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REPORT

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
(COM(2009)0611 – C7-0259/2009 – 2009/0170(COD))

Committee on Transport and Tourism

Rapporteur: Christine de Veyrac

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* alerts the relevant departments to parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act which the draft act seeks to amend includes a third and fourth line identifying respectively the existing act and the provision in that act affected by the amendment. Passages in a provision of an existing act that Parliament wishes to amend, but the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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 (COM(2009)0611 – C7-0259/2009 – 2009/0170(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and Council (COM(2009)0611),
 - having regard to Article 251(2) and Article 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C7-0259/2009),
 - having regard to the Commission Communication to Parliament and the Council entitled ‘Consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures’ (COM(2009)0665),
 - having regard to Article 294(3) and Article 100(2) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee¹,
 - having regard to the opinion of the Committee of the Regions²,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A7-0195/2010),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the parliaments of the Member States.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

Amendment

(1) A high general level of safety should be

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¹ Not yet published in the Official Journal

² Not yet published in the Official Journal

ensured in civil aviation in Europe and all efforts should be made to reduce the number of accidents and incidents to ensure **consumer** confidence in air transport.

ensured in civil aviation in Europe and all efforts should be made to reduce the number of accidents and incidents to ensure **public** confidence in air transport.

Justification

More appropriate term.

Amendment 2

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.

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 3

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

(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, ***in accordance with***

a safety investigation to contribute to its efficiency and to ensure safety of aircraft design, without affecting the independent status of the investigation.

Annex 13 to the Chicago Convention, 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.

Amendment 4

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.

Amendment 5

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 6

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.

Justification

Garantire un'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 dell'autorità giudiziaria, di disporre 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 7

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) The coordination role of safety investigation authorities should be recognised in a European context, by taking into account the already existing cooperation between them and the investigation resources available in the Member States which should be used in the most cost-efficient manner; this could be best achieved by establishing a European Network of Civil Aviation Safety Investigation Authorities ('the Network').

Amendment

(12) The coordination role of safety investigation authorities should be recognised ***and reinforced*** in a European context, by taking into account the already existing cooperation between them and the investigation resources available in the Member States which should be used in the most cost-efficient manner; this could be best achieved by establishing a European Network of Civil Aviation Safety Investigation Authorities ('the Network').

Amendment 8

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The Network needs to generate real added value in aviation safety. In order for it to do so, its missions and tasks must be laid down at European level in this Regulation.

Amendment 9

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

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 *in the best possible conditions; the objectives of a judicial inquiry should not be compromised either.*

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.*

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 13(3)).

Amendment 10

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 to ensure the future availability of valuable sources of information; *in this regard, the principle of a "just culture" ought to be followed, whereby 'front line operators or others are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but where 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. *However, while some types of data need to be kept strictly confidential, it is important, both for the families of accident victims and for the smooth functioning of the justice system, that the courts should have access to certain data and facts which are useful for judicial inquiries.*

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.

Member States should enact legislation preventing the inappropriate use of sensitive safety information.

Justification

The 'just culture' principle needs to be mentioned. It is recognised as being beneficial to aviation safety.

While there should not be a complete lack of transparency between safety investigations and judicial inquiries, only certain data should be transmissible to the judicial authorities. The types of data concerned must be clearly defined.

Amendment 11

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.

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 12

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) A number of accidents have highlighted the technical difficulties of recording the position of aircraft in real time, particularly over oceans. Moreover, the data held in flight recorders can currently be obtained only after the recorders have been found and the recordings analysed. Progress on research into both the real-time tracking of aircraft and the possibility of accessing flight-recorder data without the flight recorder being physically present would significantly improve the tools available to investigators in determining the causes of accidents and would also enhance capabilities for preventing recurrent incidents. This would be an important step forward in aviation safety. Accordingly, the OPTIMI (Oceanic Position Tracking Improvement & Monitoring) project, managed by the SESAR joint undertaking, should be encouraged and adequate funding should be allocated to it.

Justification

This initiative – which could significantly improve aircraft tracking as well as access to the information held in ‘black boxes’ – must be encouraged.

Amendment 13

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) Experience has shown that reliable lists of people on board an aircraft are sometimes difficult to obtain in a rapid manner **and that** the data contained on such lists should be protected from unauthorised use or disclosure.

Amendment

(20) Experience has shown that reliable lists of people on board an aircraft are sometimes difficult to obtain in a rapid manner **but experience has also shown that it is important to establish a deadline after which an airline can be required to produce such a list. In addition,** the data contained on such lists should be protected from unauthorised use or disclosure.

Justification

A number of recent accidents have highlighted the need to provide for and set such a deadline at European level.

Amendment 14

Proposal for a regulation Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) It is not easy to identify rapidly the right person to inform of a passenger's death following an accident. Solutions to this problem need to be proposed in the interests of both victims' families and airlines.

Justification

The period of uncertainty for families could thus be reduced.

Amendment 15

Proposal for a regulation
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) 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.

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 16

Proposal for a regulation
Recital 21 b (new)

Text proposed by the Commission

Amendment

(21b) The manner in which an accident and its consequences are dealt with is crucially important. Member States and airlines ought to be capable of coping with major air disasters: logistically, financially and in terms of relations with the victims and their families. Safety investigation authorities should also be particularly attentive to communication with victims and their families. In addition, the role of associations of air accident victims' families ought to be recognised.

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 17

Proposal for a regulation Recital 22

Text proposed by the Commission

(22) Directive 95/46/EC should apply to the processing of personal data pursuant to this Regulation.

Amendment

(22) Directive 95/46/EC should apply to the processing of personal data pursuant to this Regulation. ***Attention should be paid, in this regard, to the protection of personal data whether obtained in the course of the investigation or relating to passengers, victims or their relatives.***

Amendment 18

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 Commission¹. ***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.***

¹ OJ L 184, 17.7.1999, p. 23.

¹ OJ L 184, 17.7.1999, p. 23.

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 19

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.

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 20

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 aims – ***notably through the establishment of a Network of Civil Aviation Safety Investigation Authorities*** – to improve aviation safety by ensuring a high level of efficiency, ***expedition*** and quality of European civil aviation safety investigations, ***including the exchange of ideas, experiences and practices between members of the Network***, the sole objective of which is the prevention of future accidents and incidents without apportioning blame or liability.

It also aims to establish rules on 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.

Justification

The regulation's aims extend beyond safety investigations. The amendment takes into account the further matters of availability of passenger lists and assistance to victims and their families, as provided for in Articles 22 and 23.

Amendment 21

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;

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'.

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 (Recital 10, Articles 2 (12), 9.2(e) and 13 (2)).

Amendment 22

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 **concurrent** factors and, when appropriate, the making of safety recommendations;

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 23

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

Text proposed by the Commission

Amendment

(16a) 'deliberate act' means an intentional act carried out with the aim of causing an

aviation accident or serious incident;

Amendment 24

Proposal for a regulation

Article 2 – point 16 b (new)

Text proposed by the Commission

Amendment

(16b) 'Preliminary Report' means the communication used for the prompt dissemination of data obtained during the early stages of the investigation.

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, 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 25

Proposal for a regulation

Article 2 – point 16 c (new)

Text proposed by the Commission

Amendment

(16c) 'Inappropriate use of safety information' means the use of safety information 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.

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 Recital 17 (AM 10) and Article 13 (3), (AM 57).

Amendment 26

Proposal for a regulation

Article 2 – point 16 d (new)

Text proposed by the Commission

Amendment

(16d) ‘act of unlawful interference’ means an act or attempted act such as to jeopardise the safety of civil aviation and air transport, namely unlawful seizure of an aircraft in flight; unlawful seizure of an aircraft on the ground; hostage-taking on board aircraft or on aerodromes; forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility; introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes; communication of false information such as to jeopardise the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility;

Justification

Official International Civil Aviation Organisation (ICAO) definition.

Amendment 27

Proposal for a regulation

Article 2 – point 16 e (new)

Text proposed by the Commission

Amendment

(16e) 'families' means the immediate relatives or next of kin of the victim of an accident or serious incident;

Amendment 28

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. The extent of safety investigations referred to in **paragraph 1** and the procedure to be followed in carrying out such safety investigations shall be determined by the safety investigation authority, taking into account the lessons it expects to draw from such investigations for the improvement of safety.

Amendment

2. The extent of safety investigations referred to in **paragraphs 1 and 3** and the procedure to be followed in carrying out such safety investigations shall be determined by the safety investigation authority, taking into account the lessons it expects to draw from such investigations for the improvement of safety.

Justification

This paragraph must apply to all investigations, obligatory or otherwise, carried out by air safety investigation authorities.

Amendment 29

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.

Justification

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

Amendment 30

Proposal for a regulation Article 4 – paragraph 4

Text proposed by the Commission

Amendment

4. Safety investigations referred to in paragraph 1 and 3 shall in no case be concerned with apportioning blame or

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.

liability. They shall be *independent of* any judicial or administrative proceedings *or financial interests* to apportion blame or liability..

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.

Amendment 31

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.*

Amendment 32

Proposal for a regulation Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In order to inform the public of the general safety level, a safety review shall be published annually by the safety investigation authorities. This analysis shall be simple and easy to understand and shall indicate whether there are increased safety risks. In this analysis, the sources of information shall not be revealed

Amendment 33

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:

Amendment 34

Proposal for a regulation

Article 5 – paragraph 5 – point (c)

Text proposed by the Commission

(c) the safety investigation authority shall comprise at least one investigator able to perform the function of the investigator-in-charge in the event of a major aircraft accident;

Amendment

(c) the safety investigation authority shall comprise at least one **available** investigator able to perform the function of the investigator-in-charge in the event of a major aircraft accident;

Justification

The formulation ‘one investigator’ is not precise enough because the investigator in question may be on leave or uncontactable; ‘one available investigator’ is more useful.

Amendment 35

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. For the purpose of the application of paragraphs 1 and 2, safety investigation authorities **shall** be assisted by the Network referred to in Article 7.

Amendment

3. For the purpose of the application of paragraphs 1 and 2, safety investigation authorities **may** be assisted by the Network referred to in Article 7. ***Specifically, the Network should supply to a safety investigation authority, at its request, a list of investigators and equipment***

available in the other Member States for potential use by the authority conducting an investigation.

Justification

Enabling an authority, at its request, to identify resources that exist in the other Member States' safety investigation authorities enhances transparency and enables the investigating authority to approach the counterpart authority best placed to meet its needs.

Amendment 36

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Network shall seek to improve the quality of investigations conducted by safety investigation authorities and to strengthen their independence. It should help to make air transport safer by setting high standards in relation to investigation methods and investigator training.

Justification

The Network should help the authorities of the 27 Member States to conduct high-quality investigations and should set high standards in the EU. Rather than concentrating on the most effective authorities, the aim should be to raise standards generally so that every authority is capable of conducting safety investigations efficiently and entirely independently.

Amendment 37

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

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

2. To achieve the objectives set out in paragraph 1a, the Network shall have responsibility in particular for:

(hereinafter 'EASA'), including through the establishment of a number of central functions.

(a) preparing recommendations and advising the European institutions on all aspects of developing and implementing European policies and rules relating to civil aviation investigations and accident prevention and assistance to the victims of air accidents and their families;

(b) developing the sharing of information which is useful to the improvement of safety standards and actively promoting structured cooperation between the authorities responsible for safety investigations on the one hand and these authorities and the Commission, the European Aviation Safety Agency (hereinafter the EASA) and the national civil aviation authorities on the other hand;

(c) coordinating training and skills development programmes for the investigators;

(d) establishing a register of good practice and developing a European safety investigation methodology;

(e) Strengthening the investigating capacities of the safety investigation authorities, in particular by developing and managing a framework for sharing resources.

Justification

The Network's tasks and activities need to be defined, in order to produce real value added compared with the current situation. Thus the Network should not only promote the exchange of information but also improve training for investigators, audit the safety investigation authorities and advise European legislators on the investigation of civil aviation accidents. This list of tasks is non-exhaustive. This amendment seeks to add the role of skills development aimed at building further on the investigators' initial training.

Amendment 38

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

3. *The Network shall advise the national and Community institutions and may issue recommendations on all aspects related to* the development and implementation of civil aviation accident investigation policy and regulation.

Amendment

3. *When the Network prepares recommendations for the Commission on an aspect of* the development and implementation of civil aviation accident investigation policy and regulation *and assistance to the victims of air accidents and their families, the Commission shall refer the matter to the committee referred to in Article 24.*

Amendment 39

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.

Amendment 40

Proposal for a regulation Article 7 – paragraph 5

Text proposed by the Commission

5. The Network shall submit an annual report on its activities to the European Parliament, the Council and the Commission. The report shall be made public.

Amendment

5. The Network shall **publish** an annual report on its activities and **forward it** to the European Parliament, the Council and the Commission **for information. This report must set out the results of the implementation of the annual work programme referred to in Article 8(4) and**

its impact on improving aviation safety in the European Union. The annual report must also include, for the European institutions, recommendations on issues that the Network considers essential for improving aviation safety, whether at European or international level. The report shall be made public.

Justification

The Network's annual report must enable the European institutions to be informed of the Network proposals on aviation security and to take action if need be.

Amendment 41

**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 be chaired by each of its members in turn under a rotating chairmanship that matches the presidency of the Council.* The Network shall elect a *coordinator* for a *renewable* period *of three* years. *The coordinator may be a member of the Network, an authority responsible for safety investigations in a Member State or a person with recognised experience in civil aviation safety investigation.*

Justification

The present version of the Network, the Council of European Air Safety Investigation Authorities (CEASIA), is chaired by each safety investigation authority in turn, in accordance with the six-monthly presidency of the Council. This enables each authority, whether large or small, to play a role in the Network. However, to counterbalance this rotating chairmanship, there is a need for a more permanent position: the coordinator, who could play a full role in carrying out the Network's tasks.

Amendment 42

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The coordinator shall draw up the agenda for the Network's meetings in agreement with the chairperson.

Amendment 43

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

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 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.

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.***

Amendment 44

Proposal for a regulation

Article 8 – paragraph 5

Text proposed by the Commission

Amendment

5. Civil aviation safety investigation authorities from European third countries, which apply the principles set out in this Regulation, shall be entitled to participate in the work of the Network. The Network may also invite observers from civil aviation safety investigation authorities of third countries and other experts to attend its meetings.

5. Civil aviation safety investigation authorities from European third countries, which apply the principles set out in this Regulation, shall be entitled to participate in the work of the Network, ***unless the chairperson or the coordinator of the Network decides otherwise.*** The Network may also invite observers from civil aviation safety investigation authorities of third countries and other experts to attend

its meetings.

Amendment 45

Proposal for a regulation

Article 8 – paragraph 8

Text proposed by the Commission

Amendment

8. The provisions of this Regulation shall apply without prejudice to Regulation (EC) No 1049/2001 of the European Parliament and of the Council. **deleted**

Justification

A specific new article has been added (Article 23a), which incorporates this point.

Amendment 46

Proposal for a regulation

Article 8 – paragraph 9

Text proposed by the Commission

Amendment

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.

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.

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 47

Proposal for a regulation Article 9 – title

Text proposed by the Commission

Participation of EASA in safety investigations

Amendment

Participation of EASA **and the national civil aviation authorities** in safety investigations

Amendment 48

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

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. **Within the scope of their competence, EASA and the national civil aviation authorities shall be invited by the** safety investigation authorities of the Member States to be represented and to participate:

Amendment 49

Proposal for a regulation Article 9 – paragraph 1 – point (a)

Text proposed by the Commission

(a) in any safety investigation carried out in the territory of a Member State; the safety investigation authority in charge of the investigation shall release to EASA information available to it, in accordance with paragraph 2;

Amendment

(a) in any safety investigation carried out in the territory of a Member State; the safety investigation authority in charge of the investigation shall release to **them** information available to it, in accordance with paragraph 2;

Amendment 50

Proposal for a regulation

Article 9 – paragraph 1 – point (b)

Text proposed by the Commission

(b) as an **expert** in any safety investigation carried out in a third country to which a safety investigation authority of a Member State is invited to designate an accredited representative; the accredited representative shall release to EASA, information available to him/her, in accordance with paragraph 2;

Amendment

(b) as an **adviser** in any safety investigation carried out in a third country to which a safety investigation authority of a Member State is invited to designate an accredited representative; the accredited representative shall release to EASA **and the national civil aviation authorities, within the scope of their competence, the** information available to him/her, in accordance with paragraph 2;

Justification

The term ‘adviser’ is the appropriate term, used in ICAO’s Annex 13.

Amendment 51

Proposal for a regulation

Article 9 – paragraph 2 – introductory sentence

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 **and of the national civil aviation authorities**, referred to in paragraph 1, shall confer entitlement to participate, under the control of the investigator-in-charge, and to:

Amendment 52

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

3. EASA shall support the investigation in which **it is** entitled to participate by supplying information, experts and

Amendment

3. EASA **and the national civil aviation authorities** shall support the investigation in which **they are** entitled to participate by

equipment requested by the safety investigation authority in charge of the investigation referred to in paragraph 1(a) or by the accredited representative referred to in paragraph 1(b).

supplying information, experts and equipment requested by the safety investigation authority in charge of the investigation referred to in paragraph 1(a) or by the accredited representative referred to in paragraph 1(b). ***EASA and the national civil aviation authorities may not make public, without the agreement of the safety investigation authority in charge of the investigation, information that they obtain in the course of the investigation, or use it for purposes other than improving aviation safety.***

Amendment 53

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 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 54

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 55

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

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.***

Amendment

3. The investigator-in-charge ***is authorised to*** 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.***

Justification

This paragraph contradicts Article 9 as it gives advisers different rights from those conferred on the adviser in Article 9(2). It is preferable that this should be an option and not a requirement.

Amendment 56

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***

Amendment

2. If, in the course of the safety investigation, the safety investigation authority suspects ***or finds*** that an act of unlawful interference ***or a deliberate act*** was involved in the accident or incident, the investigator-in-charge shall immediately inform the judicial authorities ***or the aviation security authorities as appropriate*** thereof.. This shall be without prejudice to the right of the safety

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.

investigation authority, in coordination with the authorities *above mentioned* t, to continue the safety investigation

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.

Amendment 57

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 *concurrent factors relating to* accidents and incidents, *the Member States shall ensure good cooperation between* the 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 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 in a swift and efficient manner. 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.*

.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.*

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. 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. 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 58

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

deleted

management of civil aviation safety and that there is an overriding public interest in their disclosure.

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 **paragraph of Article 15.***

Amendment 59

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), 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.

However safety data referred in paragraphs 1 and 2 may be used as evidence and be demanded for inspection or be seized, if it concerns a criminal investigation in case of an act of unlawful interference.

Justification

This amendment supplements 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, 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.
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.
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 60

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 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.

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

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.

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 61

Proposal for a regulation Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. EASA shall participate in the exchange and analysis of information covered by Directive 2003/42/EC and shall have online access to all information contained in the central repository established under Commission Regulation (EC) No 1321/2007. Such access shall cover information which directly identifies the operator and the aircraft subject to an occurrence report. EASA shall ensure the confidentiality of such information, and shall limit its use to what is strictly necessary to discharge its safety related obligations. **deleted**

Justification

This is not the right place to deal with the question of occurrence reporting. A specific new article (Article 21a) has been proposed. It incorporates the provisions of this paragraph.

Amendment 62

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

Amendment

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.

1. Cockpit voice and image recordings and their transcripts shall not be made available or used for purposes other than safety investigation *unless the safety investigation authority establishes that the*

accident was caused by a deliberate act or an act of unlawful interference.

Justification

It should be pointed out that the judicial procedure takes priority if an act of unlawful interference or a deliberate act is carried out.

Amendment 63

Proposal for a regulation

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Information not relevant to the safety investigation, particularly information with a bearing on personal privacy, that is derived from cockpit voice and image recordings and their transcripts shall be subject to full protection and may not be forwarded or disclosed.

Justification

It is important to ensure that only information relevant to the safety investigations may be used, and that no personal information may be forwarded to the judicial authority for instance or be made public.

Amendment 64

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

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; ***or***
- (b) de-identified; ***or***
- (c) disclosed under secure procedures.

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.

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 65

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 investigations 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 safety 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.

Amendment 66

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. The head of the safety investigation authority in charge of the safety investigation shall communicate information, pertinent to the prevention of an accident or serious incident, to authorities responsible for civil aviation safety, persons responsible for aircraft or aircraft equipment manufacture or maintenance, and to individuals or legal entities responsible for operating aircraft or

2. The head of the safety investigation authority in charge of the safety investigation shall communicate information, pertinent to the prevention of an accident or serious incident, to authorities responsible for civil aviation safety, ***particularly EASA***, persons responsible for aircraft or aircraft equipment manufacture or maintenance, and to individuals or legal entities

for training of personnel.

responsible for operating aircraft or for training of personnel.

Amendment 67

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 ***and fully complies with provisions regarding the protection of personal data.***

Justification

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

Amendment 68

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.

Justification

Victims' families should not be informed by the media. They should have priority access to

information before it is made public.

Amendment 69

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

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.

Amendment

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 70

Proposal for a regulation Article 21 a (new) – title

Text proposed by the Commission

Amendment

Article 21a Occurrence reporting

Justification

The question of occurrence reporting is important and must be paid particular attention. Currently, the data contained in ECCAIRS are not analysed at European level. Analysing those data could make it possible to detect trends and to take action to prevent an accident.

Amendment 71

Proposal for a regulation Article 21 a (new) – paragraph 1 (new)

Text proposed by the Commission

Amendment

1a. EASA shall, in collaboration with the

Member States, participate regularly in the exchange and analysis of information covered by Directive 2003/42/EC and shall have online access to all information contained in the central repository established under Regulation (EC) No 1321/2007. Such access shall cover information that directly identifies the operator and the aircraft subject to an occurrence report. EASA shall ensure the confidentiality of such information, in line with the applicable legislation, and shall limit its use to what is strictly necessary to discharge its safety-related obligations. This information may be used only for the prevention of future accidents and incidents without apportioning blame or liability.

Justification

The question of occurrence reporting is important and must be paid particular attention. Currently, the data contained in ECCAIRS are not analysed at European level. Analysing those data could make it possible to detect trends and to take action to prevent an accident.

Amendment 72

Proposal for a regulation

Article 21 a (new) – paragraph 2 (new)

Text proposed by the Commission

Amendment

2a. EASA, in collaboration with the Member States, must analyse regularly the information referred to in paragraph 1, particularly as regards identifying major trends in the development of aviation safety. Where analysis of this information shows the presence of a significant number of repeated events, there must be deeper analysis of those events, making it possible, if necessary, to take adequate safety measures and, in particular, to establish airworthiness directives.

Justification

The question of occurrence reporting is important and must be paid particular attention. Currently, the data contained in ECCAIRS are not analysed at European level. Analysing those data could make it possible to detect trends and to take action to prevent an accident.

Amendment 73

Proposal for a regulation

Article 21 a (new) – paragraph 3 (new)

Text proposed by the Commission

Amendment

3a. The findings of the analyses referred to in paragraph 2 must be sent to all aviation safety authorities in the Union and to the Commission.

Amendment 74

Proposal for a regulation

Article 21 a (new) – paragraph 4 (new)

Text proposed by the Commission

Amendment

4a. With regard to paragraphs 1 and 2, EASA may request any necessary supplementary information from the Network or from Member State authorities.

Amendment 75

Proposal for a regulation

Article 22 – title

Text proposed by the Commission

Amendment

Availability of passenger lists

Availability of passenger lists ***and contact with families***

Amendment 76

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 **or arriving at** an airport located in the territory of a Member State to which the Treaty applies shall implement procedures 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, **as well as a list of any dangerous goods on board which could constitute a threat to public health or to the environment.**

Justification

There is no reason why only flights departing from the EU should be concerned; flights to the EU should also be included.

This amendment responds to the need to reduce waiting time before identification of those on board an aircraft to which an incident has occurred. Airlines should also provide data on the goods carried if dangerous goods are present on board.

Amendment 77

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

Text proposed by the Commission

Amendment

2a. In order to allow passengers' families to obtain information quickly concerning the presence of their relatives on board an aircraft involved in an accident, airlines and travel agencies shall offer travellers the opportunity to give the name and contact details of a person to be contacted in the event of an accident. This information may be used only in the event of an accident; it shall not be

communicated to third parties and it may not be used for commercial purposes.

Justification

When an accident occurs, the airline receives thousands of calls and it often takes a long time to identify the appropriate person to be informed of a passenger's death. This period of uncertainty is extremely distressing for the victims' families. An obligation on airlines to ask passengers, at the time of booking a flight, to provide details of a person to be contacted in the event of an accident could shorten this waiting period. It must, however, be accompanied by guarantees concerning the protection of personal data.

Amendment 78

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.

Justification

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

Amendment 79

Proposal for a regulation

Article 22 – paragraph 4

Text proposed by the Commission

4. Processing of the data contained in the list shall be without prejudice to Directive 95/46/EC.

Amendment

deleted

Justification

A specific new article has been added on this matter (Article 23a), which incorporates this point.

Amendment 80

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 civil 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.

This emergency plan shall include in particular a plan for the assistance of the victims of civil aviation accidents and 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.

They shall also ensure that the individual identification of all victims is carried out using rigorous and foolproof methods and as rapidly as possible.

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.

The national emergency plan must take particular account of the speed and efficiency of airport-based emergency services in the event of an accident at the airport. This is of great importance and may save passengers' lives.

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 81

Proposal for a regulation

Article 23 – paragraph 1a (new)

Text proposed by the Commission

Amendment

1a. The Member States shall ensure that all airlines established on their territory have a plan for the assistance of victims and their families. These plans must take particular account of psychological support for victims and their families and allow the airline to react to a major accident. The Member States shall audit the assistance plans of the airlines established on their territory. Third-country airlines providing services in the Union must also have a plan that meets the needs of victims and of their families and must forward this plan to the relevant authorities of the Member States where they provide services.

Justification

When an accident occurs, the airline is the first point of contact for passengers' families. Member States must therefore check that the airlines established on their territory also have an appropriate crisis-response plan. Third-country airlines, too, must have such a plan.

Amendment 82

Proposal for a regulation

Article 23 – paragraph 1b (new)

Text proposed by the Commission

Amendment

1b. When an accident occurs in the territory of a Member State, it is this State which is responsible for implementing the emergency plan referred in paragraph 1

Amendment 83

Proposal for a regulation

Article 23 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. When an accident occurs, the Member State that is in charge of the investigation, or where the airline whose aircraft was involved in the accident is established, or that had a large number of nationals on board the aircraft involved in the accident, shall provide for the appointment of a reference person as a point of contact and information for the victims and their families. That person may belong to the national safety investigation authority.

Justification

This reference person must be the primary point of contact for victims' families and friends. The contact person may coordinate the information obtained from the different bodies involved, forward it to passengers' families and also inform them of the various procedures that follow.

Amendment 84

Proposal for a regulation

Article 23 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Airlines that provide services in the Union must apply the provisions of the Montreal Convention for the Unification of Certain Rules for International Carriage, even in the event that the state where they are established has not ratified that Convention.

Justification

European travellers must be protected by the Montreal Convention irrespective of the company they fly with.

Amendment 85

Proposal for a regulation Article 23 a (new) – title

Text proposed by the Commission

Amendment

Article 23a

***Access to documents and protection of
personal data***

Justification

Particular attention must be paid to the protection of personal data.

Amendment 86

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

Text proposed by the Commission

Amendment

***1a. The provisions of this Regulation shall
apply without prejudice to Regulation
(EC) No 1049/2001 of the European
Parliament and of the Council¹.***

¹ OJ L 145, 31.5.2001, p. 43.

Amendment 87

Proposal for a regulation Article 23 a (new) – paragraph 2 a (new)

Text proposed by the Commission

Amendment

***2a. The provisions of this Regulation shall
apply in accordance with Directive
95/46/EC and Regulation (EC) No
45/2001 of the European Parliament and
of the Council¹.***

¹ OJ L 8, 12.1.2001, p. 1.

Justification

Particular attention must be paid to the protection of personal data.

Amendment 88

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.

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 89

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.

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 90

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.

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 91

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.***

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 92

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:

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 93

Proposal for a regulation

Article 26 a (new) – paragraph 1 (new)

Text proposed by the Commission

Amendment

Article 26a

Amendment of the Regulation

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. If this Regulation should be amended, the Network referred to in Article 7 shall be responsible for issuing a preliminary opinion. The opinion of the Network shall be forwarded to the Commission, the Council, the European Parliament, the Member States and EASA .

EXPLANATORY STATEMENT

1. Background

Air traffic has steadily increased in recent years.

Despite significant improvements in safety standards, this increase tends to bring with it a greater risk of air accidents.

It is therefore essential that independent investigations be conducted into such accidents to detect any safety flaws and enable measures to be taken to remedy the problems.

The European legislation which currently governs accident investigations is a 1994 Directive¹.

The aviation market has significantly evolved and become more complex since this text was introduced.

The emergence of new bodies, such as the European Aviation Safety Agency (EASA), responsible for aircraft certification in the EU, and the disparities in the Member States' investigating capacities have made it necessary to bring forward new legislation².

2. The network of safety investigation authorities

The establishment of a network of national investigation offices should make it possible to reduce current disparities in investigating capacities in the EU.

It could also help to improve the quality of investigations and provide a legal framework for cooperation between national safety investigation authorities.

This should, as a result, contribute to improving aviation safety.

While the establishment of a European safety investigation office would not appear to be feasible under the present circumstances, your rapporteur nevertheless wishes to go further than the Commission proposal: the network's tasks³ would need to be defined, thus providing the safety plan with a genuine added value.

¹ Council Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents (OJ L 319, 12.12.1994, p. 14).

² Account should also be taken of new aspects in Annex 13 ('Aircraft accident and incident investigation') to the Chicago Convention on International Civil Aviation (7300/9), which sets out the international rules governing aircraft accident and incident investigation.

³ These tasks could be defined on the basis of the proposals contained in the Commission's impact assessment (SEC(2009)1477, p. 43) and the existing maritime transport provisions under the permanent cooperation framework (Article 10 of Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council (OJ L 131, 28.5.2009, p. 114)).

Its tasks could include:

- providing a framework for and facilitating the sharing of resources between investigation offices and the supply of inspectors¹;
- promoting the sharing of information useful to the improvement of safety standards;
- setting up training courses for investigators;
- establishing a register of good practice and developing a European accident investigation methodology;
- organising audits of safety investigation authorities.
- Consideration should also be given to the appropriate framework for implementing at European level any proposals made by the network with a view to improving aviation safety or investigation procedures.

3. The European Aviation Safety Agency (EASA)

EASA² is responsible, on behalf of the Member States, for certifying aircraft in the Community. It plays a major role in aviation safety.

Directive 94/56/EC³ could not take account of EASA since it was adopted before the Agency's establishment. This is creating unacceptable safety risks⁴.

It is therefore justified for the new regulation to provide for a clear legal framework for the Agency's involvement in safety investigations.

Your rapporteur wishes to address two specific issues:

(a) Independence of safety investigations

The regulation should under no circumstances allow EASA the possibility of influencing a safety investigation or conducting another inquiry alongside that investigation.

As the body responsible for aircraft certification, the Agency cannot be both judge and party.

There should be no room for ambiguity in the text.

(b) Designation

As air transport is often international, a safety investigation may involve non-European states.

¹ One example of a measure to facilitate exchanges would be the establishment of a register of facilities and equipment available to each national investigation authority and, where necessary, accident inspectors specialised in specific areas (sea, mountains etc.).

² Created by Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

³ Cited above.

⁴ As confirmed by an audit of EASA by the International Civil Aviation Organisation (ICAO).

Bearing this in mind and with a view to ensuring legal certainty, it is important that the term used to define EASA's role in investigations be clearly set out in Annex 13 to the Convention on International Civil Aviation¹, which governs international investigations.

Given that the term 'expert' used in the proposal for a regulation² does not meet this criterion, there is a risk of uncertainty arising.

It would therefore be preferable to use a clear designation, ensuring that the Agency's involvement in investigations cannot be called into question.

'Adviser'³ is the term commonly used to refer to the certification authority⁴.

Your rapporteur therefore proposes that EASA be defined in the regulation as 'adviser' with regard to its involvement in safety investigations and that it enjoy the rights conferred on advisers under Annex 13.

(c) EASA access to safety information

With a view to ensuring air safety, the Agency should have access throughout investigations to any relevant information and safety recommendations which will allow it to establish airworthiness directives with delay⁵.

However, information is not forwarded as systematically to EASA as to national civil aviation authorities.

Rules are therefore required for this flow of information and as a means of encouraging investigation authorities to cooperate more closely with the Agency.

4. Coordination between investigations

In many cases, one or more legal actions are in progress at the same time as the safety investigations⁶.

(a) Independence

Steps must be taken to ensure that those responsible for safety investigations are allowed to do

¹ Cited above.

² In Article 9(1) of the proposal for a regulation (COM(2009)611). The term 'expert' appears twice in Annex 13 to the ICAO Convention, but is not defined.

³ Chapter 1 of Annex 13 to the Chicago Convention on International Civil Aviation.

⁴ This is the case in the United States, where the Federal Aviation Administration (FAA) is 'adviser' to the National Transportation Safety Board (NTSB), pursuant to Annex 13 of the Chicago Convention, on safety investigations relating to aviation accidents.

⁵ Article 20 of Regulation (EC) No 216/2008, cited above.

⁶ Such inquiries are independent of one another. However, although technical investigations are only concerned with safety aspects and do not seek to establish who was responsible, the facts established by technical investigation authorities and their findings do have a major impact on judicial inquiries.

their work without having to ask the courts for authorisation to have access to or to examine evidence.

Obviously, in the case of an unlawful act, the circumstances are different and judicial investigations must be given precedence¹.

(b) Access to sensitive information

It is essential that persons involved in an accident² cooperate with the safety investigation in order to establish the causes of the accident.

Any refusal by such persons to reply to the safety investigation for fear of seeing their testimony transferred to the courts without their consent creates an air safety risk.

On the other hand, the courts must be allowed to do their work, and families have a right to expect the courts to establish who was responsible.

To do this, the judicial authorities must have access to the relevant information.

The Commission is proposing that certain records be protected, but that the judicial authorities may be allowed access to them where this is justified by ‘an overriding public interest’³.

However, the concept of ‘an overriding public interest’ is fairly vague and may differ from one Member State to another. Moreover, an accident which causes a person’s death is often considered as a case of overriding public interest.

Sensitive information is therefore no longer protected in such cases.

Your rapporteur is proposing that any information relating to the establishment of the facts and analysis of the evidence be forwarded to the courts, but that any other information remain confidential.

5. Rights of victims and their families

(a) Passenger lists

The Commission is proposing that airlines be required to be able to produce the list within an hour of the notification of an accident.

Your rapporteur endorses this idea but believes that it should not apply only to Community airlines and to those that fly from the EU but also to all airlines that come to Europe.

¹ Article 13(2) of the proposal for a regulation, cited above.

² Surviving personnel, air traffic controllers, aircraft operators etc.

³ Article 15(2) of the proposal for a regulation, cited above.

There is no reason to create discrimination between passengers bound for the Union on the basis of the airline they use.

(b) Information on the death of a passenger

When an accident occurs, the airline receives thousands of calls¹, and it often takes a long time to identify the appropriate person to be informed of a passenger's death.

This period of uncertainty is extremely distressing for the victims' families.

Your rapporteur wishes to introduce an obligation on airlines² to ask passengers to provide details, at the time of booking a flight, of a person to be contacted in the event of an accident³.

(c) Assistance to families

The Commission's proposal states that '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'⁴.

However, when an accident occurs, the airline is the first point of contact for passengers' families.

Your rapporteur therefore considers that Member States should be required, in addition, to check that airlines established on their territory also have their own crisis-response plan⁵.

The state responsible for the safety investigation should also be required to appoint a main contact person for the families of passengers. The contact person could coordinate the information obtained from the different bodies involved, forward it to passengers' families and also inform them of the various procedures that follow⁶.

This would provide important support for families of victims, who often feel lost when faced with a huge number of contacts and procedures when they are already having to cope with the loss of a loved one.

Moreover, steps should be taken to enable families to have special access to information on the progress of the safety investigation, and in particular to receive interim reports and the final investigation report before they are made public.

(d) Montreal Convention⁷

¹ Air France received over 20 000 calls in one day following the disappearance of flight AF 447 from Rio to Paris on 31 May 2009.

² As is already the case in the United States.

³ This information would be distinct from the details of the person to be contacted in the event of a change of flight schedule or of flight cancellation.

⁴ Article 23 of the proposal for a regulation, cited above.

⁵ Such crisis-response plans could be based on ICAO circular 285/AN/166 and should be audited.

⁶ Safety investigation, possibly judicial inquiry, compensation payments, identification of bodies etc.

⁷ The Montreal Convention for the Unification of Certain Rules for International Carriage, which entered into

Your rapporteur considers that European travellers should be protected by these rules, irrespective of the company they fly with, and that the regulation should make it compulsory for all airlines wishing to provide services in the European Union to comply with the provisions of the Montreal Convention.

6. Civil aviation occurrence reports

The Commission has decided not to revise Directive 2003/42/EC¹ because it considers that such a change would be premature. However, the proposal for a regulation does refer to the matter².

It must be said that the way in which the occurrence report system works is far from ideal.

Not all Member States feed data into the ECCAIRS central repository³, which is intended to group together all events which occur in the EU.

Moreover, nobody is responsible for analysing the data contained in ECCAIRS at European level.

An analysis of this information would surely be extremely useful to aviation safety⁴.

Your rapporteur would like to expand the provisions in the present proposal for a regulation, in particular to ask EASA, in cooperation with states, to analyse and classify the information contained in ECCAIRS.

force on 28 June 2004, lays down rules governing the civil liability of air carriers in respect of victims of aviation accidents and their families. Ninety-three states are currently parties to the Convention.

¹ European Parliament and Council Directive 2003/42/EC of 13 June 2003 on occurrence reporting in civil aviation (OJ L 167, 04.07.2003, p. 23).

²Article 15(3) of the proposal for a regulation, cited above.

³ Created by Commission Regulation (EC) No 1321/2007 of 12 November 2007 laying down implementing rules for the integration into a central repository of information on civil aviation occurrences exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council (OJ L 294, 13.11.2007, p. 3).

⁴ This would make it possible to detect the recurrence of incidents and to reduce the risk of accidents by establishing safety recommendations to remedy the shortcomings identified.

PROCEDURE

Title	Investigation and prevention of accidents and incidents in civil aviation		
References	COM(2009)0611 – C7-0259/2009 – 2009/0170(COD)		
Date submitted to Parliament	29.10.2009		
Committee responsible Date announced in plenary	TRAN 12.11.2009		
Rapporteur(s) Date appointed	Christine De Veyrac 9.11.2009		
Discussed in committee	1.3.2010	28.4.2010	31.5.2010
Date adopted	1.6.2010		
Result of final vote	+: 39 -: 0 0: 1		
Members present for the final vote	Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Ryszard Czarnecki, Luis de Grandes Pascual, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Mathieu Grosch, Juozas Imbrasas, Ville Itälä, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Werner Kuhn, Jörg Leichtfried, Eva Lichtenberger, Marian-Jean Marinescu, Gesine Meissner, Vilja Savisaar, Olga Sehnalová, Brian Simpson, Dirk Sterckx, Silvia-Adriana Țicău, Thomas Ulmer, Peter van Dalen, Dominique Vlasto, Roberts Zīle		
Substitute(s) present for the final vote	Jean-Paul Basset, Spyros Danellis, Markus Ferber, Jelko Kacin, Gilles Pargneaux, Alfreds Rubiks, Salvatore Tatarella, Sabine Wils		