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COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on investigation and prevention of accidents and incidents in civil aviation**

**(Text with EEA relevance)**

**{SEC(2009) 1477}**

**{SEC(2009) 1478}**

## EXPLANATORY MEMORANDUM

### **1. BACKGROUND**

Independent investigations of accidents are essential in the drive to improve transport safety. Analysis of the circumstances of accidents leads to recommendations being made to prevent these dramatic events from re-occurring.

Civil aviation, although in existence for a relatively short period of time, has well established traditions in accident investigation. The obligation to investigate accidents in civil aviation is enshrined in the Convention on International Civil Aviation to which all Member States are Parties. Detailed international standards and recommended practices in this respect are defined in Annex 13 to the Chicago Convention and related guidance material.

Recognising the importance of accident investigation, the European Community already in 1980 adopted a Directive 80/1266/EEC on cooperation and mutual assistance between the Member States in the field of air accident investigation<sup>1</sup>. The 1980 Directive was subsequently replaced by Directive 94/56/EC<sup>2</sup>. In addition Directive 2003/42/EC on occurrence reporting in civil aviation, was adopted in 2003<sup>3</sup>.

Under Directive 94/56/EC Member States are obliged to ensure that every accident or serious incident in civil aviation is subject to an investigation by an independent body and that the only purpose of the investigation is to prevent future accidents and not to apportion blame or liability. Investigators have been given additional rights enabling them to carry out their tasks in a more efficient manner and the basic principles concerning publication of reports and dissemination of safety recommendations were established.

Directive 2003/42/EC, by supporting the establishment of safety occurrence reporting systems, significantly contributed to the promotion of "Just Culture" in European civil aviation. Aviation professionals are now obliged to report occurrences in their daily operational work and provisions have been made to ensure that the information reported can be exchanged and disseminated, so that safety lessons can be learned. Establishment of voluntary reporting systems is also supported and encouraged by the Directive.

### **2. THE NEED FOR CHANGE**

The Community system for civil aviation accident investigation and occurrence reporting as currently established, functions below optimum efficiency. Especially the current regulatory framework dealing with accident investigation, i.e. Directive 94/56/EC, is now already 15 years old, and no longer meets the requirements of the Community and the Member States. In particular:

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<sup>1</sup> Council Directive 80/1266/EEC of 16 December 1980 on future cooperation and mutual assistance between the Member States in the field of air accident investigation (OJ L 375, 31.12.1980, p.32)

<sup>2</sup> 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)

<sup>3</sup> Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation (OJ L 167, 4.7.2003, p.23)

- There is much more divergence in the investigating capacity of the Member States comparing to the situation in 1994. Especially after the recent enlargements of the EU in 2004 and 2007, the investigating capacity is concentrated in a few Member States only;
- Aircraft and their systems are becoming increasingly complex, which also means that investigation of aviation accidents requires substantially more diversified expertise and resources than a decade ago;
- The EU common aviation market grew substantially both in size (now covering 27 Member States) and complexity in the last decade (emergence of multi-based operators, increasing reliance on outsourcing of maintenance, multinational design and manufacturing), creating new challenges in safety oversight;
- The increase in the size and complexity of the internal aviation market also called for increased responsibility of the Community for aviation safety. The EU institutional and legal framework changed significantly since the adoption of Directive 94/56/EC. Safety standards are now almost exclusively defined at the EU level and the European Aviation Safety Agency, which on behalf of the Member States is responsible for certification of aircraft in the Community, was established in 2002<sup>4</sup>;
- The EU and its Member States gained significant practical experiences in application of Directive 94/56/EC. These lessons should be used to strengthen the efficiency of the current regulatory system.

### **3. DETAILED PROBLEM DEFINITION**

Before presenting this proposal, the Commission conducted a detailed analysis of the current situation in civil aviation accident investigation and occurrence reporting in the EU, in particular through public consultations with the interested stakeholders, and authorities of the Member States. All respondents either fully or partially agreed that there are currently shortcomings in civil aviation accident investigation and occurrence reporting in Europe. However at the same time, majority of the respondents argued that it is too early to consider a comprehensive revision of Directive 2003/42/EC and that the focus should be on improving the efficiency of the regulatory framework for accident investigation.

In addition, the Commission relied on the results of an external impact assessment study prepared in 2007, which took into account the results of the public consultations as well as the input from:

- (1) A detailed questionnaire distributed directly by an external consultant to a large number of interested stakeholders;
- (2) A number of interviews conducted by an external consultant with a limited number of interested stakeholders constituting a representative sample;

On this basis, the Commission, conducted an own impact assessment study, which identified the following specific problem areas:

- (1) Lack of a uniform investigating capacity in the EU;

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<sup>4</sup> Impact Assessment on the modification of Directives 94/56/EC and 2003/42/EC (Framework Contract for Ex-ante evaluations and Impact Assessments, TREN/A1/46-2005), Final Report, Rotterdam 20 July 2007

- (2) Tensions between safety investigations and other proceedings;
- (3) Unclear role of the Community in safety investigations;
- (4) Weaknesses in implementation of safety recommendations;
- (5) Lack of common standards concerning management of passenger manifests and support to the victims of air accidents and their families;

#### **4. POSSIBLE POLICY OPTIONS**

In order to address the current inefficiencies the Commission analysed a number of possible policy options:

- (1) Promotion of voluntary cooperation;
- (2) European Network of Civil Aviation Safety Investigation Authorities;
- (3) European Civil Aviation Safety Board;

All the options were compared against each other and measured against the “do nothing” option as the benchmark for analysing their safety, economic, environmental, social and other impacts. This analysis clearly indicated that support for voluntary cooperation, coupled with a number of important principles enshrined in a legally binding framework, envisaged under the policy option "European Network of Civil Aviation Safety Investigation Authorities", would allow meeting the Community objectives in the most cost-efficient way and without going beyond what is strictly necessary from the proportionality point of view.

#### **5. CONTENTS OF THE PROPOSAL**

##### **5.1. Promotion of voluntary cooperation**

The submitted proposal sets out the promotion of voluntary cooperation, the objectives of which are enshrined in a legally binding framework. It builds on the resources already available in the Member States and experiences of the existing informal cooperation of the National Safety Investigation Authorities. Under the proposed Regulation this informal cooperation will be transformed into a European Network of Civil Aviation Safety Investigation Authorities (the Network).

"The Network" will contribute to greater uniformity, better implementation and enforcement of the Community civil aviation accident investigation legislation. It will also strengthen the investigating capacity of the EU and the preventive function of accident investigation by promoting a more structured cooperation between the national Safety Investigation Authorities, the Commission and the European Aviation Safety Agency, while fully retaining an independent status.

In order to void the creation of a new Community body, “the Network” will have no legal personality and its mandate, which is clearly described in the proposed Regulation, will be limited to advisory and coordination tasks. "The Network", will constitute a body pursuing an aim of general European interest, within the meaning of Article 108 (1)b of the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 (the Financial Regulation)<sup>5</sup>, which will allow the Community to support

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<sup>5</sup> OJ L 248, 16.9.2002, p.1.

its activities with an annual grant, on the basis of an annually agreed work programme.

## **5.2. Backed by obligations enshrined in law**

The main drawback of a policy option involving only voluntary cooperation is lack of a legal obligation to act within the framework of a clearly defined mandate. Voluntary cooperation is also not expected to adequately resolve issues where legal certainty is needed, such as protection of sensitive safety information, defining the mutual rights and obligations of national Safety Investigation Authorities and EASA in safety investigations or establishing uniform requirements in terms of processing of safety recommendations.

To avoid such drawbacks, which are at the centre of the improvement needed to address the inefficiencies of the current regulatory framework, the proposed Regulation complements the voluntary cooperation by a number of obligations enshrined in law, which will:

- Update and modernise the main provisions of the former Directive 94/56/EC;
- Strengthen the efficiency of safety investigations by implementing into the Community law the international standards and recommended practises related to protection of evidence and sensitive safety information, in accordance with Annex 13 to the Chicago Convention;
- Establish common requirements in terms of organisation of national Safety Investigation Authorities and strengthen the independent status of safety investigations;
- Better coordinate the various inquiries into the causes of accidents and incidents, notably by mandating the national Safety Investigation Authorities to conclude appropriate advance arrangements with other authorities (judicial, search and rescue) likely to be involved in accident investigation;
- Clarify the mutual rights and obligations of the European Aviation Safety Agency and national Safety Investigation Authorities without compromising independence of safety investigations, and using as a reference Annex 13 to the Chicago Convention;
- Specify the criteria on the basis of which Safety Investigation Authorities would appoint accredited representatives for the "State of Design";
- Establish common requirements for Community airlines regarding passenger lists and protection of the data contained therein;
- Strengthen the rights of the victims of air accidents and of their families;
- Better protect anonymity of persons involved in accident;
- Strengthen implementation of safety recommendations by:
  - establishing a central database of safety recommendations;
  - establishing a legal requirement for every entity in the EU issuing a safety recommendation or receiving it to have a process for recording the responses to the safety recommendation issued and monitoring the progress of the action taken in response to a safety recommendation;

## **6. SUBSIDIARITY AND PROPORTIONALITY**

Although establishment of a European agency for civil aviation accident investigation should not be excluded in the longer term, given the integrated nature of the single aviation market in the EU, this would be premature at this stage. Accordingly, this proposal does not shift the current division of responsibilities in civil aviation accident and incident investigation, which would still rest with the competent authorities of the Member States.

Compared with other alternative policy options analysed in the Impact Assessment accompanying this proposal, the proposed Regulation has the biggest added value from the Community perspective. It is the most proportional policy option which, while fully respecting the principle of independence of safety investigations would allow, by supporting voluntary cooperation and without establishing new structures at the Community level, to significantly enhance the overall efficiency of the current regulatory framework for civil aviation accident investigation and prevention in the EU.

Proposal for a

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**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80 paragraph 2 thereof,

Having regard to the proposal from the Commission<sup>6</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>7</sup>,

Having regard to the opinion of the Committee of the Regions<sup>8</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>9</sup>,

Whereas:

- (1) A high general level of safety should be 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.
- (2) The expeditious holding of safety investigations of civil aviation accidents and incidents improves aviation safety and helps to prevent the occurrence of such accidents and incidents.
- (3) The sole objective of safety investigations should be prevention of future accidents and incidents without apportioning blame or liability.
- (4) Council Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents<sup>10</sup> needs to be replaced to improve the efficiency of the investigation and prevention of civil aviation accidents and incidents systems that it contributed to establish in the Community.
- (5) Account should be taken of the changes in the institutional and regulatory framework governing civil aviation safety in the Community which took place since the adoption of Directive 94/56/EC and in particular of the establishment of the European Aviation Safety Agency.
- (6) Account should be taken of the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, which provides for implementation of the measures

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<sup>6</sup> OJ C , , p. .

<sup>7</sup> OJ C , , p. .

<sup>8</sup> OJ C , , p. .

<sup>9</sup> OJ C , , p. .

<sup>10</sup> OJ L 319, 12.12.1994, p. 14

necessary to ensure the safe operation of aircraft; particular account should be taken of Annex 13 to this Convention, and of its subsequent amendments which lay down recommended international standards and practices for aircraft accident and incident investigation.

- (7) The European Aviation Safety Agency carries out on behalf of the Member States the functions and tasks of the State of Design, Manufacture and Registry when related to design approval, as specified in the Chicago Convention and its Annexes, and therefore 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.
- (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.
- (9) The scope of safety investigations should depend on the lessons which can be drawn from them for the improvement of aviation safety, especially taking into account the need for the cost efficient utilisation of investigation resources in the Community.
- (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.
- (11) The capacity of safety investigation authorities of the Member States should be strengthened and the cooperation between them is necessary to improve the efficiency of the investigation and prevention of civil aviation accidents and incidents in the Community.
- (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').
- (13) The Network should pursue its coordination activities in a transparent and independent manner and be actively supported by the Community.
- (14) The objectives of this Regulation may be efficiently achieved through cooperation with European third countries, which should be allowed to participate in the work of the Network.
- (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.
- (16) Efficient safety investigation is only possible if important pieces of evidence are duly preserved.
- (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.

- (18) It is important for accident prevention to make public the findings of accident and incident investigations in the shortest time possible.
- (19) The safety recommendations resulting from an accident or incident investigation should be always duly taken into account and acted upon if needed to ensure adequate prevention of accidents in civil aviation; the Community dimension of safety recommendations should be also taken into account given that aviation safety is increasingly regulated at the European level.
- (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.
- (21) Rights of the victims of air accidents and of their families should be adequately protected.
- (22) Directive 95/46/EC should apply to the processing of personal data pursuant to this Regulation.
- (23) Since the objectives of this Regulation, namely the establishment of common rules in the field of civil aviation accident and incident investigation cannot be sufficiently achieved by the Member States and can therefore, by reason of Europe-wide scope of this Regulation, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (24) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>11</sup>. 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.
- (25) Directive 94/56/EC should therefore be repealed.

HAVE ADOPTED THIS REGULATION:

#### *Article 1*

##### ***Subject-matter***

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.

#### *Article 2*

##### ***Definitions***

For the purposes of this Regulation, the following definitions shall apply:

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<sup>11</sup> OJ L 184, 17.7.1999, p. 23.

- (1) 'accident' means an occurrence associated with the operation of an aircraft with the intention of flight which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:
- (a) a person is fatally or seriously injured as a result of:
- being in the aircraft, or
  - direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
  - direct exposure to jet blast,
- except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or
- (b) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, its cowlings or accessories; or for damage limited to propellers, wingtips, antennas, probes, vanes, tyres, brakes, wheels, superficial damage to the landing gear, fairings, panels, landing gear doors, damaged windscreens, small dents or puncture holes in the aircraft skin, minor hail or bird strike damage (including holes in the radome); or
- (c) the aircraft is missing or is completely inaccessible;
- (2) 'accredited representative' means a person designated by a State, on the basis of his or her qualifications, for the purpose of participating in an investigation conducted by another State; the designated accredited representative shall normally be from a safety investigation authority;
- (3) 'adviser' means a person appointed by a State, on the basis of his or her qualifications, for the purpose of assisting its accredited representative in an investigation;
- (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;
- (5) 'civil aviation accident and incident' means any accident or incident involving an aircraft not engaged in military, customs, police or similar services;
- (6) 'fatal injury' means an injury which is sustained by a person in an accident and which results in his/her death within 30 days of the date of the accident;
- (7) 'flight recorder' means any type of recorder installed in the aircraft for the purpose of facilitating accident/incident safety investigations;
- (8) 'incident' means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
- (9) 'investigator-in-charge' means a person charged, on the basis of his or her qualifications, with responsibility for the organization, conduct and control of a safety investigation;

- (10) 'operator' means any legal or natural person, operating or proposing to operate one or more aircraft;
- (11) 'person involved' means the owner, crew or the operator of the aircraft involved in an accident or incident, or any person involved in the provision of air traffic control, flight information or aerodrome services, who has the knowledge of the occurrence of an accident or incident;
- (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;
- (13) 'safety recommendation' means a proposal of a safety investigation authority, based on information derived from a safety investigation or other sources such as safety studies, made with the intention of preventing accidents and incidents;
- (14) 'serious incident' means an incident involving circumstances indicating that there was a high probability of an accident associated with the operation of an aircraft with the intention of flight (a list of examples of serious incidents is set out in the Annex);
- (15) 'serious injury' means an injury which is sustained by a person in an accident and which involves one of the following:
  - (a) hospitalization for more than 48 hours, commencing within seven days from the date the injury was received;
  - (b) a fracture of any bone (except simple fractures of fingers, toes, or nose);
  - (c) lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
  - (d) injury to any internal organ;
  - (e) second or third degree burns, or any burns affecting more than 5% of the body surface;
  - (f) verified exposure to infectious substances or harmful radiation;
- (16) 'undertaking' means any natural or legal person, whether profit-making or not, or any official body whether having its own legal personality or not;

### *Article 3*

#### *Scope*

1. This Regulation shall apply to safety investigations into civil aviation accidents and incidents:
  - (a) which have occurred in the territory of the Community, in accordance with the international obligations of the Member States;
  - (b) involving aircraft registered in a Member State or operated by an undertaking established in a Member State, which have occurred outside the territory of the Community, when such investigations are not carried out by another State;
  - (c) in which a Member State is entitled, according to international safety standards, to appoint an accredited representative to participate as a State of Registry, State of the Operator, State of Design, State of

Manufacture or State providing information, facilities or experts at the request of the State conducting the investigation;

- (d) in which a Member State having a special interest by virtue of fatalities or serious injuries to its citizens is permitted by the State conducting the investigation to appoint an expert;

#### *Article 4*

##### ***Obligation to investigate***

1. Every civil aviation accident or serious incident involving aircraft other than specified in Annex II to the Regulation (EC) No 216/2008 of the European Parliament and of the Council<sup>12</sup> shall be the subject of a safety investigation.
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.
3. Safety investigation authorities may decide to investigate incidents other than those referred to in paragraph 1 as well as accidents or serious incidents to other types of aircraft, in accordance with the national legislation of the Member States, when they expect to draw safety lessons from them.
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.

#### *Article 5*

##### ***Civil Aviation Safety Investigation Authority***

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').
2. The safety investigation authority shall be functionally independent in particular of aviation authorities responsible for airworthiness, certification, flight operation, maintenance, licensing, air traffic control or airport operation and, in general, of any other party whose interests could conflict with the task entrusted to the safety investigation authority or influence its objectivity.
3. The safety investigation authority shall, in the performance of its duties, neither seek nor take instructions from anybody and shall have unrestricted authority over the conduct of the safety investigations.
4. The activities entrusted to the safety investigation authority may be extended to the gathering and analysis of aviation safety related data, in particular for accident prevention purposes, in so far as these activities do not affect its independence and entail no responsibility in regulatory, administrative or standards matters.

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<sup>12</sup> OJ L 79, 19.3.2008, p. 1.

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:
- (a) the head of the safety investigation authority shall be experienced and competent in civil aviation safety and, if possible, in safety investigation;
  - (b) the investigators shall be afforded status giving them the necessary guarantees of independence;
  - (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;
  - (d) the safety investigation authority shall be allocated a functioning budget that would enable the payment of technical examinations and travel expenses;
  - (e) the safety investigation authority shall dispose, either directly or through arrangements referred to in Article 6, of qualified personnel and adequate facilities, including offices and hangars to enable the storage and examination of the aircraft, its contents and its wreckage;

#### *Article 6*

##### ***Cooperation between Safety Investigation Authorities***

1. A safety investigation authority from one Member State may request the assistance of safety investigation authorities from other Member States. When available, such assistance shall, as far as possible, be free of charge.
2. A safety investigation authority may delegate the task of carrying out an investigation into an accident or incident to another safety investigation authority and shall facilitate inquiries by this authority.
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.

#### *Article 7*

##### ***European Network of Civil Aviation Safety Investigation Authorities***

1. A European Network of Civil Aviation Safety Investigation Authorities is hereby established (hereinafter 'the Network'). The Network shall be composed of the heads of the safety investigation authorities in each of the Member States or their representatives.
2. The Network shall coordinate and strengthen cooperation and exchange of information among the safety investigation authorities of the Member States, and facilitate cooperation between them and the Commission and the European Aviation Safety Agency (hereinafter 'EASA'), including through the establishment of a number of central functions.
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.

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.
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.

#### *Article 8*

##### ***Organisation of the work of the Network***

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.
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.
3. The Network shall constitute a body pursuing an aim of general European interest, within the meaning of Article 108 (1)b of the Council Regulation (EC, Euratom) No 1605/2002<sup>13</sup>, and shall be entitled to receive support in the form of a grant from the Community budget.
4. Grants to be awarded to the Network under paragraph 3 shall be subject to an annual work programme, which shall be made public.
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.
6. The safety investigation authorities participating in the work of the Network shall exchange any information available to them in the context of the application of this Regulation and shall take necessary measures to ensure appropriate confidentiality of such information, in accordance with the applicable national or Community legislation.
7. Without prejudice to Article 287 of the Treaty, where the Commission informs them that the advice requested or the question raised is of a confidential nature, members of the Network as well as observers and any other person concerned shall be under an obligation not to disclose information which has come to their knowledge through the work of the Network or any other meetings organised by the Network according to its rules of procedures. The Commission may decide in such cases that only the members of the Network shall receive such information.
8. The provisions of this Regulation shall apply without prejudice to Regulation (EC) No 1049/2001 of the European Parliament and of the Council<sup>14</sup>.

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<sup>13</sup> OJ L 248, 16.9.2002, p. 1.

<sup>14</sup> OJ L 145, 31.5.2001, p. 43.

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.

#### *Article 9*

##### ***Participation of EASA in safety investigations***

1. Safety investigation authorities of the Member States shall invite EASA to be represented and to participate, within the scope of its competence:
  - (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;
  - (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;
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:
  - (a) visit the scene of the accident and examine the aircraft, its contents and its wreckage;
  - (b) suggest areas of questioning and obtain witness information as specified in Article 15(1)(a), provided that the witness agrees with his/her statements being released;
  - (c) have full access to all relevant evidence and receive copies of all pertinent documents, including flight data recorder information, as soon as possible, except confidential information referred to in Article 15(1) points (b) and (c);
  - (d) participate in the read-outs of flight recorders, except cockpit voice or image recorders;
  - (e) participate in off-scene investigative activities such as component examinations, tests and simulations, technical briefings and investigation progress meetings, except when related to determination of the causes or formulation of safety recommendations;
  - (f) comment on the draft final report from the safety investigation, and to have its comments appended to the final report upon request;
3. EASA shall support the investigation in which it is entitled to participate by 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).

## *Article 10*

### ***Participation of the State of Design in safety investigations***

Accredited representatives for the State of Design, within the scope of Annex 13 to the Convention on International Civil Aviation, shall be appointed by the safety investigation authority of the Member State in the territory of which the principal place of business of the certificate holder for the type design of the aircraft or powerplant is located.

## *Article 11*

### ***Obligation to notify accidents and serious incidents***

1. Any person involved shall notify without delay the competent safety investigation authority of the occurrence of an accident or serious incident falling within the scope of this Regulation.
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.

## *Article 12*

### ***Status of the safety investigators***

1. Upon his appointment by a safety investigation authority and notwithstanding any judicial inquiry, the investigator-in-charge shall be responsible to ensure safe treatment of all evidence material and to maintain safe custody of the aircraft, its contents and its wreckage. He shall have the authority to take control of the site and to take the necessary measures to satisfy the requirements of the safety investigation.
2. The investigators appointed by a safety investigation authority, shall in particular be entitled to:
  - (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;
  - (b) ensure an immediate listing of evidence and controlled removal of debris, or components for examination or analysis purposes;
  - (c) have immediate access to and control over the contents of the flight recorders and any other recordings;
  - (d) have immediate access to the results of examination of the bodies of the victims or of tests made on samples taken from the bodies of the victims;
  - (e) have immediate access to the results of examinations of the people involved in the operation of the aircraft or of tests made on samples taken from such people;
  - (f) to call and examine witnesses and to require them to furnish or produce information or evidence relevant to the safety investigation;
  - (g) have free access to any relevant information or records held by the owner, the operator or the manufacturer of the aircraft and by the authorities responsible for civil aviation, provision of air navigation services or aerodrome operation;

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.

#### *Article 13*

##### ***Coordination of inquiries***

1. If a judicial inquiry into the accident is instituted, the investigator-in-charge shall ensure custody of flight recorders and any evidence material by requesting that an official of the judicial authority accompany the flight recorders or material to the place of the read-out or treatment. If examination or analysis of such material may modify, alter or destroy them, prior agreement from the judicial authorities will be required.
2. If, in the course of the safety investigation, the safety investigation authority suspects that an act of unlawful interference was involved in the accident or incident, the investigator-in-charge shall immediately inform the judicial authorities thereof, at the request of which the control of the accident site shall be transferred to these authorities. Subject to Articles 15 and 16, the relevant information collected in the safety investigation shall be also transferred to these authorities upon their request. This shall be without prejudice to the right of the safety investigation authority, in coordination with the authorities to which the control of the site was transferred, to continue the safety investigation.
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.

#### *Article 14*

##### ***Preservation of evidence***

1. Pending the arrival of safety investigators, no person shall modify the state of the accident site, nor take any samples there from, nor undertake any movement of or sampling from the aircraft its contents or its wreckage, nor move or remove it, except where such action may be required for safety reasons or to bring assistance to injured persons.
2. Any person involved shall take all necessary steps to preserve documents, material and recordings in relation to the event, in particular so as to prevent erasure of recordings of conversations and alarms after the flight.

#### *Article 15*

##### ***Protection of sensitive safety information***

1. Without prejudice to Directive 95/46/EC of the European Parliament and of the Council<sup>15</sup>, the following records shall not be made available or used for purposes other than safety investigation:
  - (a) all witness evidence and other statements, accounts and notes taken or received by the safety investigation authority in the course of the safety investigation, unless the witness agrees with his/her statements being released;
  - (b) records revealing the identity of persons who have given evidence in the context of the safety investigation;
  - (c) information collected by the safety investigation authority and relating to persons involved in an accident or incident which is of a particularly sensitive and private nature, including information concerning their health;
  - (d) material subsequently produced during the course of the investigation such as notes, drafts, opinions written by the investigators, opinions expressed in the analysis of information, including flight recorders information;
  - (e) information and evidence provided by foreign investigators in accordance with the provisions of international standards and recommended practices for aircraft accident and incident investigation, if so requested by the foreign safety investigation authority;
  - (f) drafts of the final reports;
2. Without prejudice to Directive 95/46/EC, the following records shall not be made available or used for purposes other than safety investigation, or other purposes aiming at the improvement of aviation safety:
  - (a) all communications between persons having been involved in the operation of the aircraft;
  - (b) recordings and transcriptions of recordings from air traffic control units;
  - (c) covering letters for the transmission of safety recommendations from the safety investigation authority to the addressee, if so requested by the safety investigation authority issuing the recommendation;
  - (d) occurrence reports filed under Directive 2003/42/EC of the European Parliament and of the Council<sup>16</sup>;

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

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<sup>15</sup> OJ L 281, 23.11.1995, p. 31.

<sup>16</sup> OJ L 167, 4.7.2003, p. 23.

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<sup>17</sup>. 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.

#### *Article 16*

##### ***Use of recordings***

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.
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.

#### *Article 17*

##### ***Publication of information***

The information covered by Articles 15 and 16 shall be included in the final report from the safety investigation only when pertinent to the analysis of the accident or incident. Information or parts of the information not relevant to the analysis shall not be disclosed.

#### *Article 18*

##### ***Communication of information***

1. The staff of the safety investigation authority, or any other expert or adviser called upon to participate or contribute to the safety investigation shall be bound by professional secrecy under the relevant applicable legislation.
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 for training of personnel.
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.

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<sup>17</sup> OJ L 294, 13.11.2007, p. 3.

## *Article 19*

### ***Investigation report***

1. All safety investigations shall be the subject of a report in a form appropriate to the type and seriousness of the accident or incident. The report shall state that the sole objective of the safety investigation is the prevention of future accidents and incidents without apportioning blame or liability. The report shall contain, where appropriate, safety recommendations.
2. The report shall protect the anonymity of the persons involved in the accident or incident.
3. Before publication of the report, the safety investigation authority shall solicit observations from the undertakings concerned, which shall be bound by the rules of professional secrecy with regard to the contents of the consultation. In soliciting such observations, the safety investigation authority shall follow the applicable international standards and recommended practices for aircraft accident and incident investigation.
4. No person shall disclose or permit to be disclosed any information contained in a report before its publication by the safety investigation authority to any other person without the prior consent in writing of the head of the safety investigation authority concerned.
5. The safety investigation authority shall make public the final report in the shortest possible time and if possible within twelve months of the date of the accident at the latest.
6. If the report cannot be released within twelve months, the safety investigation authority shall release an interim report at least at each anniversary of the accident, detailing the progress of the investigation and any safety issues raised.
7. The safety investigation authority shall forward a copy of the reports and the safety recommendations as soon as possible to the Commission and EASA, except if they are publicly available through electronic means, in which case the safety investigation authority shall only notify them accordingly.

## *Article 20*

### ***Safety recommendations***

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.
2. A safety investigation authority may also issue safety recommendations on the basis of studies or analysis of a series of investigations or any other activities carried out in accordance with Article 5(4).
3. A safety recommendation shall in no case create a presumption of blame or liability for an accident or incident.

## *Article 21*

### ***Follow-up to safety recommendations and safety recommendations database***

1. The addressee of a safety recommendation shall acknowledge its receipt and inform the safety investigation authority which issued the recommendation within 90 days of the receipt of the transmittal letter, of the actions it intends to take and, where appropriate, of the time necessary for their completion.
2. Within 60 days of the receipt of the reply, the safety investigation authority shall inform the addressee whether or not it considers the reply satisfactory and give justification thereto.
3. Each safety investigation authority shall implement procedures to record the responses to the safety recommendation issued.
4. Each entity receiving safety recommendations, including the authorities responsible for civil aviation safety at the Member State and Community level shall implement procedures to monitor the progress of the action taken in response to the safety recommendations received.
5. Safety investigation authorities shall record in the central repository established under Regulation (EC) No 1321/2007 all safety recommendations issued in accordance with Article 20(1) and (2) as well as the responses thereto. Safety investigation authorities shall similarly record in the central repository all safety recommendations received from third countries.

#### *Article 22*

##### ***Availability of passenger lists***

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.
2. The list shall be available for the safety investigation authority in charge of the investigation, the authority designated by each Member State to liaise with the families of the passengers and, if necessary, to medical units which may need the information for the treatment of victims.
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.
4. Processing of the data contained in the list shall be without prejudice to Directive 95/46/EC.

#### *Article 23*

##### ***Assistance to the victims of air accidents and their families***

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.
2. Member State or a third country, which has a special interest in an accident which has occurred in the territory of the Community by virtue of fatalities or serious injuries to its citizens shall be entitled to appoint an expert who shall have the right to:
  - (a) visit the scene of the accident,

- (b) have access to the relevant factual information, which is approved for public release by the safety investigation authority in charge of the investigation, and information on the progress of the investigation,
  - (c) receive a copy of the final report.
- 3. An expert appointed in accordance with paragraph 2 may assist, subject to applicable legislation in force, in identification of the victims and in meetings with the survivors of its State.

#### *Article 24*

##### ***Committee***

1. The Commission shall be assisted by a committee
2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

#### *Article 25*

##### ***Penalties***

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:

- releases information protected by this Regulation;
- obstructs the actions of a safety investigation authority, in particular by preventing the investigators from performing their duties or refusing to provide useful recordings, material, information and documents, hiding, altering or destroying them;
- having knowledge of an occurrence of the accident or incident does not inform the relevant authorities of this fact.

#### *Article 26*

##### ***Repeals***

Council Directive No 94/56/EC is repealed.

#### *Article 27*

##### ***Entry into force***

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## ANNEX

### LIST OF EXAMPLES OF SERIOUS INCIDENTS

The incidents listed are typical examples of incidents that are likely to be serious incidents. The list is not exhaustive and only serves as guidance to the definition of 'serious incident':

- A near collision requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate.
- Controlled flight into terrain only marginally avoided.
- Aborted take-off on a closed or engaged runway.
- Take-offs from a closed or engaged runway with marginal separation from obstacle(s).
- Landing or attempted landing on a closed or engaged runway.
- Gross failures to achieve predicted performance during take-off or initial climb.
- Fires and smoke in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents.
- Events requiring the emergency use of oxygen by the flight crew.
- Aircraft structural failure or engine disintegration, including uncontained turbine engine failures, not classified as an accident.
- Multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft.
- Flight crew incapacitation in flight.
- Fuel quantity requiring the declaration of an emergency by the pilot.
- Take-off or landing incidents. Incidents such as undershooting, overrunning or running off the side of runways.
- System failures, weather phenomena, operation outside the approved flight envelope or other occurrences which could have caused difficulties controlling the aircraft.
- Failure of more than one system in a redundancy system mandatory for flight guidance and navigation

## LEGISLATIVE FINANCIAL STATEMENT

### 1. NAME OF THE PROPOSAL:

Proposal for a Regulation of the European Parliament and of the Council on investigation and prevention of accidents and incidents in civil aviation

### 2. ABM / ABB FRAMEWORK

06: Energy and Transport

06 02: Inland, Air and Maritime Transport

### 3. BUDGET LINES

3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B..A lines)) including headings:

06 02 03: Support activities to the European transport policy and passenger rights

3.2. Duration of the action and of the financial impact:

Start: 2010 end: not determined

### 3.3. Budgetary characteristics:

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
06 02 03	Non-comp	Diff	NO	NO	NO	No [1a]

#### 4. SUMMARY OF RESOURCES

##### 4.1. Financial Resources

##### 4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	Section no.		Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
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##### Operational expenditure<sup>18</sup>

Commitment Appropriations (CA)	8.1.	a	0.6	0.6	0.6	0.6	0.6	0.6	3.6
Payment Appropriations (PA)		b	0.6	0.6	0.6	0.6	0.6	0.6	3.6

##### Administrative expenditure within reference amount<sup>19</sup>

Technical & administrative assistance (NDA)	8.2.4.	c							
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##### TOTAL REFERENCE AMOUNT

<b>Commitment Appropriations</b>		a+c	0.6	0.6	0.6	0.6	0.6	0.6	3.6
<b>Payment Appropriations</b>		b+c	0.6	0.6	0.6	0.6	0.6	0.6	3.6

##### Administrative expenditure not included in reference amount<sup>20</sup>

Human resources and associated expenditure (NDA)	8.2.5.	d							
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6.	e							

##### Total indicative financial cost of intervention

<b>TOTAL CA including cost of Human Resources</b>		a+c +d +e	0.6	0.6	0.6	0.6	0.6	0.6	3.6
<b>TOTAL PA including cost of Human Resources</b>		b+c +d +e	0.6	0.6	0.6	0.6	0.6	0.6	3.6

<sup>18</sup> Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

<sup>19</sup> Expenditure within article xx 01 04 of Title xx.

<sup>20</sup> Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.

### Co-financing details

If the proposal involves co-financing by Member States, or other bodies (please specify which), an estimate of the level of this co-financing should be indicated in the table below (additional lines may be added if different bodies are foreseen for the provision of the co-financing):

EUR million (to 3 decimal places)

Co-financing body		Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
All Member States (total)	f	0.6	0.6	0.6	0.6	0.6	0.6	3.6
TOTAL CA including co-financing	a+c +d +e +f	1.2	1.2	1.2	1.2	1.2	1.2	7.2

#### 4.1.2. Compatibility with Financial Programming

- Proposal is compatible with existing financial programming.
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- Proposal may require application of the provisions of the Interinstitutional Agreement<sup>21</sup> (i.e. flexibility instrument or revision of the financial perspective).

#### 4.1.3. Financial impact on Revenue

- Proposal has no financial implications on revenue
- Proposal has financial impact – the effect on revenue is as follows:

EUR million (to one decimal place)

		Prior to action [Year n-1]	Situation following action					
Budget line	Revenue		[Year n]	[n+1]	[n+2]	[n+3 ]	[n+4]	[n+5] <sup>22</sup>
	a) Revenue in absolute terms							
	b) Change in revenue	Δ						

<sup>21</sup> See points 19 and 24 of the Interinstitutional agreement.

<sup>22</sup> Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years

**4.2. Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.**

<b>Annual requirements</b>	<b>Year n</b>	<b>n + 1</b>	<b>n + 2</b>	<b>n + 3</b>	<b>n + 4</b>	<b>n + 5 and later</b>
Total number of human resources						

**5. CHARACTERISTICS AND OBJECTIVES**

**5.1. Need to be met in the short or long term**

The "European Network of the Civil Aviation Safety Investigation Authorities", to be established under the proposed Regulation, will be responsible for facilitating, coordinating and strengthening practical cooperation among Member States, and between Member States, the Commission and the European Aviation Safety Agency in civil aviation accident and incident prevention and investigation.

**5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy**

This proposal responds to the recommendations of the Group of Experts to advise the Commission on a strategy to deal with accidents in the transport sector", and is coherent with the of the Community transport policy as set out in the Communication from the Commission: "Keep Europe moving - Sustainable mobility for our continent (Mid-term review of the European Commission's 2001 Transport White Paper)"

Compared with other alternative policy options analysed in the Impact Assessment accompanying this proposal, the proposed regulation has the biggest added value form the Community perspective. It is the most proportional policy option which, while fully respecting the principle of independence of safety investigations would allow, by supporting voluntary cooperation and without establishing new structures at the Community level, to significantly enhance the overall efficiency of the current regulatory framework for civil aviation accident investigation in the EU.

**5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework**

The aim of this proposal is to strengthen the Community framework for civil aviation accident and incident investigation and prevention. This will be achieved by replacing and updating the current legislation and by supporting the voluntary cooperation between the Member States in this respect.

The latter objective, which has the main budgetary implication, will involve Community support to the Network of national bodies of the Member States responsible for civil aviation accident and incident investigation. This will be done through an annual grant to be assigned to the Network, and which will used to implement a number of actions agreed with the Commission in an annual work programme.

The activities of the Network to be supported under this proposal will involve in particular coordination of training activities for the national investigators and development of a mechanism for sharing of investigation resources between the Member States.

**5.4. Method of Implementation (indicative)**

- Centralised Management***
  - directly by the Commission
  - indirectly by delegation to:
    - executive Agencies
    - bodies set up by the Communities as referred to in art. 185 of the Financial Regulation
    - national public-sector bodies/bodies with public-service mission
- Shared or decentralised management***
  - with Member states
  - with Third countries
- Joint management with international organisations (please specify)***

Relevant comments:

## **6. MONITORING AND EVALUATION**

### **6.1. Monitoring system**

The "European Network of Civil Aviation Safety Investigation Authorities" will submit an annual report to the Commission concerning the execution of the agreed work programme.

### **6.2. Evaluation**

#### *6.2.1. Ex-ante evaluation*

The ex-ante evaluation was carried out as part of the impact assessment report.

#### *6.2.2. Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)*

#### *6.2.3. Terms and frequency of future evaluation*

The European Network of Civil Aviation Safety Investigation Authorities will submit an annual report to the Commission concerning the execution of the agreed work programme.

## **7. ANTI-FRAUD MEASURES**

Grant contracts supporting the European Network of Civil Aviation Safety Investigation Authorities will explicitly state that the European Court of Auditors and OLAF may carry out, if necessary, on-the-spot checks of the recipients of the funding and the agents responsible for its allocation.

## 8. DETAILS OF RESOURCES

### 8.1. Objectives of the proposal in terms of their financial cost

Commitment appropriations in EUR million (to 3 decimal places)

(Headings of Objectives, actions and outputs should be provided)	Type of output	Av. cost	Year n		Year n+1		Year n+2		Year n+3		Year n+4		Year n+5 and later		TOTAL	
			No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost
OPERATIONAL OBJECTIVE No.1 <sup>23</sup> Support to the national civil aviation accident investigation authorities of the MS																
<b>Action 1: Co-financing a secretariat coordinating the activities of national civil aviation accident investigation authorities</b>																
- Output 1	Grant contract		1	0.6	1	0.6	1	0.6	1	0.6	1	0.6	1	0.6	6	3.6
<b>TOTAL COST</b>			1	0.6	1	0.6	1	0.6	1	0.6	1	0.6	1	0.6	6	3.6

<sup>23</sup>

As described under Section 5.3

## 8.2. Administrative Expenditure

### 8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources ( <b>number of posts/FTEs</b> )					
		Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5
Officials or temporary staff <sup>24</sup> (XX 01 01)	A*/AD						
	B*, C*/AST						
Staff financed <sup>25</sup> by art. XX 01 02							
Other staff <sup>26</sup> financed by art. XX 01 04/05							
<b>TOTAL</b>							

### 8.2.2. Description of tasks deriving from the action

### 8.2.3. Sources of human resources (statutory)

- Posts currently allocated to the management of the programme to be replaced or extended
- Posts pre-allocated within the APS/PDB exercise for year n
- Posts to be requested in the next APS/PDB procedure
- Posts to be redeployed using existing resources within the managing service (internal redeployment)
- Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

<sup>24</sup> Cost of which is NOT covered by the reference amount

<sup>25</sup> Cost of which is NOT covered by the reference amount

<sup>26</sup> Cost of which is included within the reference amount

8.2.4. *Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)*

EUR million (to 3 decimal places)

Budget line (number and heading)	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
<b>1 Technical and administrative assistance (including related staff costs)</b>							
Executive agencies <sup>27</sup>							
Other technical and administrative assistance							
- <i>intra muros</i>							
- <i>extra muros</i>							
<b>Total Technical and administrative assistance</b>							

8.2.5. *Financial cost of human resources and associated costs not included in the reference amount*

EUR million (to 3 decimal places)

Type of human resources	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later
Officials and temporary staff (XX 01 01)						
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.)  (specify budget line)						
<b>Total cost of Human Resources and associated costs (NOT in reference amount)</b>						

Calculation– *Officials and Temporary agents*

<sup>27</sup> Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

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Calculation– <i>Staff financed under art. XX 01 02</i>
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8.2.6. *Other administrative expenditure not included in reference amount*

EUR million (to 3 decimal places)

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
XX 01 02 11 01 – Missions							
XX 01 02 11 02 – Meetings & Conferences							
XX 01 02 11 03 – Committees <sup>28</sup>							
XX 01 02 11 04 – Studies & consultations							
XX 01 02 11 05 - Information systems							
<b>2 Total Other Management Expenditure (XX 01 02 11)</b>							
<b>3 Other expenditure of an administrative nature</b> (specify including reference to budget line)							
<b>Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)</b>							

Calculation - <i>Other administrative expenditure <u>not</u> included in reference amount</i>
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<sup>28</sup> Specify the type of committee and the group to which it belongs.