved in the investigation, such as the judicial authorities, the national civil aviation authorities, EASA? If yes, could you explain in what sense?



Question 7

(Cooperation between authorities involved in the investigation)

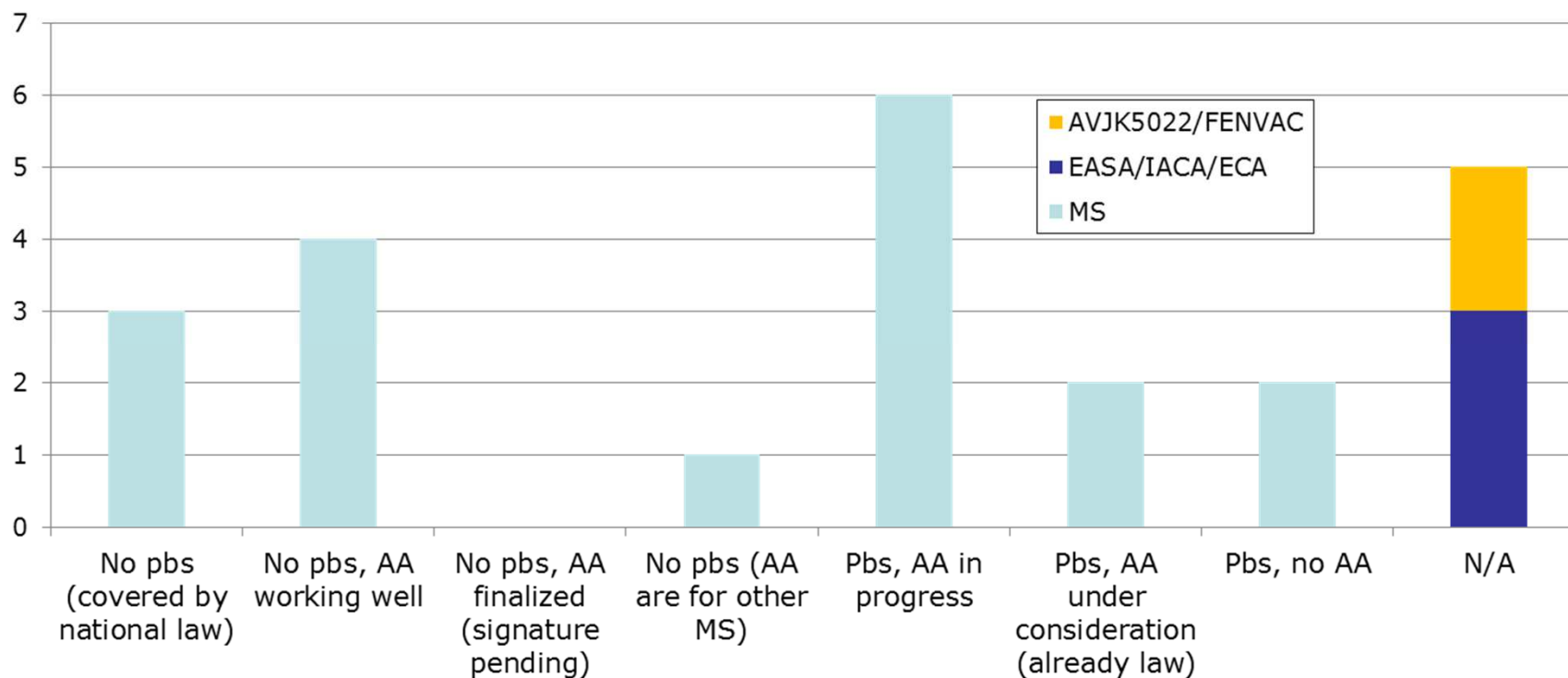
Have you encountered difficult situations where you invited your and/or national authority EASA and/or to participate in a safety investigation? Do you consider that guidance is needed to have a common understanding of Article 8?



Question 8

(Cooperation between authorities involved in the investigation)

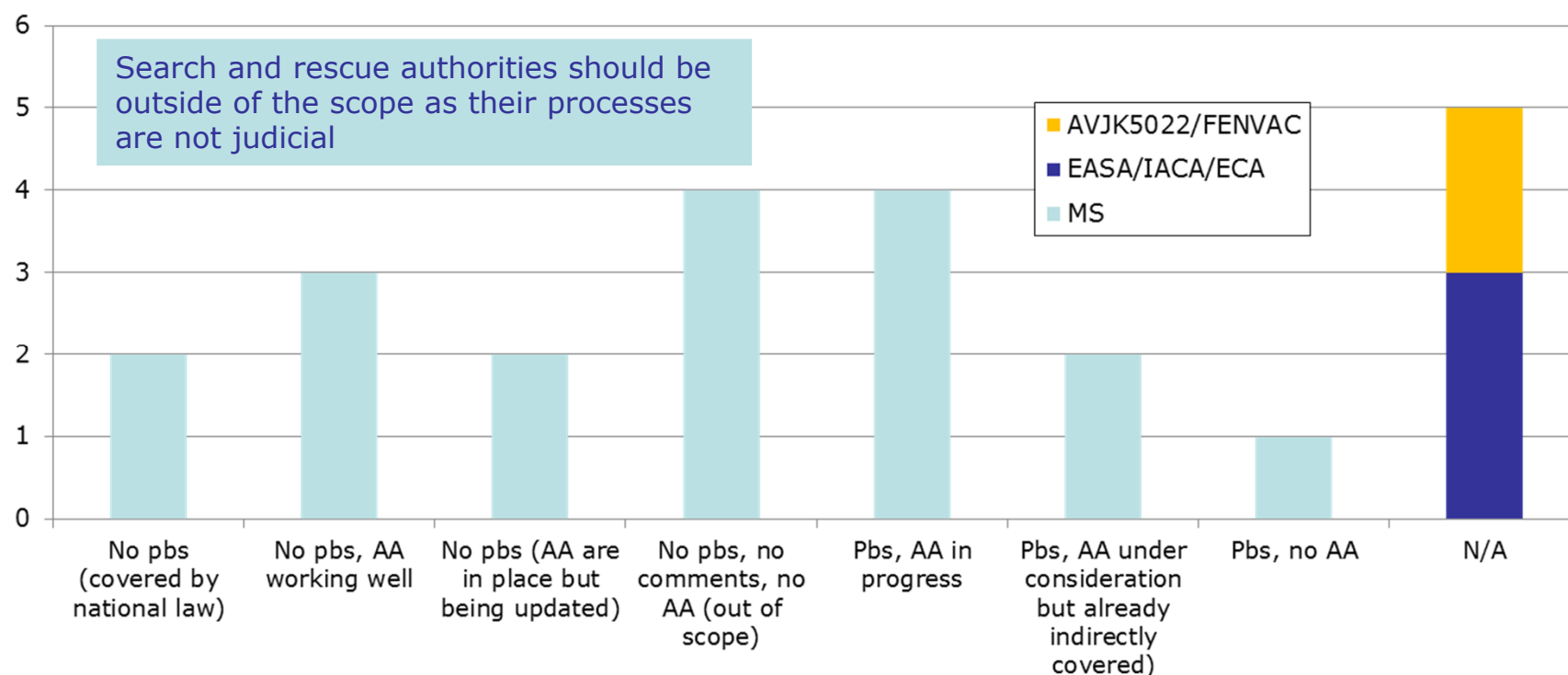
Do you consider that the advance arrangements signed in your Member State between the SIA and the judicial authorities are balanced to enable the conduct of a safety investigation and to ensure the availability of safety data?



Question 8bis

(Cooperation between authorities involved in the investigation)

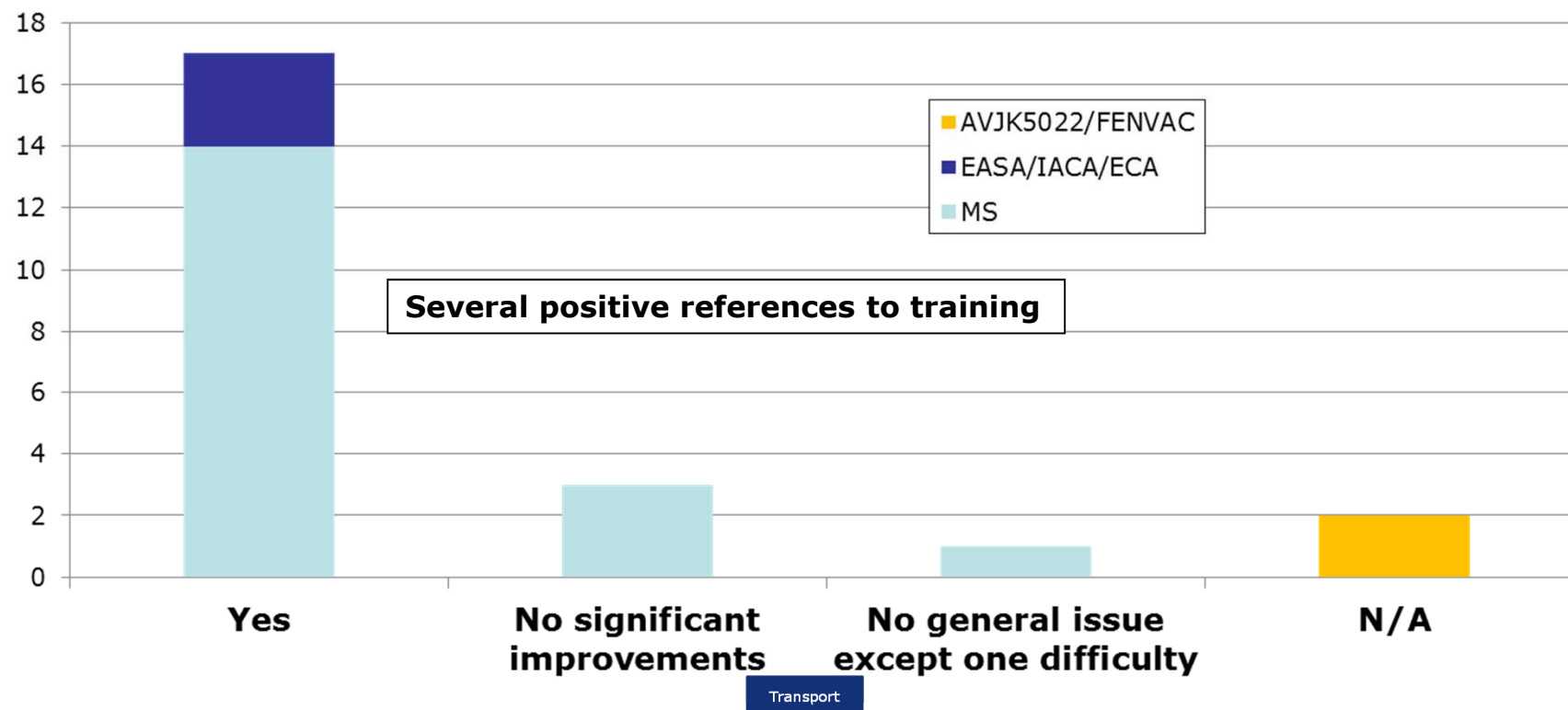
Do you have comments on the other advance arrangements in your Member State between the SIA and the **civil aviation/search and rescue authorities**?



Question 9

(ENCASIA)

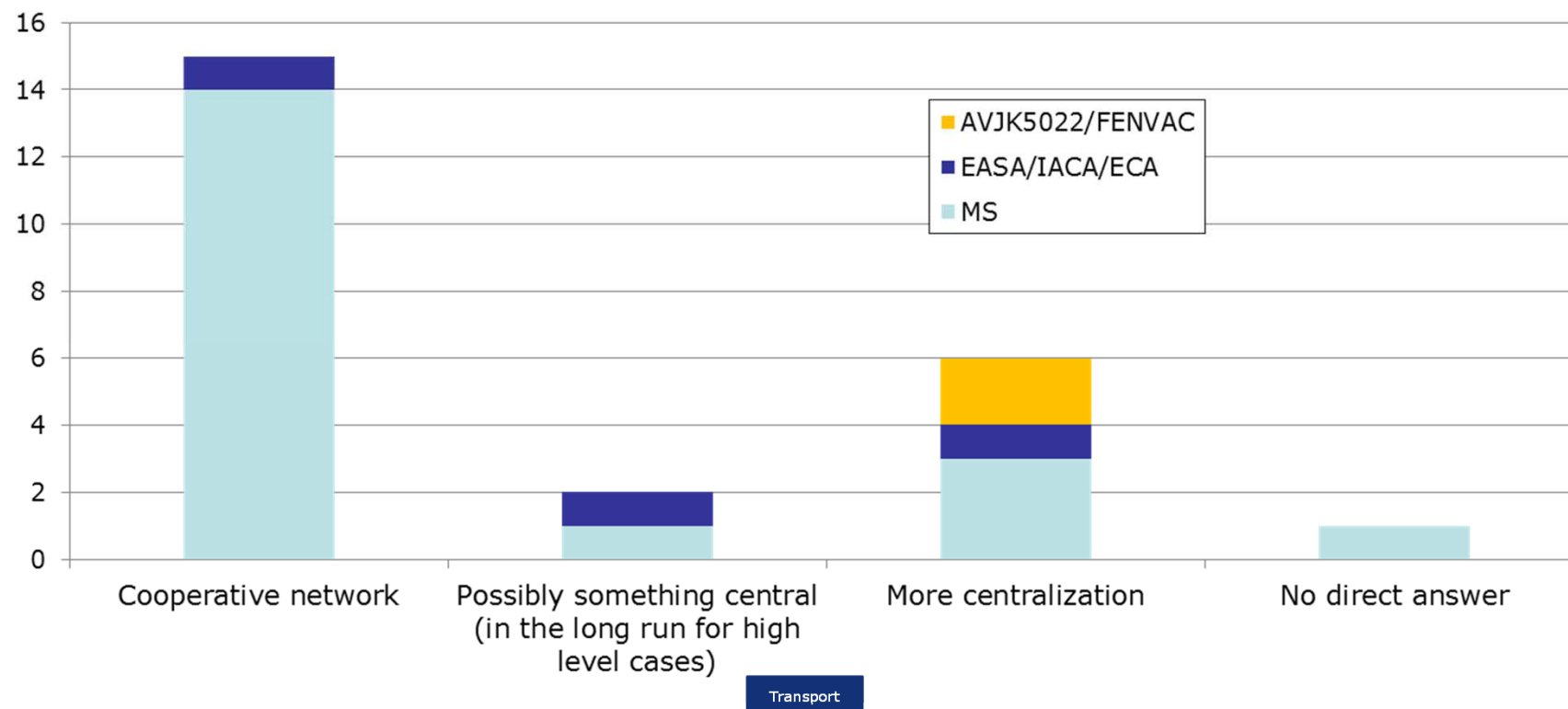
Do you think that ENCASIA has improved cooperation between Member States at EU level? If yes, please explain.



Question 10

(ENCASIA)

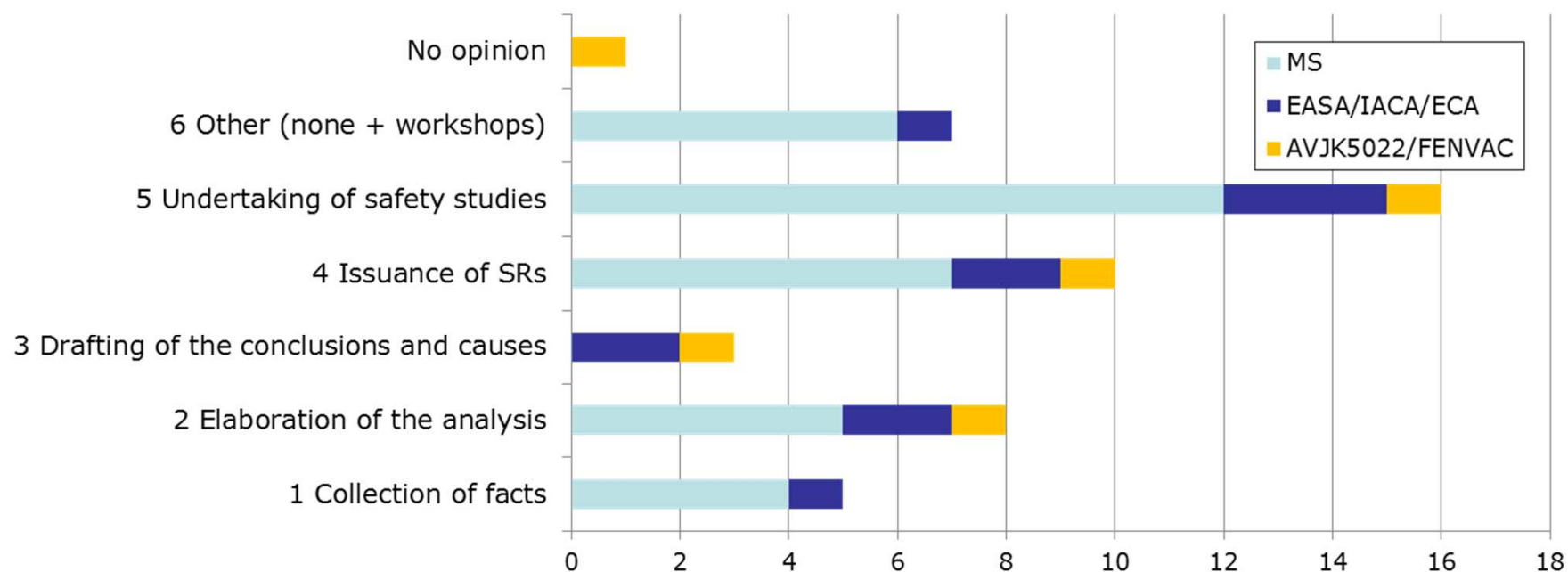
How do you foresee EU cooperation in the future? Remaining a network, becoming a place where resources are shared, morphing into an EU SIA with centralized functions (such as investigations in commercial aviation)?



Question 11

(ENCASIA)

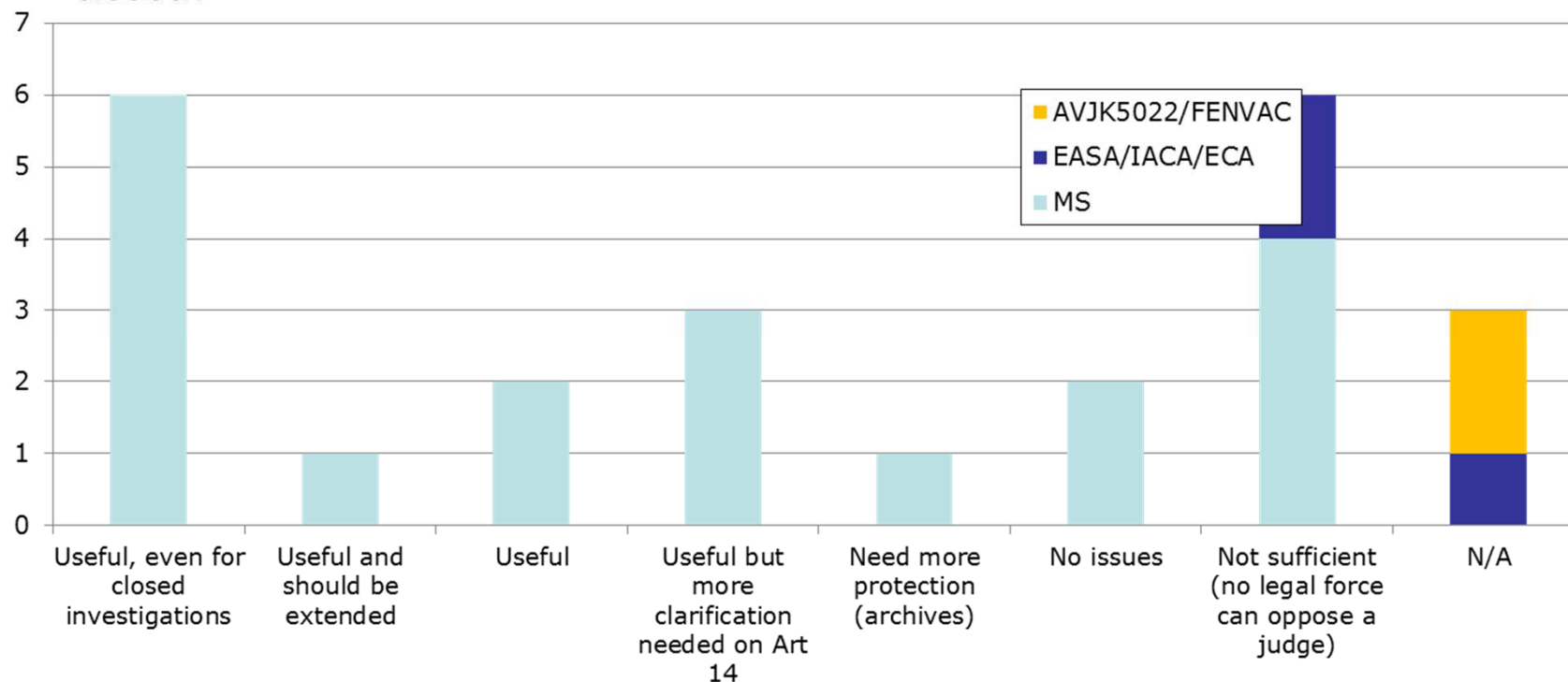
What functions could be better achieved at EU level? (please tick one or more boxes)



Question 12

(Protection of sensitive information)

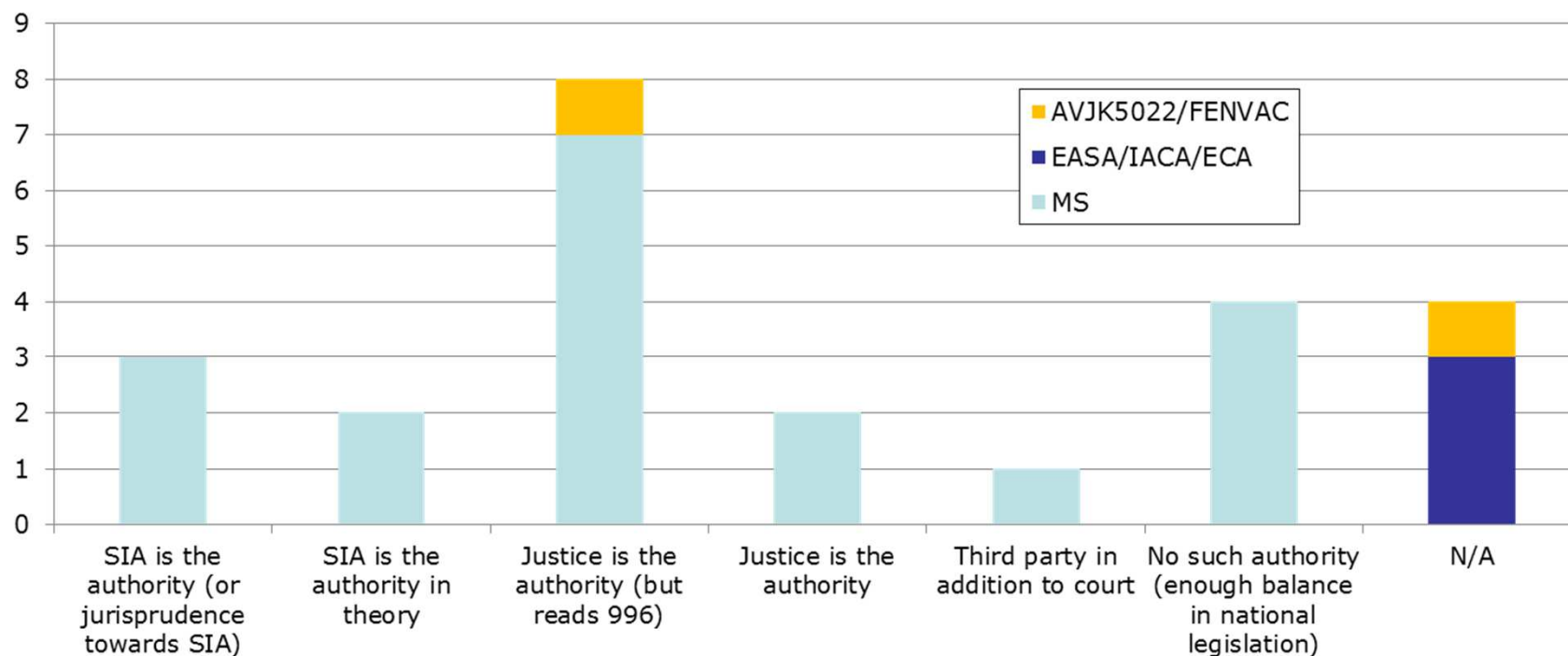
Have the provisions of the Regulation been useful to protect sensitive safety information during the investigation? What about when the investigation is closed?



Question 13

(Protection of sensitive information)

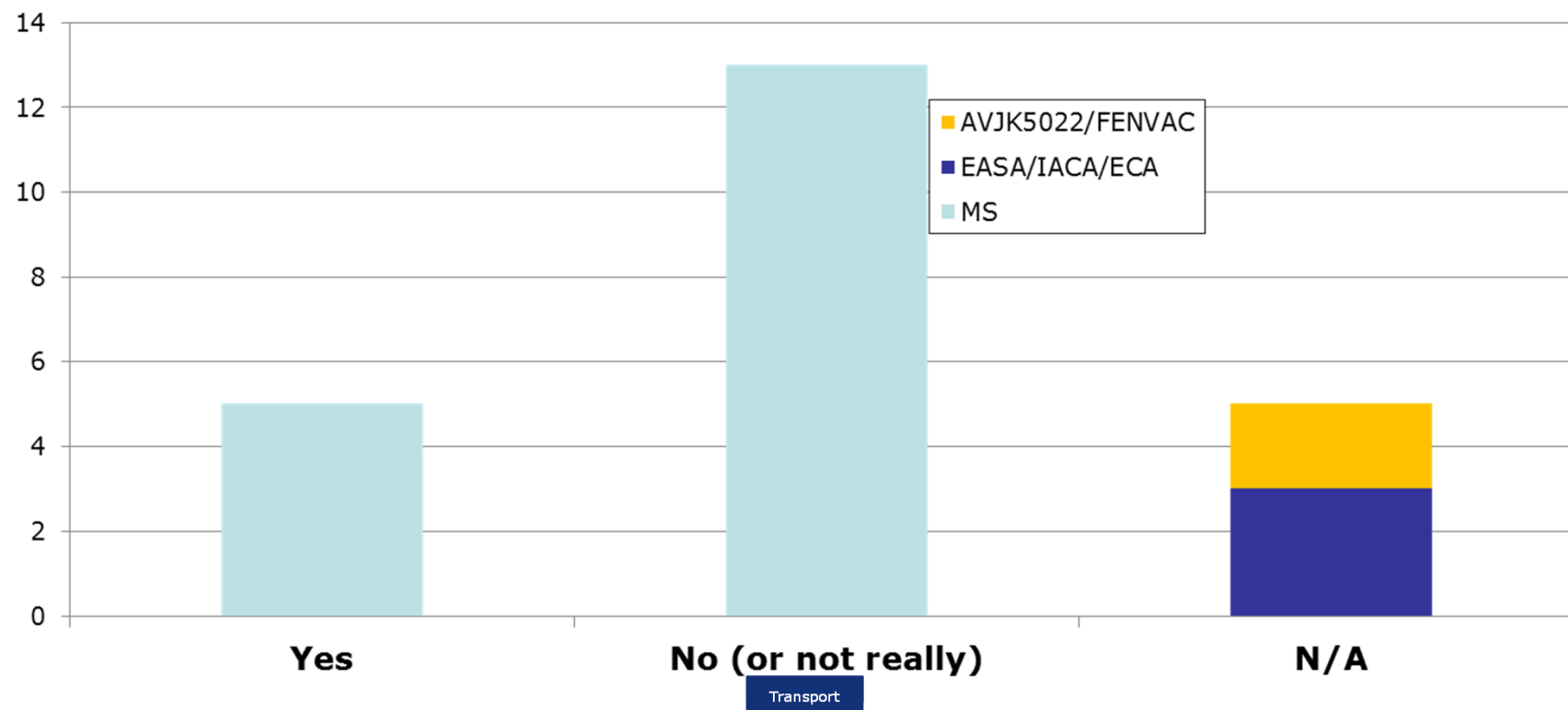
Who is the authority in your Member State competent to decide on the disclosure of records when it has to balance between public interests such as the *prevention of future accidents* and the proper administration of justice?



Question 14

(Protection of sensitive information)

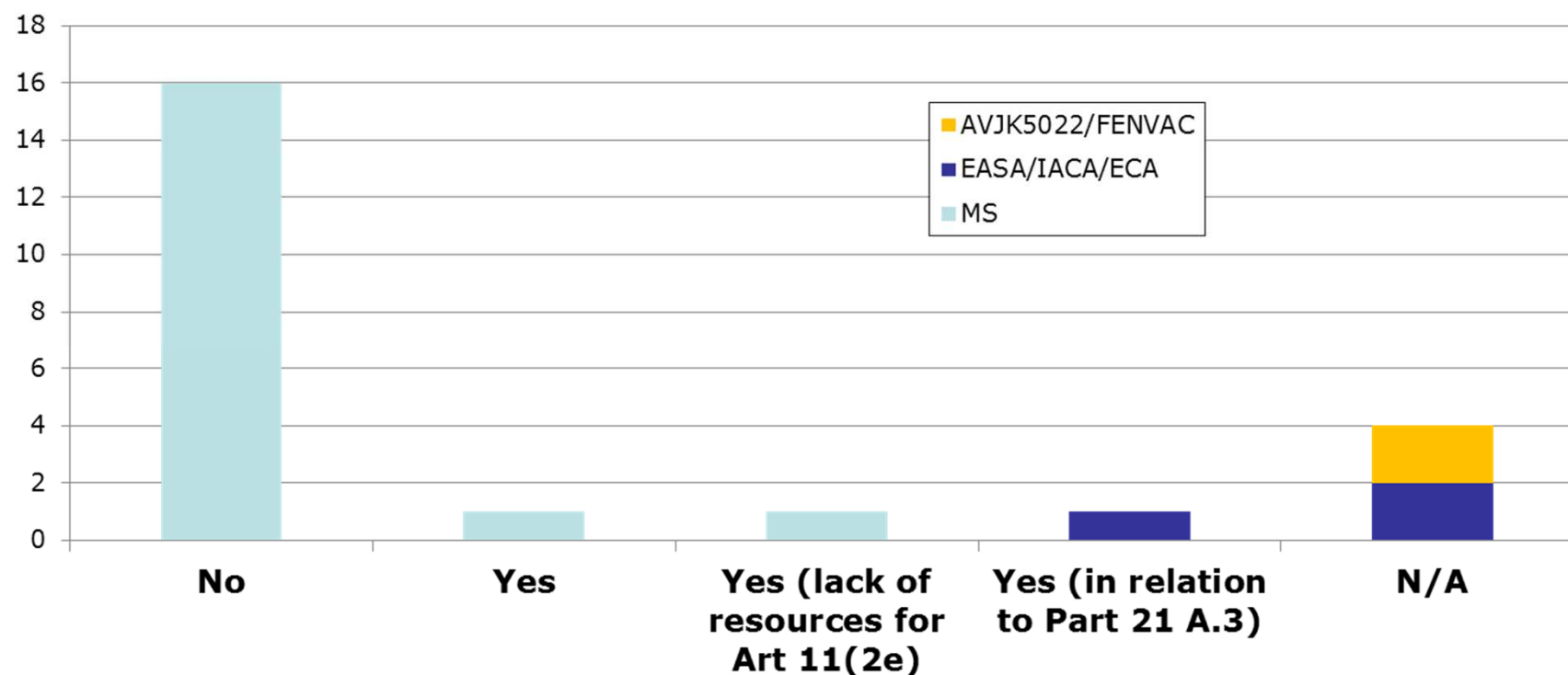
Have the provisions of Article 14.3 been used in your Member State? If yes, could you please describe?



Question 15

(SIA's access to safety information)

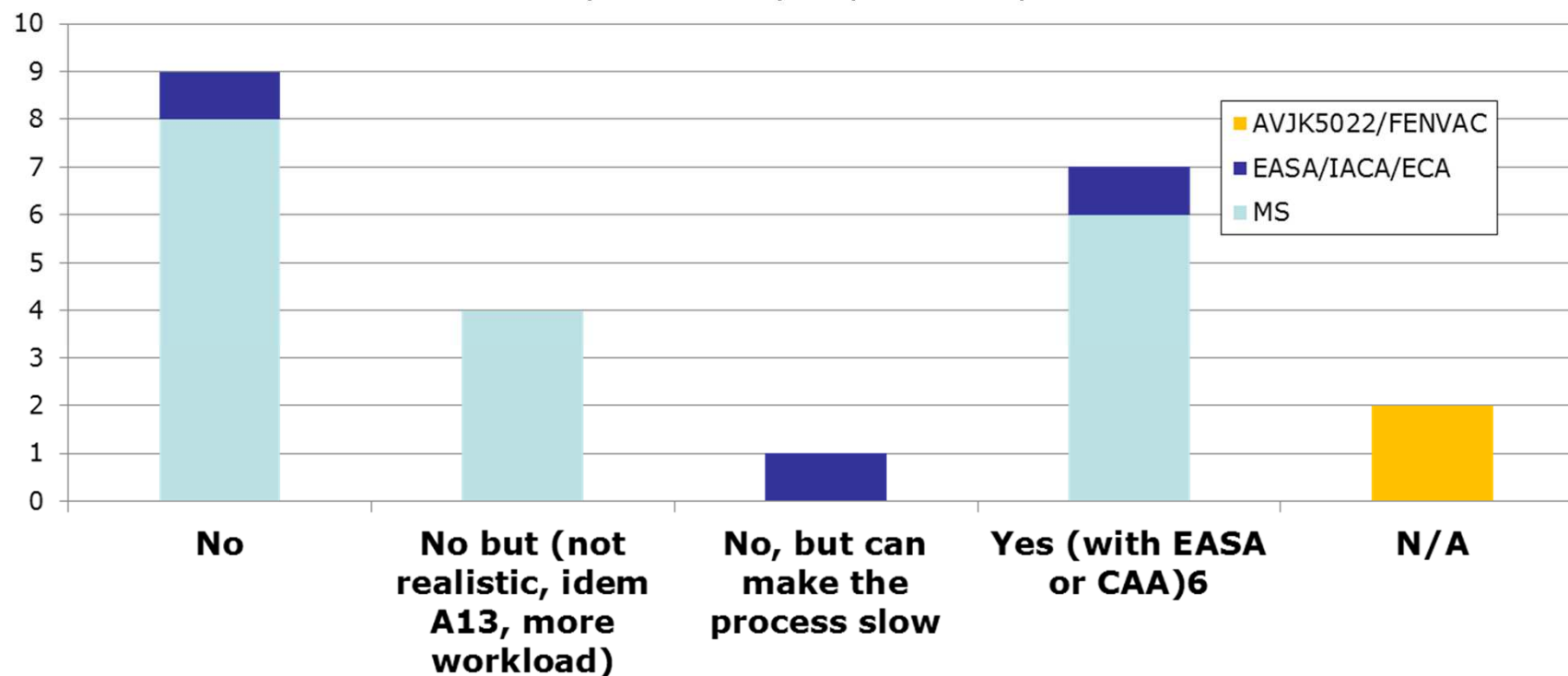
Have you encountered any legal impediments to access safety information considered as confidential by the source in application of Article 8(3) and 11(2g).



Question 16

(Consistent implementation of safety recommendations)

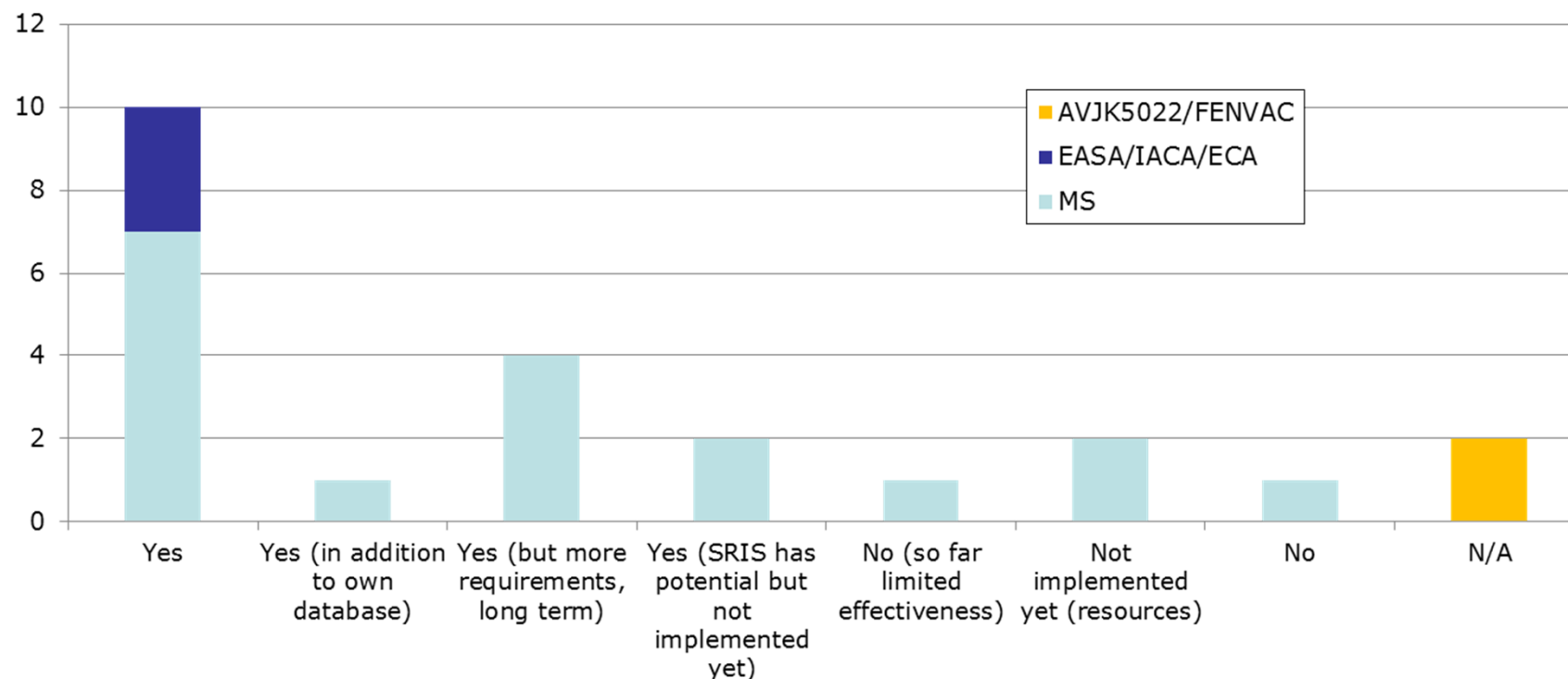
Have you faced difficulties with the '90 days' and '60 days' time constraints referred to in Article 18? If yes, could you please explain?



Question 17

(Consistent implementation of safety recommendations)

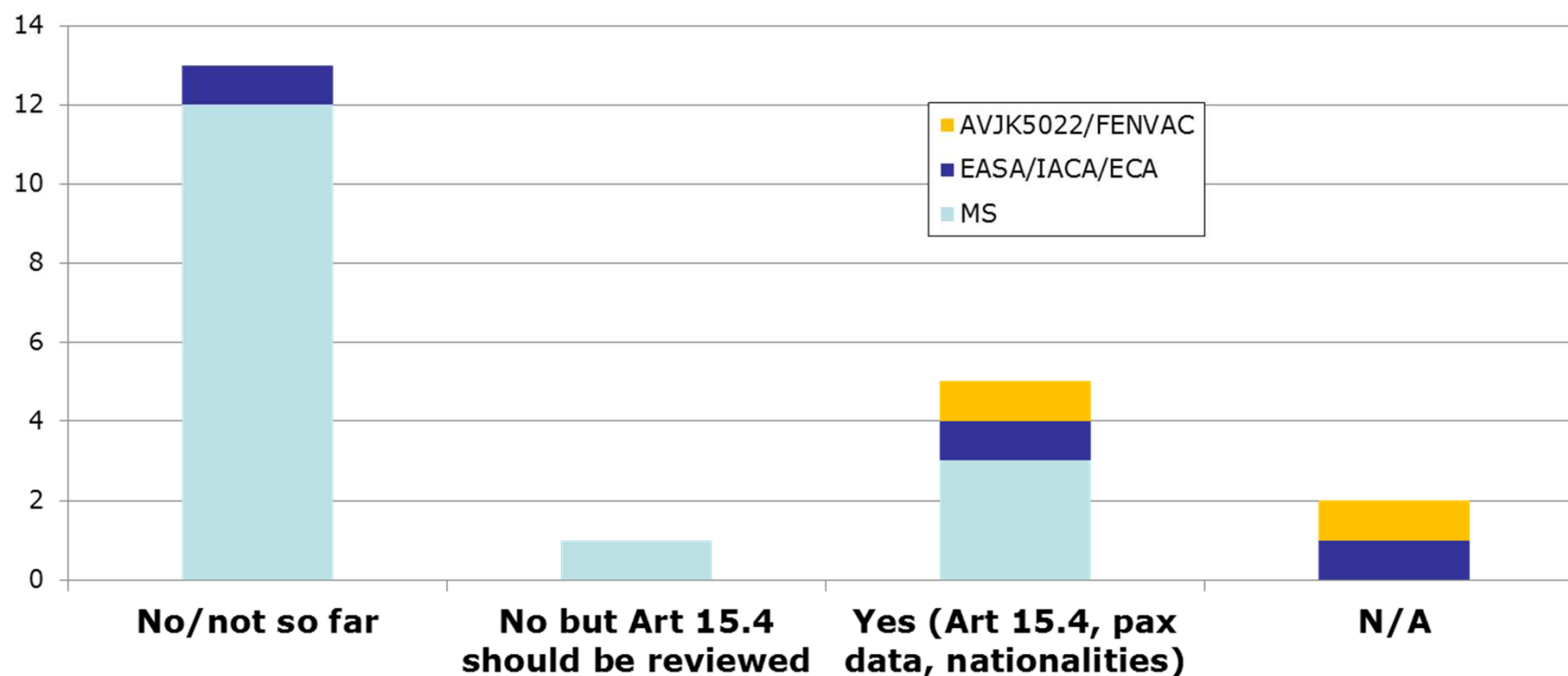
Has the database on Safety Recommendations (SRIS) been helpful for your authority/organisation?



Question 18

(Protection of the rights of victims and their relatives)

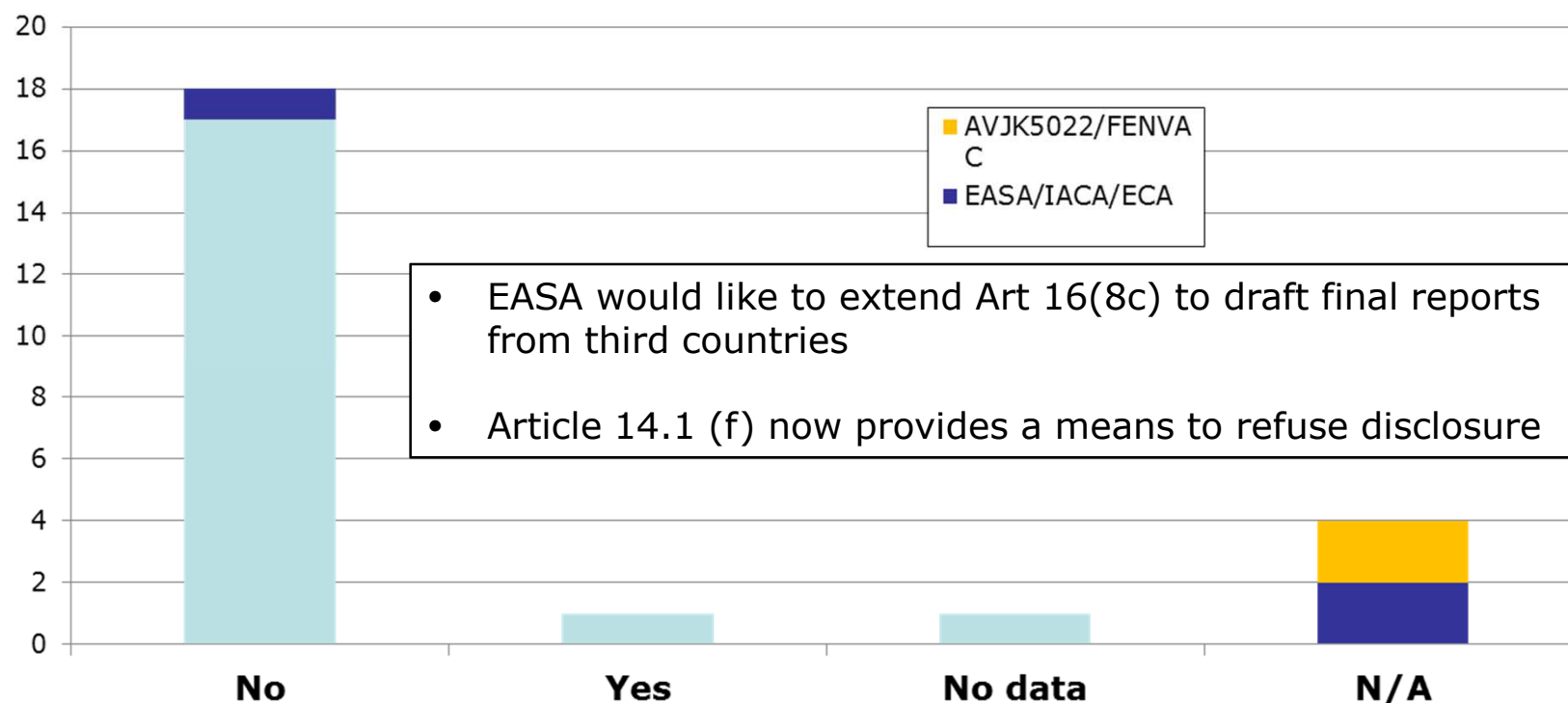
Have you experience difficulties with the provisions related to the information of victims and their relatives?



Question 19

(Protection of the rights of victims and their relatives)

Have you faced more requests to access draft final reports since the entry into force of the Regulation?





Question 20

(Other issues)

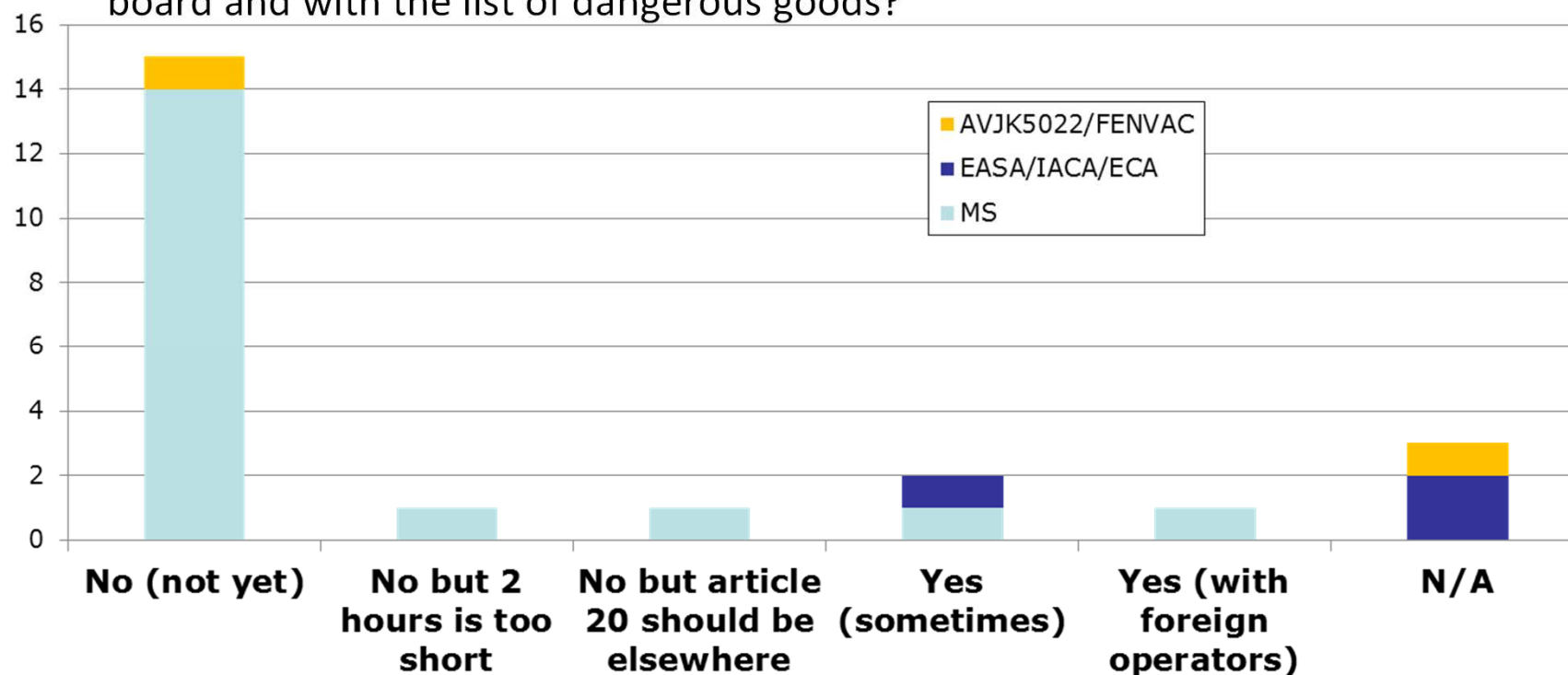
If not already covered previously, please list positive outcomes of the entry into of force of Regulation (EU) No 996/2010 as well as points that could be improved.

(SEE CONCLUSIONS)

Question 21

(Other issues)

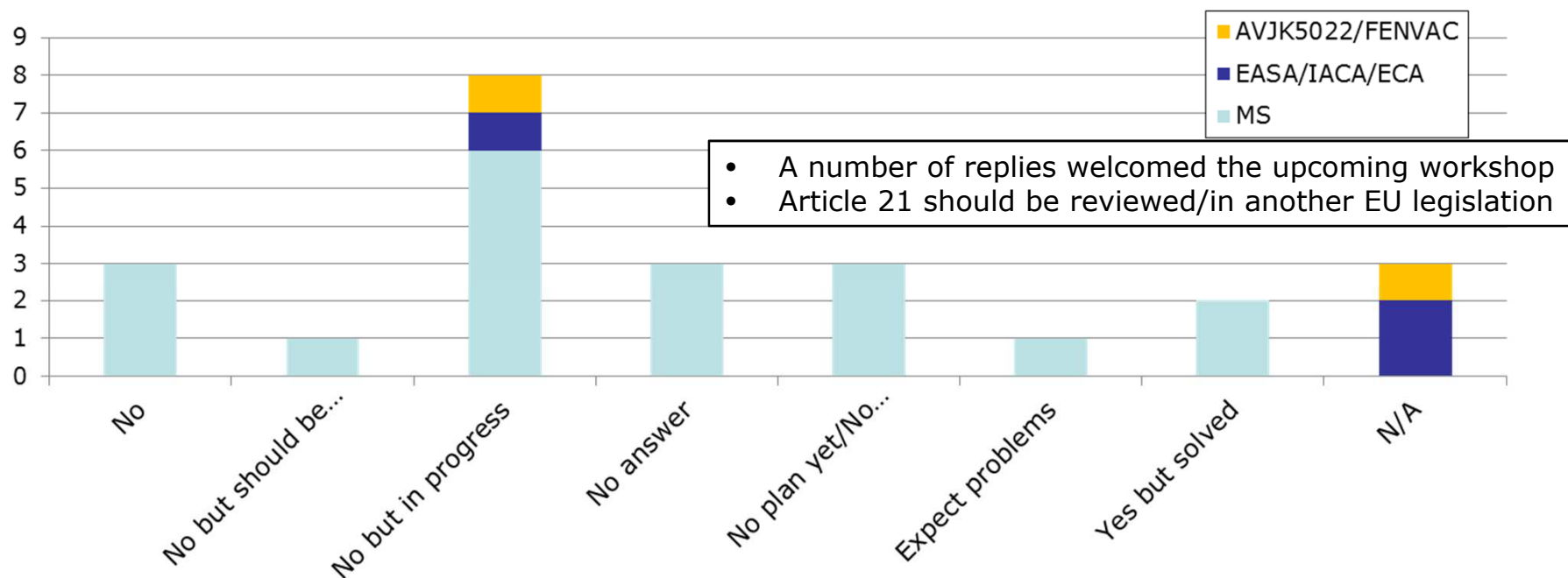
Have you encountered difficulties in your Member State with the implementation of Article 20, in particular with the list of all the persons on board and with the list of dangerous goods?



Question 22

(Other issues)

Have you encountered difficulties in your Member State regarding the implementation of Article 21, in particular with the establishment of a plan for the assistance to the victims of civil aviation accidents and their relatives?



Conclusions

(Other issues / Suggestions)

FROM AVJK5022:

- Assistance to Victims , Survivors and Families.
- Information to the professionals and victims of air accidents.

Measures of effective and efficient control of the EU supervising compliance regarding the Regulation

FROM FENVAC

The two major positive aspects of this Regulation are the harmonisation of the accident investigations at the European level and the organization of the coexistence of the two investigations (security and legal). Insofar, concerning the provisions on the help to victims, because it is relegated at the national level, differences in treatment are bound to happen depending on the place of the accident or the nationality of the victims.

FROM IACA

(...)Whilst supporting a general move toward a greater harmonisation across Europe, the independence of the national investigation authorities (SIAs) shall be safeguarded to avoid any conflict of interest. Having the European Aviation Safety Agency (EASA) as regulator involved at any level could lead to a conflict of interest; this could become even more relevant when moving towards a European Aviation Authority (EAA) concept.

Conclusions

(Other issues / Suggestions)

- Common criteria for serious incidents (also Annex II aircraft accidents)
- Improve access to data about medical examinations Art 11(e)
- Use of final reports in courts
- Issue of SRs from third countries/Access to final reports from non-EU SIAs
- Art 14 (More clarification/List of confidential issues well defined)
- Art 15(4) provisions on information to families to be reviewed
- Art 16(3/4) comment on draft report stage need to be further developed
- Art 4 More specific prerequisites for the head of SIAs
- Art 4 To be more specific about minimum resources to be made available to SIAs in each MS

- Move Art 20&21 to another legislation

But OVERALL VERY POSITIVE FEEDBACK

Thank you for your attention

