

**Question for written answer E-006582/2013
to the Commission**
Rule 117
Nigel Farage (EFD)

Subject: Austrian aviation case

In Austria a court case is under way regarding the safety of certain aircraft which may have led to the deaths of several people. In November 2009 VERSA, the Austrian civil aviation safety investigation authority, requested that the court-appointed expert (for Millen vs. Diamond Aircraft Industries) delay his report whilst the 'Sperr Study' was being completed. This study is a 466-page report written by Dr Walter Sperr on reliability and safety occurrences for DA40DTI and DA42 aircraft worldwide.

However, due to delays from VERSA and at the direct request of the judge presiding over the case, VERSA declined to provide a copy of the report. The court-appointed expert was finally allowed to see the report, but was told to destroy all his notes before he could leave the building. VERSA did state at the time that it would only hand over the report under a criminal procedure, as opposed to a civil one. I am informed that in Austria there is no distinction between the two if a request for information is made by a civil court.

However, a criminal complaint was filed in Wiener Neustadt, Austria, against two directors of Diamond Aircraft Industries. Despite a request for a copy of the full report, only an 8-page document, already known in the civil case, was supplied. The criminal complaint is still ongoing.

1. Is VERSA in breach of Regulation (EU) No 996/2010 if it does not provide the 466-page 'Sperr Study', regardless of whether the request is with regard to a criminal or a civil case?
2. Does Regulation (EU) No 996/2010 make a distinction between civil and criminal judicial inquiries?
3. Will European Aviation Safety Agency be making its own inquiries into the 'Sperr Study' if it were not known to it before?