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Committee on Transport and Tourism

2009/0170(COD)

10.5.2010

AMENDMENTS

68 - 170

Draft report
Christine De Veyrac
(PE439.970v2-00)

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
(repealing Directive 94/56/EC)

Proposal for a regulation
(COM(2009)0611 – C7-0259/2009 – 2009/0170(COD))

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Amendment 68
Brian Simpson

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Reporting, analysis, and dissemination of findings of safety related incidents are fundamentally important to improving air safety. Therefore before 31 December 2011 the Commission should bring forward a proposal to amend Directive 2003/42 on occurrence reporting.

Or. en

Justification

In order to be consistent any changes to the occurrence reporting rules imposed in this regulation should be incorporated into a new version of the occurrence reporting Directive without delay.

Amendment 69
Spyros Danellis

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) The European Aviation Safety Agency carries out on behalf of the Member States the functions and tasks of the State of Design, Manufacture and Registry when related to design approval, as specified in the Chicago Convention and its Annexes, and therefore should be represented during a safety investigation to contribute to its efficiency and to ensure safety of aircraft design, ***without affecting*** the independent status of the investigation.

(7) The European Aviation Safety Agency carries out on behalf of the Member States the functions and tasks of the State of Design, Manufacture and Registry when related to design approval, as specified in the Chicago Convention and its Annexes, and therefore, ***without prejudice to the provisions of Annex 13 of the Convention,*** should be represented during a safety investigation to contribute to its efficiency and to ensure safety of aircraft design, ***as well as*** the independent status of the

investigation.

Or. el

Amendment 70
Spyros Danellis

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) Given its increasing safety responsibilities, the European Aviation Safety Agency should also participate in the exchange of data in the framework of the occurrence reporting systems; this data should be adequately protected from unauthorised use or disclosure.

Amendment

(8) Given its increasing safety responsibilities, the European Aviation Safety Agency should also participate in the exchange of data in the framework of the occurrence reporting systems ***and analyse them in cooperation with all the Member States. The findings thereof must be reported to all national accident investigation authorities in the Member States.*** This data should be adequately protected from unauthorised use or disclosure.

Or. el

Amendment 71
Luis de Grandes Pascual

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Safety investigation of accidents and incidents should be carried out by or under the control of an independent safety investigation authority in order to avoid any conflict of interest and any possible external interference in the determination of the ***causes of*** the occurrences being investigated.

Amendment

(10) Safety investigation of accidents and incidents should be carried out by or under the control of an independent safety investigation authority in order to avoid any conflict of interest and any possible external interference in the determination of the ***concurrent factors relating to*** the occurrences being investigated.

Justification

To use the word 'causes' could lead to serious legal problems by giving the impression of guilt and/or responsibility. The ICAO (International Civil Aviation Organisation) has recognised the need to keep safety terminology and legal terminology separate. It is therefore proposed to replace the reference to 'causes' by one to 'factors'.

Amendment 72
Jörg Leichtfried

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Safety investigation of accidents and incidents should be carried out by or under the control of an independent safety investigation authority in order to avoid any conflict of interest and any possible external interference in the determination of the **causes** of the occurrences being investigated.

Amendment

(10) Safety investigation of accidents and incidents should be carried out by or under the control of an independent safety investigation authority in order to avoid any conflict of interest and any possible external interference in the determination of the **factors** of the occurrences being investigated.

Justification

The proposed new ICAO Annex 13 (soon to be formally adopted by ICAO), questions the use of the term "causes". This term risks creating problems when dealing with the justice authorities, as 'causes' could presume the apportioning of blame and/or liability. ICAO has recognized the need for a separation of 'judicial' and 'safety' terminology. The ideal term would be "contributing factors", but the proposed Regulation does not use this term, nor does it contain a definition for it. Unless a definition of contributing factor is provided for, the term 'causes' should be replaced by 'factors' (see also AM in Article 2,(4)).

Amendment 73
Antonio Cancian

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The safety investigation authorities play a core role in the investigation process. Their work is of the utmost importance in determining the causes of an accident or incident. It is therefore essential, that they should be able to conduct their investigations free of any form of pressure and entirely independently of regulatory or judicial authorities and in the interest of public safety protection. The safety investigation authorities should be given access to all information and elements necessary to ease the conduct of an efficient technical investigation, including immediate and unconditional access to the site of the accident, the wreckage of the aircraft, its components and documentation of interest, free from constraints implied by a possible seizure ordered by the judicial authority. The safety investigation authorities should possess the financial and human resources required for effective, efficient investigations.

Or. en

Justification

Garantire una tempestiva ed efficace azione di prevenzione nel settore dell'aviazione civile, a tutela della pubblica incolumità, consentendo alle autorità investigative sulla sicurezza, nel contemporaneo avvio delle indagini di competenza dell'autorità giudiziaria, di disporre incondizionatamente e tempestivamente di tutti gli elementi necessari al regolare e proficuo svolgimento dell'inchiesta di sicurezza, fra cui l'immediato accesso ai luoghi ed alle cose dell'incidente, libero dai condizionamenti implicati dal sequestro penale. Le esigenze di prevenzione non devono essere condizionate dai tempi della giustizia.

Amendment 74
Spyros Danellis

Proposal for a regulation
Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) The investigating authorities play a core role in the inquiry process. Their work is of the utmost importance in determining the causes of an accident or incident. It is therefore essential that they should be able to conduct their investigations promptly, free of any form of pressure and entirely independently of regulatory or judicial authorities, while disposing of the necessary funding and manpower to carry out their investigations efficiently and effectively.

Or. el

Amendment 75
Spyros Danellis

Proposal for a regulation
Recital 10 c (new)

Text proposed by the Commission

Amendment

(10c) All parties involved in the accident should be given the opportunity of participating in the inquiry but must not become involved in investigations regarding the causes of the accident or incident; this should remain the exclusive task of the investigating authority, so as to avoid undermining its independence.

Or. el

Justification

The parties involved in an accident or incident may be more than one, such as the manufacturer, accident location, airline, etc. While it is in any case it is desirable for them to be involved in the inquiry process, they should under no circumstances be actively involved in investigations regarding the accident or incident.

Amendment 76
Jörg Leichtfried

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) The Member States should, in compliance with the legislation in force as regards the powers of the authorities responsible for the judicial inquiry and, where appropriate, in close collaboration with those authorities, ensure that the authorities responsible for safety investigations of civil aviation accidents and incidents are allowed to carry out their tasks ***in the best possible conditions; the objectives of a judicial inquiry should not be compromised either.***

Amendment

(15) The Member States should, in compliance with the legislation in force as regards the powers of the authorities responsible for the judicial inquiry and, where appropriate, in close collaboration with those authorities, ensure that the authorities responsible for safety investigations of civil aviation accidents and incidents are allowed to carry out their tasks ***without being hampered, while allowing for the proper administration of justice.***

Or. en

Justification

The text for this amendment comes from ICAO Annex 13 and reflects better the separation of the judicial and accident investigations. The accident investigators cannot take into account the objectives of the judiciary and vice versa. Further guidance should be developed on how to coordinate the two proceedings (see also AM in Article 4(4)).

Amendment 77
Jörg Leichtfried

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The civil aviation safety system is

Amendment

(17) The civil aviation safety system is

based on feedback and lessons learned from accidents and incidents which require strict application of confidentiality to ensure the future availability of valuable sources of information; in this context sensitive safety information should not be used for purposes other than prevention of accidents and incidents ***unless there is an overriding public interest in its disclosure.***

based on feedback and lessons learned from accidents and incidents which require strict application of confidentiality to ensure the future availability of valuable sources of information; in this context sensitive safety information should not be used for purposes other than prevention of accidents and incidents. ***Member States should enact legislation preventing the inappropriate use of sensitive safety information.***

Or. en

Justification

The reference to 'overriding public interest' creates uncertainty as there is no guidance to decide what constitutes such "an overriding public interest" and how the fundamental rights (fair trial, privacy and testimony as a witness and not as an accused person) of the involved parties will be protected. The inappropriate use of safety information will inevitably reduce the flow of safety information and hence destroy the ability to learn from accidents to prevent future ones. Member States should develop legislation to ensure sensitive safety information is protected (see AM in Recital 17a).

Amendment 78 **Spyros Danellis**

Proposal for a regulation **Recital 17**

Text proposed by the Commission

(17) The civil aviation safety system is based on feedback and lessons learned from accidents and incidents which require strict application of confidentiality to ensure the future availability of valuable sources of information; in this context sensitive safety information should not be used for purposes other than prevention of accidents and incidents unless there is an overriding public interest in its disclosure.

Amendment

(17) The civil aviation safety system is based on feedback and lessons learned from accidents and incidents which require strict application of confidentiality ***and data protection*** to ensure the future availability of valuable sources of information. ***In this connection it is necessary to apply the principle of 'a just culture' under which penalties are not imposed on individuals for actions, omissions or decisions conditioned by their experience and training, while at the***

same time, gross negligence, wilful violations and destructive acts are not tolerated. In this context sensitive safety information should not be used for purposes other than prevention of accidents and incidents unless there is an overriding public interest in its disclosure. While certain information must remain confidential, for the sake of the families of the victims and the proper administration of justice, it is important to ensure that judicial authorities have access to certain facts and data of relevance to the legal investigation. This must be done in accordance with the relevant instructions issued to protect the continued confidentiality of the information once the judicial authorities have completed their investigations.

Or. el

Amendment 79
Spyros Danellis

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) While certain information must remain confidential, for the sake of the families of the victims and the proper administration of justice, it is important to ensure that judicial authorities have access to certain facts and data of relevance to their investigation. This must be done in accordance with the relevant instructions issued to protect the continued confidentiality of the information once the judicial authorities have completed their work.

Or. el

Amendment 80
Jörg Leichtfried

Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) An accident raises a number of different and sometimes conflicting public interests such as the prevention of future accidents and the good administration of justice. These go beyond the individual interests of the parties involved and beyond the specific event. The right balance among all interests including safety, justice and the protection of the victims and the persons involved is necessary to guarantee the overall public interest.

Or. en

Justification

An accident is a traumatic experience for the victims and their families but also for the rest of society. The accident activates a number of processes: search and rescue operations, accident investigation and judicial procedure. All these processes respond to an overriding public interest. The actors involved in these processes work under very strong pressure to deliver their work. All actors should realise the importance of the other processes and avoid damageable interference among the processes to preserve the overall public interest.

Amendment 81
Jörg Leichtfried

Proposal for a regulation
Recital 21 a (new)

Text proposed by the Commission

Amendment

(17a) The provision of assistance to the victims, their families or their associations should be separate from the accident investigation itself. Nevertheless, the

accident investigation authority has a responsibility to provide relevant and timely information to the victims' families and the survivors of the accident.

Or. en

Justification

Accidents represent a traumatic shock for survivors and families of victims. The responsibility for assisting them and providing them the necessary information - but without endangering the objectives of the investigation - should be clearly established.

Amendment 82
Spyros Danellis

Proposal for a regulation
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) The nature of the measures taken in response to an accident and the consequences thereof are of decisive importance. The Member States and the airlines must be able to deal with a major air disaster from not only the technical organisational and financial point of view, but also with regard to the victims and their families. The investigating authorities must exercise particular care in their contacts with victims and their families, forestalling as far as possible any other alternative sources of information. Finally, it is necessary to recognise the role of associations representing the families of air disaster victims.

Or. el

Justification

Efforts should be made to ensure that the investigating authorities provide the families of victims with information before it is disseminated by the media. The responsible authorities

must ensure that families and intimates are informed first so as to avoid any errors which could subsequently prove extremely harmful.

Amendment 83
Christine de Veyrac

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) *The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission. In particular the Commission should be empowered to decide on the rules of procedures and the work program of the Network established under this Regulation.*

Amendment

(24) *Uniform conditions of implementation should be ensured for the adoption of the Network's work programme and for the preparation of the Network's recommendations to the Commission on an aspect of the development and implementation of European policies and rules relating to civil aviation investigations and accident prevention and assistance to the victims of air accidents and their families.*

In accordance with Article 291 of the Treaty on the Functioning of the European Union, rules and general principles concerning mechanisms for the control by Member States of the Commission's exercise of its implementing powers shall be laid down in advance by a regulation adopted in accordance with the ordinary legislative procedure.

Pending the adoption of that regulation, Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹ shall continue to apply, with the exception of the regulatory procedure with scrutiny, which is not applicable.

Or. fr

Justification

These changes are made necessary by the entry into force of the Lisbon Treaty, which

modifies the comitology rules. The comitology procedure will continue to apply on a temporary basis until the adoption of the new regulation in accordance with the procedure laid down in the Lisbon Treaty for implementing acts – Article 291 of the Treaty on the Functioning of the European Union (TFEU).

Amendment 84
Christine de Veyrac

Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union concerning adaptations to technical progress, in particular with regard to modifications in the context of Annex 13 to the ICAO Convention, of the definitions in Article 2 and the Annex to this Regulation. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level.

Or. fr

Justification

This amendment follows the establishment of the ‘delegated acts’ procedure in the context of the Lisbon Treaty (Article 290 TFEU). This is the standard formulation used by Parliament for delegated acts in other legislation.

Amendment 85
Spyros Danellis

Proposal for a regulation
Article 1

Text proposed by the Commission

This Regulation aims to improve aviation safety by ensuring a high level of efficiency and quality of European civil aviation safety investigations, the sole objective of which is the prevention of future accidents and incidents without apportioning blame or liability.

Amendment

This Regulation, **and in particular the creation of a Network of accident investigation authorities**, aims to improve aviation safety by ensuring a high level of efficiency, **diligence**, and quality of European civil aviation safety investigations, **through the exchange of ideas and knowledge between members of the Network**, the sole objective of which is the prevention of future accidents and incidents without apportioning blame or liability. **This regulation seeks also to establish rules concerning the availability of lists of all persons on board aircraft involved in accidents and to improve the assistance given to air accident victims and their families.**

Or. el

Amendment 86
Silvia-Adriana Țicău

Proposal for a regulation
Article 2 – introductory phase – point 1 – letter (a)

Text proposed by the Commission

except when the injuries are from natural causes, self-inflicted **or inflicted by other persons**, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

Amendment

except when the injuries are from natural causes **or** self-inflicted, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

Or. ro

Justification

Passenger safety should be ensured for the entirety of the flight.

Amendment 87

Marian-Jean Marinescu

Proposal for a regulation

Article 2 – introductory phrase – point 1 (a) – new indent

Text proposed by the Commission

Amendment

- direct or indirect exposure to an act of unlawful interference;

Or. en

Amendment 88

Marian-Jean Marinescu

Proposal for a regulation

Article 2 – introductory phrase – point 1 – letter (b)

Text proposed by the Commission

Amendment

(b) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to ***a single*** engine, its cowlings or accessories; or for damage limited to propellers, wingtips, antennas, probes, vanes, tyres, brakes, wheels, superficial damage to the landing gear, fairings, panels, landing gear doors, damaged windscreens, small dents or puncture holes in the aircraft skin, minor hail or bird strike damage (including holes in the radome); or

b) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to ***the*** engine, its cowlings or accessories; or for damage limited to propellers, wingtips, antennas, probes, vanes, tyres, brakes, wheels, superficial damage to the landing gear, fairings, panels, landing gear doors, damaged windscreens, small dents or puncture holes in the aircraft skin, minor hail or bird strike damage (including holes in the radome); or

Or. en

Amendment 89
Luis de Grandes Pascual

Proposal for a regulation
Article 2 – introductory phrase – point 4
CE

Text proposed by the Commission

(4) '**causes**' means actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident; the identification of **causes** does not imply the assignment of fault or the determination of administrative, civil or criminal liability;

Amendment

(4) '**factors**' means actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident; the identification of **factors** does not imply the assignment of fault or the determination of administrative, civil or criminal liability;

Or. es

Justification

To use the word 'causes' could lead to serious legal problems by giving the impression of guilt and/or responsibility. The ICAO (International Civil Aviation Organisation) has recognised the need to keep safety terminology and legal terminology separate. It is therefore proposed to replace the reference to 'causes' by one to 'factors'.

Amendment 90
Jelko Kacin, Gesine Meissner, Nathalie Griesbeck

Proposal for a regulation
Article 2 – introductory phrase – point 4

Text proposed by the Commission

(4) '**causes**' means actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident; the identification of **causes** does not imply the assignment of fault or the determination of administrative, civil or

Amendment

(4) '**factors**' means actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident; the identification of **factors** does not imply the assignment of fault or the determination of administrative, civil or

criminal liability;

criminal liability;

Or. en

Justification

The use of the term "causes" risks creating problems when dealing with the justice authorities, as "causes" could presume the apportioning of blame and/or liability. ICAO has recognized the need for a separation of "judicia" and "safety" terminology. The ideal term would be "contributing factors", but the proposed Regulation does not use this term, nor does it contain a definition for it. Unless a definition of contributing factor is provided for, the term "causes" should be replaced by "factors". Note: This implies replacing the term "causes" by "factors" in the rest of the proposal for a Regulation (recitals 10 and 12 and Articles 9.2(e) and 13.

Amendment 91 Jörg Leichtfried

Proposal for a regulation Article 2 – introductory phrase – point 4

Text proposed by the Commission

(4) '**causes**' means actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident; the identification of **causes** does not imply the assignment of fault or the determination of administrative, civil or criminal liability;

Amendment

(4) '**factors**' means actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident; the identification of **factors** does not imply the assignment of fault or the determination of administrative, civil or criminal liability;

Or. en

Justification

The proposed new ICAO Annex 13 (soon to be formally adopted by ICAO), questions the use of the term "causes". This term risks creating problems when dealing with the justice authorities, as 'causes' could presume the apportioning of blame and/or liability. ICAO has recognized the need for a separation of 'judicial' and 'safety' terminology. The ideal term would be "contributing factors", but the proposed Regulation does not use this term, nor does it contain a definition for it. Unless a definition of contributing factor is provided for, the term 'causes' should be replaced by 'factors'.

Amendment 92
Eva Lichtenberger

Proposal for a regulation
Article 2 – introductory phrase – point 4

Text proposed by the Commission

(4) '**causes**' means actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident; the identification of **causes** does not imply the assignment of fault or the determination of administrative, civil or criminal liability;

Amendment

(4) '**factors**' means actions, omissions, events, conditions, or a combination thereof, which led to the accident or incident; the identification of **factors** does not imply the assignment of fault or the determination of administrative, civil or criminal liability;

Or. en

Amendment 93
Marian-Jean Marinescu

Proposal for a regulation
Article 2 – introductory phrase – point 6

Text proposed by the Commission

(6) 'fatal injury' means an injury which is sustained by a person in an accident and which results in his/her death **within 30 days of the date of the accident.**

Amendment

(6) 'fatal injury' means an injury which is sustained by a person in an accident and which results in his/her death.

Or. en

Amendment 94
Marian-Jean Marinescu

Proposal for a regulation
Article 2 – point 7

Text proposed by the Commission

(7) 'flight recorder' means any type of recorder installed in the aircraft for the purpose of facilitating accident/incident

Amendment

(7) 'flight recorder' means any type of recorder installed in the aircraft **collecting data that can be used** for the purpose of facilitating accident/incident safety

safety investigations;

investigations;

Or. en

Amendment 95

Luis de Grandes Pascual

Proposal for a regulation

Article 2 – point 12

Text proposed by the Commission

(12) 'safety investigation' means a process conducted for the purpose of accident and incident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of cause(s) and/or **contributing** factors and, when appropriate, the making of safety recommendations;

Amendment

(12) 'safety investigation' means a process conducted for the purpose of accident and incident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of cause(s) and/or **concurrent** factors and, when appropriate, the making of safety recommendations;

Or. es

Justification

To use the word 'causes' could lead to serious legal problems by giving the impression of guilt and/or responsibility. The ICAO (International Civil Aviation Organisation) has recognised the need to keep safety terminology and legal terminology separate. It is therefore proposed to replace the reference to 'causes' by one to 'factors'. Nor is it correct in the present case refer to 'contributing factors'.

Amendment 96

Jörg Leichtfried

Proposal for a regulation

Article 2 – point 16 a (new)

Text proposed by the Commission

Amendment

(16a) 'Preliminary Report' means the communication used for the prompt dissemination of data obtained during the

early stages of the investigation.

Or. en

Justification

The event of an accident creates legitimate expectations in the public and in the victims to obtain information about the event. Preliminary reports constitute a widely-accepted instrument for the Investigators to communicate before the publication of the final report, with contrasted information and in a controlled way without endangering the safety investigation. This definition is directly taken from ICAO Annex 13 chapter 1.

Amendment 97

Christine de Veyrac

Proposal for a regulation

Article 2 – point 16 a (new)

Text proposed by the Commission

Amendment

(16a) ‘preliminary report’ means the communication used for the prompt dissemination of data obtained during the early stages of the investigation.

Or. fr

Justification

This definition, which comes from Annex 13 to the ICAO Convention, is necessary in connection with Article 18 in order to define what types of document can be made public.

Amendment 98

Eva Lichtenberger

Proposal for a regulation

Article 2 – point 16 a (new)

Text proposed by the Commission

Amendment

(16a) ‘Preliminary Report’ means the communication used for the prompt dissemination of data obtained during the

early stages of the investigation.

Or. en

Amendment 99
Christine de Veyrac

Proposal for a regulation
Article 2 – point 16 a (new)

Text proposed by the Commission

Amendment

(16a) ‘families’ means the immediate relatives or next of kin of the victim of an accident or serious incident;

Or. fr

Amendment 100
Jelko Kacin, Gesine Meissner, Nathalie Griesbeck

Proposal for a regulation
Article 2 – point 16 a (new)

Text proposed by the Commission

Amendment

(16a) ‘Inappropriate use of safety information’ means the use of information gathered from safety data collection and processing systems for purposes different from the purposes for which it was collected, namely, use of the information for disciplinary, civil, administrative and criminal proceedings against operational personnel, and/or disclosure of the information to the public.

Or. en

Justification

The protection of safety information from inappropriate use is essential to ensure its

continued availability, since the use of safety information for other than safety-related purposes may inhibit the future availability of such information, with an adverse effect on safety. This definition is directly taken from ICAO Annex 13 Attachment E.1.1.5c), and is necessary in relation to the proposed amendment 5 (see below).

Amendment 101

Silvia-Adriana Țicău

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The safety investigation authorities shall protect the anonymity of those involved in an accident or incident.

Or. ro

Justification

The safety investigation authorities shall protect the anonymity of those involved in an accident or incident.

Amendment 102

Bogusław Liberadzki

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Safety investigation authorities shall draw up annual reports detailing the occurrence categories, locations and circumstances and the people involved. Those reports shall be made public for the purpose of assessing aviation safety.

Or. pl

Amendment 103
Jörg Leichtfried

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

4. Safety investigations referred to in paragraph 1 and 3 shall in no case be concerned with apportioning blame or liability. They shall be ***separate from and without prejudice to*** any judicial or administrative proceedings ***to apportion blame or liability***.

Amendment

4. Safety investigations referred to in paragraph 1 and 3 shall in no case be concerned with apportioning blame or liability. They shall be ***independent of*** any judicial or administrative proceedings. ***Member States shall enact appropriate legislation to coordinate accident investigations with judicial or administrative proceedings and to prevent the inappropriate use of safety information.***

Or. en

Justification

The aims of the judicial and administrative proceedings are different and sometimes conflicting with the aims of the investigation. The independence of the safety investigation is paramount for the preservation of each of the two proceedings and the overall general interest. Without a legal framework protecting safety information obtained during the accident investigation, this paragraph is a mere declaration of principles without any legal value. Each country should establish this legal framework in compliance with its legal and constitutional systems.

Amendment 104
Eva Lichtenberger

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

4. Safety investigations referred to in paragraph 1 and 3 shall in no case be concerned with apportioning blame or liability. They shall be separate from and without prejudice to any judicial or administrative proceedings to apportion

Amendment

4. Safety investigations referred to in paragraph 1 and 3 shall in no case be concerned with apportioning blame or liability. They shall be ***independent,*** separate from and without prejudice to any judicial or administrative proceedings ***or***

blame or liability.

financial interests to apportion blame or liability.

Or. en

Amendment 105
Christine de Veyrac

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

4. Safety investigations referred to in paragraph 1 and 3 shall in no case be concerned with apportioning blame or liability. They shall be separate from and without prejudice to any judicial or administrative proceedings to apportion blame or liability.

Amendment

4. Safety investigations referred to in paragraph 1 and 3 shall in no case be concerned with apportioning blame or liability. They shall be ***independent***, separate from and without prejudice to any judicial or administrative proceedings to apportion blame or liability.

Or. fr

Justification

It would be useful to specify that these two investigations are independent. The second part of the amendment is a linguistic change which only concerns the French version.

Amendment 106
Peter van Dalen

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. Each Member State shall ensure that safety investigations are conducted or supervised, without external interference, by a permanent civil aviation safety investigation authority (hereinafter 'safety investigation authority').

Amendment

1. Each Member State shall ensure that safety investigations are conducted or supervised, without external interference, by a permanent civil aviation safety investigation authority (hereinafter 'safety investigation authority') ***capable of independently carrying out a full safety***

investigation.

Or. nl

Amendment 107

Marian-Jean Marinescu

Proposal for a regulation

Article 5 – paragraph 5 – introductory phrase

Text proposed by the Commission

5. The safety investigation authority shall be given the means required to carry out its responsibilities independently and shall be able to obtain sufficient resources to do so. In particular:

Amendment

5. The safety investigation authority shall be given ***by the respective Member State*** the means required to carry out its responsibilities independently and shall be able to obtain sufficient resources to do so. In particular:

Or. en

Amendment 108

Magdalena Alvarez

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. The Network shall coordinate and strengthen cooperation and exchange of information among the safety investigation authorities of the Member States, and facilitate cooperation between them and the Commission and the European Aviation Safety Agency (hereinafter 'EASA'), including through the establishment of a number of central functions.

Amendment

2. In order to achieve the objectives established in paragraph 1a, the Network shall be responsible for:
- coordinating training and skills development programmes for the investigators.

Or. es

Justification

In her amendment 22, the rapporteur proposed the possibility of the network of investigating authorities being responsible for the investigators' training. This amendment seeks to add to that the role of skills development aimed at building further on the investigators' initial training.

Amendment 109

Peter van Dalen

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

4. The Network shall discharge its mandate in a transparent and independent manner. Its members shall neither seek *nor* accept instructions from any public or private entity, which could affect the independent status of safety investigations.

Amendment

4. The Network shall discharge its mandate in a transparent and independent manner. Its members shall neither seek, accept *nor have forced upon them* instructions from any public or private entity, which could affect the independent status of safety investigations.

Or. nl

Amendment 110

Peter van Dalen

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. The work of the Network shall be organised according to its rules of procedure. The Network shall elect a chairperson from among its members, for a period no longer than five years. The term of the office of the chairperson shall be renewable.

Amendment

1. The work of the Network shall be organised according to its rules of procedure. The Network shall elect a chairperson from among its members, for a period no longer than five years. The term of the office of the chairperson shall be renewable *once*.

Or. nl

Amendment 111
Spyros Danellis

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The Commission and EASA shall be invited and may be represented at all the meetings of the Network and its expert working groups, unless the chairperson of the Network decides, on the basis of the criteria specified in the rules of procedure, that such participation would create a conflict of interest with the tasks of the safety investigation authorities.

Amendment

2. The Commission and EASA shall be invited and may be represented at all the meetings of the Network and its expert working groups, unless the chairperson ***or coordinator*** of the Network decides, on the basis of the criteria specified in the rules of procedure, that such participation would create a conflict of interest with the tasks of the safety investigation authorities. ***This decision must be duly substantiated.***

Or. el

Amendment 112
Marian-Jean Marinescu

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The Commission and EASA shall be invited and ***may*** be represented at all the meetings of the Network and its expert working groups, unless the chairperson of the Network decides, on the basis of the criteria specified in the rules of procedure, that such participation would create a conflict of interest with the tasks of the safety investigation authorities.

Amendment

2. The Commission and EASA shall be invited and ***shall*** be represented at all the meetings of the Network and its expert working groups, unless the chairperson of the Network decides, on the basis of the criteria specified in the rules of procedure, that such participation would create a conflict of interest with the tasks of the safety investigation authorities.

Or. en

Amendment 113
Christine de Veyrac

Proposal for a regulation
Article 8 – paragraph 9

Text proposed by the Commission

9. The rules of procedure of the Network and its work programme shall be decided in accordance with the procedure referred to in Article 24. The *chairperson* of the Network shall present the *draft of the* rules of procedure and *of* the work programme to the Commission.

Amendment

9. The rules of procedure of the Network and its work programme shall be decided in accordance with the *tasks assigned to the Network under Article 7(2). The work programme shall be adopted in accordance with the* procedure referred to in Article 24. The *coordinator* of the Network shall present the rules of procedure and the *draft* work programme to the Commission.

Or. fr

Justification

The Network's work programme must be largely based on the tasks assigned to the Network. This amendment is a revised version of amendment 30, making adjustments in line with the comitology procedure.

Amendment 114
Peter van Dalen

Proposal for a regulation
Article 9 – paragraph 1 – introductory phase

Text proposed by the Commission

Safety investigation authorities of the Member States *shall* invite EASA to be represented and to participate, within the scope of its competence:

Amendment

Safety investigation authorities of the Member States *may* invite EASA to be represented and to participate, within the scope of its competence:

Or. nl

Amendment 115
Silvia-Adriana Țicău

Proposal for a regulation
Article 9 – paragraph 1 – introductory phrase

Text proposed by the Commission

1. Safety investigation authorities of the Member States shall invite EASA to be represented and to participate, within the scope of its competence:

Amendment

1. Safety investigation authorities of the Member States shall invite EASA to be represented and to participate ***in the role of observer***, within the scope of its competence:

Or. ro

Amendment 116
Silvia-Adriana Țicău

Proposal for a regulation
Article 9 – paragraph 2 – introductory phrase

Text proposed by the Commission

2. The rights of EASA referred to in paragraph 1, shall confer entitlement to participate, in all aspects of the investigation, under the control of the investigator-in-charge, and in particular to:

Amendment

2. The rights of EASA referred to in paragraph 1, shall confer entitlement to participate ***in the role of observer*** in all aspects of the investigation, under the control of the investigator-in-charge, and in particular to:

Or. ro

Amendment 117
Marian-Jean Marinescu

Proposal for a regulation
Article 9 – paragraph 2 – point (d)

Text proposed by the Commission

(d) participate in the read-outs of flight recorders, ***except*** cockpit voice or image recorders;

Amendment

(d) participate in the read-outs of flight recorders, ***including*** cockpit voice ***and*** image recorders;

Amendment 118
Jörg Leichtfried

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. The safety investigation authority shall notify without delay the Commission, EASA and the Member States concerned of the occurrence of all accidents and serious incidents of which it has been notified.

Amendment

2. The safety investigation authority shall notify without delay the Commission, EASA, **ICAO** and the Member States concerned of the occurrence of all accidents and serious incidents of which it has been notified.

Justification

Notification to ICAO is an international standard. The action of the EU in accident investigation and in all areas concerning aviation should be done in full respect of the Member States' obligations under the Chicago convention.

Amendment 119
Jörg Leichtfried

Proposal for a regulation
Article 12 – paragraph 2 – point (a)

Text proposed by the Commission

(a) have unrestricted and unhampered access to the site of the accident or incident as well as to the aircraft, its contents or its wreckage;

Amendment

(a) have **immediate** unrestricted and unhampered access to the site of the accident or incident as well as to the aircraft, its contents or its wreckage;

Justification

It is important that accident investigators have access to the site of the accident as soon as

possible to gather and secure all evidence necessary to analyse and explain the factors related to the accident.

Amendment 120
Marian-Jean Marinescu

Proposal for a regulation
Article 12 – paragraph 2 – point (g a) (new)

Text proposed by the Commission

Amendment

(ga) have free access to the enquiries into persons suspected of being linked to an act of unlawful interference

-on an aircraft

-against passengers and/or crew members on an aircraft and/or

-inside an airport;

Or. en

Amendment 121
Peter van Dalen

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The investigator-in-charge shall extend to its experts and advisers as well as to the accredited representatives, their experts and advisers the entitlements listed in paragraph 2, to the extent necessary to enable them effective participation in the safety investigation. ***This is without prejudice to the rights of the investigators and experts designated by the authority in charge of the judicial inquiry.***

3. The investigator-in-charge shall extend to its experts and advisers as well as to the accredited representatives, their experts and advisers the entitlements listed in paragraph 2, to the extent necessary to enable them effective participation in the safety investigation, ***even where Article 13 is applicable.***

Or. nl

Amendment 122
Jörg Leichtfried

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. If, in the course of the safety investigation, the safety investigation authority suspects that an act of unlawful interference was involved in the accident or incident, the investigator-in-charge shall immediately inform the judicial authorities thereof, ***at the request of which the control of the accident site shall be transferred to these authorities. Subject to Articles 15 and 16, the relevant information collected in the safety investigation shall be also transferred to these authorities upon their request. This shall be without prejudice to the right of the safety investigation authority, in coordination with the authorities to which the control of the site was transferred, to continue the safety investigation.***

Amendment

2. If, in the course of the safety investigation, the safety investigation authority ***finds*** that an act of unlawful interference was involved in the accident or incident, the investigator-in-charge shall immediately inform the judicial authorities thereof.

Or. en

Justification

The existence of an unlawful interference does not cancel the need for a proper safety investigation with all necessary standards and guarantees. However, the Accident Investigators shall inform the judicial authorities when there is a concrete finding leading them to believe that an unlawful interference has occurred, so the judicial process can start. Unlawful interference constituting an overriding public interest, the relevant parts of the safety information that are necessary for the judicial investigation could be used by the judicial authority as indicated in proposed AM, Article 15(2), second subparagraph.

Amendment 123

Peter van Dalen

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

2. If, in the course of the safety investigation, the safety investigation authority suspects that an act of ***unlawful interference*** was involved in the accident or incident, the investigator-in-charge shall immediately inform the judicial authorities thereof, ***at the request of which*** the control of the accident site shall be transferred to these authorities. Subject to Articles 15 and 16, the relevant information collected in the safety investigation shall be also transferred to these authorities upon their request. This shall be without prejudice to the right of the safety investigation authority, in coordination with the authorities to which the control of the site was transferred, to continue the safety investigation.

Amendment

2. If, in the course of the safety investigation, the safety investigation authority suspects that an act of ***hostage-taking, murder or terrorism*** was involved in the accident or incident, the investigator-in-charge shall immediately inform the judicial authorities thereof, ***and*** the control of the accident site shall be transferred to these authorities. Subject to Articles 15 and 16, the relevant information collected in the safety investigation shall be also transferred to these authorities upon their request. This shall be without prejudice to the right of the safety investigation authority, in coordination with the authorities to which the control of the site was transferred, to continue the safety investigation.

Or. nl

Amendment 124

Christine de Veyrac

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

3. To ensure proper coordination of inquires into the causes of accidents and incidents, the safety investigation authority ***shall cooperate with other authorities in particular through advance arrangements with the judicial, civil aviation, search and rescue*** and other authorities likely to be involved in the investigation.

Amendment

3. To ensure proper coordination of inquires into the causes of accidents and incidents, ***the Member States shall ensure good cooperation between*** the safety investigation authority and other authorities likely to be involved in the investigation, ***such as the judicial, civil aviation, search and rescue and other authorities, on the basis of advance***

arrangements. Those arrangements must respect the independence of the safety investigation authority and allow the technical investigation to be conducted diligently and efficiently. The arrangements must also comply with the rules laid down in this Regulation, such as the rule concerning the forwarding of certain information referred to in the second sub-paragraph of Article 15(2) of this Regulation.

Or. fr

Justification

It is important for each Member State to have arrangements that allow rules to be laid down concerning relations between their safety investigation authority and the other authorities likely to be involved in the investigation. Those arrangements must contain the relevant provisions laid down in this Regulation, in particular as regards the protection of information obtained in the course of the technical investigation.

Amendment 125 **Antonio Cancian**

Proposal for a regulation **Article 13 – paragraph 3**

Text proposed by the Commission

3. To ensure proper coordination of inquires into the causes of accidents and incidents, the safety investigation authority shall cooperate with other authorities in particular through advance arrangements with the judicial, civil aviation, search and rescue and other authorities likely to be involved in the investigation.

Amendment

3. Member States shall ensure that safety investigation authorities, on the one hand, and other authorities likely to be involved in the activities related to the safety investigation, such as the judicial, civil aviation, search and rescue authorities, on the other hand, cooperate with each other through advance arrangements. Such arrangements shall respect the independence of the safety investigation authority and allow the technical investigation to be conducted in a swift and efficient manner.

Or. en

Justification

Garantire una tempestiva ed efficace azione di prevenzione nel settore dell'aviazione civile, a tutela della pubblica incolumità, consentendo alle autorità investigative sulla sicurezza, nel contemporaneo avvio delle indagini di competenza dell'autorità giudiziaria, di disporre incondizionatamente e tempestivamente di tutti gli elementi necessari al regolare e proficuo svolgimento dell'inchiesta di sicurezza, fra cui l'immediato accesso ai luoghi ed alle cose dell'incidente, libero dai condizionamenti implicati dal sequestro penale. Le esigenze di prevenzione non devono essere condizionate dai tempi della giustizia.

Amendment 126 **Corien Wortmann-Kool**

Proposal for a regulation **Article 13 – paragraph 3**

Text proposed by the Commission

3. To ensure proper coordination of inquiries into the causes of accidents and incidents, the safety investigation authority shall cooperate with other authorities in particular through advance arrangements with the judicial, civil aviation, search and rescue and other authorities likely to be involved in the investigation.

Amendment

3. To ensure proper coordination of inquiries into the causes of accidents and incidents, the safety investigation authority shall cooperate with other authorities in particular through advance arrangements with the judicial, civil aviation, search and rescue and other authorities likely to be involved in the investigation. ***The advance arrangements shall cover among others the following subjects:***

- a) access to the site of the accident;***
- b) preservation of and access to evidence;***
- c) initial and ongoing debriefings of the status of each process;***
- d) exchange of information;***
- e) prevention of the inappropriate use of safety information;***
- f) resolution of conflicts.***

Or. en

Justification

It is important that all authorities likely to be involved in an accident know from the moment when an accident or a serious incident happen what their role and the role of the other authorities is. The listed elements shall necessarily be addressed in order to guarantee proper

coordination and avoid conflicts arising. Those are, by experience, the areas where problems could have avoided should advance arrangements had been in place.

Amendment 127

Jelko Kacin, Gesine Meissner

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

3. To ensure proper coordination of inquiries into the causes of accidents and incidents, the safety investigation authority shall cooperate with other authorities in particular through advance arrangements with the judicial, civil aviation, search and rescue and other authorities likely to be involved in the investigation.

Amendment

3. To ensure proper coordination of inquiries into the causes of accidents and incidents, the safety investigation authority shall cooperate with other authorities in particular through advance arrangements with the judicial, civil aviation, search and rescue and other authorities likely to be involved in the investigation. ***The advance arrangements shall cover among others the following subjects:***

- a) access to the site of the accident;***
- b) preservation of and access to evidence;***
- c) initial and ongoing debriefings of the status of each process;***
- d) exchange of information;***
- e) prevention of the inappropriate use of safety information;***
- f) resolution of conflicts.***

Or. en

Justification

It is important that all authorities likely to be involved in an accident know from the moment when an accident or a serious incident happen what their role and the role of the other authorities is. The listed elements shall necessarily be addressed in order to guarantee proper coordination and avoid conflicts arising. Those are, by experience, the areas where problems could have avoided should advance arrangements had been in place.

Amendment 128
Jörg Leichtfried

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

3. To ensure proper coordination of inquires into the causes of accidents and incidents, the safety investigation authority shall cooperate with other authorities in particular through advance arrangements with the judicial, civil aviation, search and rescue and other authorities likely to be involved in the investigation.

Amendment

3. To ensure proper coordination of inquires into the causes of accidents and incidents, the safety investigation authority shall cooperate with other authorities in particular through advance arrangements with the judicial, civil aviation, search and rescue and other authorities likely to be involved in the investigation. **Member states shall ensure that advance arrangements with the judiciary are in accordance with the guidelines set out in Annex [X] to this Regulation.**

Or. en

Justification

The Regulation should propose a model for coordination of accident related activities to ensure that every party is informed of the needs and objectives of each process and to avoid inefficient overlaps and interference between the different institutions involved. Experience shows that where such arrangements exist the quality of all processes increases.

Amendment 129
Luis de Grandes Pascual

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

3. To ensure proper coordination of inquires into the **causes of** accidents and incidents, the safety investigation authority shall cooperate with other authorities in particular through advance arrangements with the judicial, civil aviation, search and rescue and other authorities likely to be

Amendment

3. To ensure proper coordination of inquires into the **concurrent factors relating to** accidents and incidents, the safety investigation authority shall cooperate with other authorities in particular through advance arrangements with the judicial, civil aviation, search and rescue and other authorities likely to be

involved in the investigation.

involved in the investigation.

Or. es

Justification

To use the word 'causes' could lead to serious legal problems by giving the impression of guilt and/or responsibility. The ICAO (International Civil Aviation Organisation) has recognised the need to keep safety terminology and legal terminology separate. It is therefore proposed to replace the reference to 'causes' by one to 'factors'.

Amendment 130

Jelko Kacin, Gesine Meissner

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

However, the competent authority for the administration of justice in a Member State may decide that the benefits of the disclosure of the records referred to in paragraphs 1 and 2 for any other purposes permitted by law outweighs the adverse domestic and international impact that such action may have on that or any future investigation and on the management of civil aviation safety and that there is an overriding public interest in their disclosure.

deleted

Or. en

Justification

This paragraph proposed by the Commission shows the conflict between two public interests: the administration of justice (incl. availability of evidence before court) and aviation safety (incl. protection of data and sources to collect and analyse all evidence to prevent future accidents). The judicial authority has a vested interest and cannot alone resolve this conflict. Clear parameters are needed to decide when the society considers one interest should be placed above the other. These parameters are proposed in a new Art. 15, para.4.

Amendment 131
Jörg Leichtfried

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

However, the competent authority for the administration of justice in a Member State may decide that the benefits of the disclosure of the records referred to in paragraphs 1 and 2 for any other purposes permitted by law outweighs the adverse domestic and international impact that such action may have on that or any future investigation and on the management of civil aviation safety and that there is an overriding public interest in their disclosure.

deleted

Or. en

Justification

This paragraph shows the conflict of laws between the need to ensure aviation safety and to administer justice. Both interests extend beyond the interest of the parties. The judicial authority has a vested interest and cannot alone resolve this conflict. There should be clear parameters to help judicial authorities to decide when the society considers that one interest should be placed above the other. These parameters are proposed in a new paragraph 4 to Art. 15 (see AM in recital 21a).

Amendment 132
Magdalena Alvarez

Proposal for a regulation
Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

However, the competent authority for the administration of justice in a Member State may decide that the benefits of the disclosure of the records referred to in paragraphs 1 and 2 for any other purposes permitted by law outweighs the adverse

However, the competent authority for the administration of justice in a Member State may, ***in line with national law***, decide that the benefits of the disclosure of the records referred to in paragraphs 1 and 2 for any other purposes permitted by law outweighs

domestic and international impact that such action may have on that or any future investigation ***and on the management of civil aviation safety and that there is an overriding public interest in their disclosure.***

the adverse domestic and international impact that such action may have on that or any future investigation.

Or. es

Justification

Legal certainty dictates that cases in which sensitive security information could be used and published should be treated similarly to those under national law. Vaguer concepts such as 'overriding public interest' should be avoided.

Amendment 133
Christine de Veyrac

Proposal for a regulation
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If the authority responsible for the administration of justice in a Member State is aware of information obtained in the context of the safety investigation, other than the information referred to in Article 15(2)(a), (b) and (c), which it is authorised to disclose, it may only disclose that information on condition that it is able to produce evidence thereof on the basis of the procedures made available to it in the context of the judicial procedure. If that is not the case, the information concerned shall remain confidential.

Or. fr

Justification

This amendment supplements amendment 40, which regulates the provision of information to the judicial authorities with a view to allowing the people involved to cooperate fully with the safety investigation and thereby determine the causes of the accident. If the judicial authorities wish to use information other than that detailed in amendment 40, they must

produce evidence thereof. For example, if they are aware of information supplied by foreign investigators, they can use international letters rogatory to obtain that information in the context of the judicial procedure.

Amendment 134

Jelko Kacin, Gesine Meissner, Nathalie Griesbeck

Proposal for a regulation

Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Notwithstanding paragraphs 1 and 2, safety data referred to in these paragraphs may be used as evidence and be demanded for inspection or be seized, if it concerns a criminal investigation into a hostage-taking, murder or an offence with the intention of frightening the population or part of the population of a country, or forcing a government or an international organisation to do, omit or tolerate something, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.

Or. en

Justification

This new paragraph provides for clear criteria determining when safety information gathered in the accident investigation can be given to the judicial authorities, and when the public interest of administering justice has to be placed above the one of aviation safety. It allows access to such safety information in clearly defined cases, allowing the judicial authorities to do their work. In all other cases, the information remains protected and can be used only for the purpose of improving safety, and not for apportioning blame or liability.

Amendment 135
Jörg Leichtfried

Proposal for a regulation
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Notwithstanding paragraphs 1 and 2, safety data referred to in these paragraphs may be used as evidence and be demanded for inspection or be seized, if it concerns a criminal investigation into a hostage-taking, murder or an offence with the intention of frightening the population or part of the population of a country, or forcing a government or an international organisation to do, omit or tolerate something, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.

Or. en

Justification

The aim of the safety investigation relies on the collection of data and testimonies of involved parties both obtained in confidence. If the accident investigator cannot ensure that testimonies or data will not be used in an administrative or judicial procedure, parties involved will not speak in confidence. On the other side, the judge has a legitimate interest in delivering justice. This amendment proposes clear parameters to help judicial authorities to decide when the society considers that one interest should be placed above the other.

Amendment 136
Jörg Leichtfried

Proposal for a regulation
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When safety data is used as evidence in criminal proceedings pursuant to paragraph 2a, the fundamental rights of

the persons involved, notably the rights to privacy and to a fair trial, shall be respected. Only the data strictly necessary for the criminal proceedings shall be disclosed, the rest being preserved by the investigation authority to the maximum extent possible.

Or. en

Justification

Safety data is protected to ensure that evidence is given in confidence. Recording personal data at the work place is not permitted by European Legislation. The recording of safety data is an exception to this prohibition as long as air crews, air traffic controllers etc. have only consented to it for improving aviation safety. If the safety data is used for the purposes of the proposed new paragraph 4, the rights of the parties involved shall be protected to a maximum. Furthermore, persons involved are protected by the right to a fair trial, including the right against self-incrimination.

Amendment 137
Jörg Leichtfried

Proposal for a regulation
Article 15 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. When safety data is used as evidence in criminal proceedings pursuant to paragraph 2b, the information provided by a person in the framework of the safety investigation cannot be used against that person.

Or. en

Justification

Article 6 of the European Convention of Human Rights recognises the right to a fair trial. The Court of Human Rights recognised in its Judgment Saunders vs. the UK (case 43/1994/490/572) that information obtained under coercion cannot be used against that person in a criminal proceeding (right against self-incrimination). However, refusal to give information is punishable under the proposed Article 2. It is therefore crucial to stipulate that all information given to the accident investigation cannot be used against the person

providing that information.

Amendment 138
Magdalena Alvarez

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. ***Except with the consent of all crew members concerned***, cockpit voice and image recordings and their transcripts shall not be made available or used for purposes other than safety investigation.

Amendment

1. Cockpit voice and image recordings and their transcripts shall not be made available or used for purposes other than safety investigation, ***other than in the cases covered by Article 17 of this Regulation.***

Or. es

Amendment 139
Jörg Leichtfried

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. Except with the consent of all crew members concerned, cockpit voice ***and image*** recordings and their transcripts shall not be made available or used for purposes other than safety investigation.

Amendment

1. Except with the consent of all crew members concerned, cockpit voice recordings and their transcripts shall not be made available or used for purposes other than safety investigation.

Or. en

Justification

Reference to video recordings could be interpreted as an authorisation to install video recordings onboard of aircrafts. There are no provisions in ICAO allowing for the installation of video recorders and there is no request pending for certification of any type of video recorders. The installation of cockpit video recorders raises issues concerning the privacy of mobile staff and passengers onboard and its utility is questioned by a majority of experts. The conditions for the protection of video recordings onboard of airplanes shall be treated specifically when and if approved internationally and properly certified.

Amendment 140
Eva Lichtenberger

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. The flight data **recorder** recordings shall not be made available or used for purposes other than safety investigation, except when such records are:

- (a) used for airworthiness or maintenance purposes only; **or**
- (b) de-identified; **or**
- (c) disclosed under secure procedures.

Amendment

2. The flight data recordings shall not be made available or used for purposes other than safety investigation, except when such records are:

- (a) used for airworthiness or maintenance purposes only; **and**
- (b) de-identified; **and**
- (c) disclosed under secure procedures.

Or. en

Amendment 141
Jörg Leichtfried

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. The flight data recorder recordings shall not be made available or used for purposes other than safety investigation, except when such records are:

- (a) used for airworthiness or maintenance purposes only; **or**
- (b) de-identified; **or**
- (c) disclosed under secure procedures.

Amendment

2. The flight data recorder recordings shall not be made available or used for purposes other than safety investigation, except when such records are:

- (a) used for airworthiness or maintenance purposes only; **and**
- (b) de-identified; **and**
- (c) disclosed under secure procedures.

Or. en

Justification

The conditions for disclosure shall be cumulative to prevent the improper use of safety information. Data disclosed for airworthiness and maintenance must be de-identified and disclosed under secure procedures. Only in this manner it is guaranteed that the disclosed data will not be used for other purposes. The term "secure procedures" is not defined and is ambiguous. Protocols shall be developed among the categories of persons involved to determine what constitutes a secure procedure. The information contained in the flight data recorder can be obtained by other means.

Amendment 142 **Inés Ayala Sender**

Proposal for a regulation **Article 16 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. With a view to protecting the independent nature of accident investigation and ensuring the full cooperation of those able to provide information relevant to the investigation, Member States shall ensure that the use in legal proceedings of recordings and security data arising from accident investigation does not breach the right to privacy or the right to a fair trial. Under all circumstances, the right not to incriminate oneself shall be preserved.

Or. es

Amendment 143 **Eva Lichtenberger**

Proposal for a regulation **Article 18 – paragraph 3**

Text proposed by the Commission

Amendment

3. The head of the safety investigation authority is authorised to inform victims and their families or their associations or, make public any information on the factual

3. The head of the safety investigation authority is authorised to inform victimes and their families or their associations or, make public any information ***on issues of***

observations and the proceedings of the safety investigation **and possibly preliminary conclusions and/or** recommendations, provided that it does not compromise the objectives of the investigation.

immediate concern, such as the release of human remains and personal effects held as a part of the investigation, information on the factual observations and the proceedings of the safety investigation, **preliminary reports and safety** recommendations, provided that it does not compromise the objectives of the investigation.

Or. en

Amendment 144
Jörg Leichtfried

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

3. The head of the safety investigation authority is authorised to inform victims and their families or their associations or, make public any information on the factual observations and the proceedings of the safety investigation **and possibly preliminary conclusions and/or** recommendations, provided that it does not compromise the objectives of the investigation.

Amendment

3. The head of the safety investigation authority is authorised to inform victims and their families or their associations or, make public any information on **issues of immediate concern, such as the release of human remains and personal effects held as a part of the investigation, information** on the factual observations and the proceedings of the safety investigation, **preliminary reports and safety** recommendations, provided that it does not compromise the objectives of the investigation.

Or. en

Justification

Victims and their families deserve timely information on the accident. ICAO has published a circular on how to organise the communication of information to the victims. This article should clearly define which type of information can be communicated without compromising the objectives of the investigation. The communication of "possibly preliminary conclusions" shall not be allowed. This would only create confusion and increase the distress of the public and the victims. Only facts, procedural information, preliminary reports, and safety recommendations shall be released.

Amendment 145
Spyros Danellis

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

3. The head of the safety investigation authority is authorised to inform victims and their families or their associations or, make public any information on the factual observations and the proceedings of the safety investigation and possibly preliminary conclusions and/or recommendations, provided that it does not compromise the objectives of the investigation.

Amendment

3. The head of the safety investigation authority is authorised to inform victims and their families or their associations or, make public any information on the factual observations and the proceedings of the safety investigation and possibly preliminary conclusions and/or recommendations, provided that it does not compromise the objectives of the investigation **and fully complies with provisions regarding the protection of personal data.**

Or. el

Amendment 146
Christine de Veyrac

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

3. The head of the safety investigation authority is authorised to **inform victims and their families or their associations or**, make public any information on the factual observations and the proceedings of the safety investigation and possibly preliminary **conclusions and/or** recommendations, provided that it does not compromise the objectives of the investigation.

Amendment

3. The head of the safety investigation authority is authorised to make public any information on the factual observations and the proceedings of the safety investigation and possibly preliminary **reports and safety** recommendations, provided that it does not compromise the objectives of the investigation.

Or. fr

Justification

This terminology is more precise and is in line with the terms used in Annex 13 of the ICAO Convention.

Amendment 147
Christine de Veyrac

Proposal for a regulation
Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Before making public the information referred to in paragraph 3, the head of the safety investigation authority shall forward that information to the victims, the families or their associations. In particular, he must forward to the persons concerned, provided they have given contact details, the preliminary reports and the final report.

Or. fr

Justification

Victims' families should not be informed by the media. They should have priority access to information before it is made public.

Amendment 148
Inés Ayala Sender

Proposal for a regulation
Article 19 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The persons involved shall be entitled to participate in the safety investigation as an observer and make comments in writing on the investigation report before it is published.

Amendment 149
Inés Ayala Sender

Proposal for a regulation
Article 19 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Any written comments provided for under paragraph 3a shall be noted in the final version of the report.

Amendment 150
Marian-Jean Marinescu

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

Amendment

1. At any stage of the safety investigation, the safety investigation authority shall recommend in a dated transmittal letter to the undertakings concerned, including those in other Member States or third countries, any preventive action that it considers necessary to be taken promptly.

1. At any stage of the safety investigation, the safety investigation authority shall recommend in a dated transmittal letter, ***after proper consultation with all parties responsible, including EASA, the manufacturer of the aircraft concerned and the operator***, to the undertakings concerned, including those in other Member States or third countries, any preventive action that it considers necessary to be taken promptly.

Amendment 151
Magdalena Alvarez

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

1. **Community** airlines and airlines departing from an airport located in the territory of a Member State to which the Treaty applies, shall implement procedures **allowing** to produce a list of all the persons on board an aircraft **within one hour of the notification of the occurrence of an accident to this aircraft**.

Amendment

1. **EU** airlines and airlines departing from an airport located in the territory of a Member State to which the Treaty applies shall implement procedures **making it possible before takeoff** to produce a list of all the persons on board an aircraft, **as well as a list of any dangerous goods on board which could constitute a threat to public health or to the environment**.

Or. es

Justification

This amendment responds to the need to reduce waiting time before identification of those on board an aircraft to which an incident has occurred. In order to simplify the procedure and reduce waiting time, it is proposed to follow the provisions of the Chicago Convention, under which it is obligatory to draw up the passenger list before takeoff. The provisions of this Regulation should therefore be aligned with that convention. Airlines should also provide data on the goods carried if dangerous goods are present on board.

Amendment 152
Silvia-Adriana Țicău

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

1. Community airlines and airlines departing from an airport located in the territory of a Member State to which the Treaty applies, shall implement procedures allowing to produce a list of all the persons on board an aircraft within **one** hour of the notification of the occurrence of an accident to this aircraft.

Amendment

1. Community airlines and airlines departing from an airport located in the territory of a Member State to which the Treaty applies, shall implement procedures allowing to produce a list of all the persons on board an aircraft within **half an** hour of the notification of the occurrence of an accident to this aircraft.

Amendment 153
Peter van Dalen

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

1. Community airlines and airlines departing from an airport located in the territory of a Member State to which the Treaty applies, shall implement procedures allowing to produce a list of all the persons on board an aircraft within **one hour** of the notification of the occurrence of an accident to this aircraft.

Amendment

1. Community airlines and airlines departing from an airport located in the territory of a Member State to which the Treaty applies, shall implement procedures allowing to produce a list of all the persons on board an aircraft **as soon as possible but at any rate** within **two hours** of the notification of the occurrence of an accident to this aircraft.

Or. nl

Amendment 154
Brian Simpson

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

1. Community airlines and airlines departing from an airport located in the territory of a Member State to which the Treaty applies, shall implement procedures allowing to produce a list of all the persons on board an aircraft within **one hour** of the notification of the occurrence of an accident to this aircraft.

Amendment

1. Community airlines and airlines departing from an airport located in the territory of a Member State to which the Treaty applies, shall implement procedures allowing to produce a list of all the persons on board an aircraft within **two hours** of the notification of the occurrence of an accident to this aircraft.

Or. en

Justification

It is better to give airlines the extra time and to have the correct information than to rush out

incorrect information in order to meet a tight deadline.

Amendment 155
Magdalena Alvarez

Proposal for a regulation
Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. With a view to providing information as rapidly as possible in case of an aviation accident, airlines shall offer passengers the possibility of naming a contact person when purchasing or reserving a ticket. This information shall be made available to the authorities mentioned in paragraph 2.

Or. es

Justification

The rapporteur had already tabled Amendment 56 proposing that a list of passengers' contact persons should be made available rapidly. This amendment has the same purpose, while also stressing that such passenger information should be provided on a voluntary basis and can be made available to the authorities along with the passenger list as such.

Amendment 156
Christine De Veyrac

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. The list ***shall not be publicly available before*** all families of the passengers have been informed by the relevant authorities. Member States may decide to keep the list confidential.

3. If a passenger has given details of a contact person as provided for under paragraph 2a, it is that contact person who must be informed of the passenger's presence on board the aircraft involved in an accident. The list cannot be made public until all families of the passengers have been informed ***thereof*** by the relevant

authorities. Member States may decide to keep *all or part of* the list confidential, *in particular if specifically requested to do so by a victim's family member*.

Or. fr

Amendment 157
Magdalena Alvarez

Proposal for a regulation – amending act
Article 22 – paragraph 3

Text proposed by the Commission

3. *The list* shall not be publicly available before all families of the passengers have been informed by the relevant authorities. *Member States may decide to keep the list confidential.*

Amendment

3. *The passenger list referred to in paragraph 1 shall be confidential. It* shall not be *made* publicly available before all families of the passengers have been informed by the relevant authorities.

Or. es

Justification

The passenger list should be confidential, and relatives should be the first to be informed.

Amendment 158
Silvia-Adriana Țicău

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

3. The list shall not be publicly available before all families of the passengers have been informed by the relevant authorities. Member States may decide to keep the list confidential.

Amendment

3. The list shall not be publicly available before all families of the passengers have been informed by the relevant authorities **and their agreement has been obtained**. Member States may decide to keep the list confidential.

Or. ro

Justification

This list should not be made public until the authorities have informed all those concerned.

Amendment 159
Magdalena Alvarez

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. The Member States shall ensure that a plan for the assistance of the victims of civil aviation accidents and their families **is set up at national level**.

Amendment

1. The Member States shall ensure that **all airlines operating flights from or to their territory provide for** a plan for the assistance of the victims of civil aviation accidents and their families.

Or. es

Justification

This amendment diverges from the rapporteur's proposal in her Amendment 59, and proposes that Member States' arrangements in case of emergency be differentiated from plans to assist victims, which fall under the responsibility of airlines operating within the EU. It also proposes that airlines should be obliged to ensure that they have the organisation, structure and resources to provide sufficient facilities and the necessary assistance for the victims of an aviation accident and their relatives.

Amendment 160
Spyros Danellis

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. The Member States shall ensure that a plan for the assistance of the victims of civil aviation accidents and their families is set up at national level.

Amendment

1. The Member States shall ensure that ***an aviation accident emergency plan is set up at national level. At the same time it must be governed by certain common principles in the Member States, thereby ensuring a more comprehensive and harmonised response to such occurrences at European level.***

Or. el

Justification

It is considered necessary to comply with certain common principles at European level regarding the formulation of emergency plans ensuring to a certain extent a uniform response to such emergencies throughout the Union.

Amendment 161
Marian-Jean Marinescu

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. The Member ***States*** shall ensure that a plan for the assistance of the victims of civil aviation accidents and their families is set up at national level.

Amendment

1. The Member ***State on whose territory the air accident occurred*** shall ensure that a plan for the assistance of the victims of civil aviation accidents and their families is set up at national level.

Or. en

Amendment 162
Luis de Grandes Pascual

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. The Member States shall ensure that a plan for the assistance of the victims of civil aviation accidents and their families is set up at national level.

Amendment

1. The Member States shall ensure that a plan for the assistance of the victims of civil aviation accidents and their families is set up at national level. ***They shall also ensure that the individual identification of all victims is carried out using rigorous and foolproof methods and as rapidly as possible.***

Or. es

Justification

Where necessary, identification of the dead using accredited scientific methods is the best that can be done in the interests of victims and their relatives. Identification should be carried out as rapidly as possible while not jeopardising rigour and exactitude.

Amendment 163
Spyros Danellis

Proposal for a regulation
Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The emergency plan should include in particular provisions concerning assistance for victims of aviation accidents and their families as well as a plan for the rapid activation of airport emergency services in the event of an accident at take-off or landing in a Member State.

Or. el

Amendment 164
Christine De Veyrac

Proposal for a regulation
Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24a

Adaptation to technical progress

- 1. In order to take account of technical progress, the Commission may adopt, by means of delegated acts in accordance with Article 24b and in compliance with the conditions laid down in Articles 24c and 24d, adaptations to the definitions in Article 2 and to the provisions of the Annex to this Regulation, taking into account in particular the changes made to Annex 13 of the international civil aviation convention.***
- 2. When adopting such delegated acts, the Commission shall act in accordance with the provisions of this Regulation.***

Or. fr

Justification

This amendment follows the establishment of the ‘delegated acts’ procedure in the context of the Lisbon Treaty (Article 290 TFEU). This is the standard formulation used by Parliament for delegated acts in other legislation.

Amendment 165
Christine De Veyrac

Proposal for a regulation
Article 24 b (new)

Text proposed by the Commission

Amendment

Article 24b

Exercise of the delegation

- 1. The power to adopt the delegated acts referred to in Article 24a shall be***

conferred on the Commission for a period of five years following the entry into force of this Regulation. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 24c.

2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and the Council.

3. The power to adopt delegated acts shall be conferred on the Commission subject to the conditions laid down in Articles 24c and 24d.

Or. fr

Justification

This amendment follows the establishment of the ‘delegated acts’ procedure in the context of the Lisbon Treaty (Article 290 TFEU). This is the standard formulation used by Parliament for delegated acts in other legislation.

Amendment 166
Christine De Veyrac

Proposal for a regulation
Article 24 c (new)

Text proposed by the Commission

Amendment

Article 24c

Revocation of the delegation

1. The delegation of power referred to in Article 24a may be revoked at any time by the European Parliament or by the Council.

2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could

be subject to revocation and possible reasons for revocation.

3. The revocation decision shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

Or. fr

Justification

This amendment follows the establishment of the 'delegated acts' procedure in the context of the Lisbon Treaty (Article 290 TFEU). This is the standard formulation used by Parliament for delegated acts in other legislation.

Amendment 167
Christine De Veyrac

Proposal for a regulation
Article 24 d (new)

Text proposed by the Commission

Amendment

Article 24d
Objections to delegated acts

1. The European Parliament or the Council may raise objections to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council, this period shall be extended by two months.

2. If, on the expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force on the date stated therein. The delegated act may be published in the Official Journal of the European Union

and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3. If the European Parliament or the Council raises objections to a delegated act, it shall not enter into force. The institution which raises objections shall state the reasons for objecting to the delegated act.

Or. fr

Justification

This amendment follows the establishment of the 'delegated acts' procedure in the context of the Lisbon Treaty (Article 290 TFEU). This is the standard formulation used by Parliament for delegated acts in other legislation.

Amendment 168
Jörg Leichtfried

Proposal for a regulation
Article 25 - introductory part

Text proposed by the Commission

Member States shall lay down the rules on penalties applicable to infringement of the provisions of this Regulation. **The** penalties provided for shall be effective, proportionate and dissuasive and shall, in particular, allow sanctioning any person who, contrary to this Regulation:

Amendment

Member States shall lay down the rules on penalties applicable to infringement of the provisions of this Regulation. **Without prejudice to the right against self-incrimination, the** penalties provided for shall be effective, proportionate and dissuasive and shall, in particular, allow sanctioning any person who, contrary to this Regulation:

Or. en

Justification

Article 6 of the European Convention of Human Rights recognises the right to a fair trial. The

Court of Human Rights recognised in its Judgment Saunders vs. the UK (case 43/1994/490/572) that information obtained under coercion cannot be used against that person in a criminal proceeding (right against self-incrimination). Refusal to give information is punishable under this proposed Article 25; therefore, all information given to the accident investigation cannot be used against the person providing that information.

Amendment 169
Eva Lichtenberger

Proposal for a regulation
Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25a

This Regulation shall be subject to a review no later than 4 years after its entry into force. To this effect, and based inter alia on a wide consultation of stakeholders and the Network, the Commission shall assess the implementation of this Regulation and present a written review report, no later than five years after its entry into force, including proposals for legislative changes where necessary. The review shall inter alia address:

- 1) The disclosure of sensitive safety information to the judiciary, and the impact such disclosure may have on safety investigations and the management of safety, and***
- 2) Best practices developed by Member States on the limitation of such disclosure to specific cases, and the related cooperation between the accident investigation authorities and judicial authorities.***

Or. en

Amendment 170
Marian-Jean Marinescu

Proposal for a regulation
Annex - indent 15 a (new)

Text proposed by the Commission

Amendment

-Any act of unlawful interference, as defined by ICAO, and facilitated by the ICAO Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference.

Or. en

Justification

The reporting of acts of unlawful interference with civil aviation provides ICAO with data that is critical to evaluating and analysing security incidents and trends. Contracting States are in fact obliged by legal instruments and Annex 17 to the Chicago Convention to report to ICAO as soon as possible after an incident has been resolved. In accordance with Annex 17, each Contracting State must provide pertinent information on every incident of unlawful or attempted seizure of aircraft or aviation facilities. Through analysis of such occurrences, experts are able to develop effective measures that form the keystone of an aviation security programme.