



Council of the
European Union

Brussels, 28 April 2016
(OR. en)

8379/16
ADD 1

AVIATION 85

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2016) 151 final Part 2/2
Subject:	COMMISSION STAFF WORKING DOCUMENT on the implementation of Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation

Delegations will find attached document SWD(2016) 151 final (Part 2/2).

Encl.: SWD(2016) 151 final (Part 2/2)



Brussels, 27.4.2016
SWD(2016) 151 final

PART 2/2

COMMISSION STAFF WORKING DOCUMENT

on the implementation of Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation

Annex: Summary of a targeted consultation on the implementation and functioning of Regulation (EU) No 996/2010 conducted in 2014

1. Introduction and background

The Commission has started an examination of Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation¹ (the Regulation). This was pursuant to Article 24 of this Regulation, which states that it shall be subject to a review no later than 3 December 2014. To prepare the review and possible recommendations, it is important to properly understand the current functioning of the Regulation. With the aim to understand whether concerned parties have faced any difficulties or have suggestions concerning the functioning and implementation of this Regulation, the Commission has sent a questionnaire with 22 questions to the Member States, to the European Aviation Safety Agency (EASA) and to relevant stakeholders.

27 Member States² and EASA provided feedback as well as the following entities:

- ASD (AeroSpace and Defence Industries Association of Europe), which notably regroups stakeholders such as Airbus, Dassault and Rolls-Royce;
- ECA (European Cockpit Association), which represents the pilots' unions in Europe. Depending on the questions, ECA sent a synthesis and/or complementary views from its members;
- IACA (International Air Carrier Association);
- AVJK5022³ and FENVAC⁴, which are respectively Spanish and French associations for accident victims and their relatives.

Regarding the replies provided by the Member States, the large majority (22 cases) was supplied by the national Safety Investigation Authority (SIA). In the other cases, the sources were both the national aviation authority and the SIA. In a number of cases, the answers were routed through the ministries or representations dealing with union matters.

The answers to these questionnaires will increase the Commission's understanding of the functioning and provide a basis for possible improvements of the Regulation.

1 OJ L 295, 12.11.2010, p. 35

2 The Commission did not receive any feedback from Austria

3 Asociación de Afectados del Vuelo JK5022

4 Fédération nationale des victimes d'attentats & d'accidents collectifs

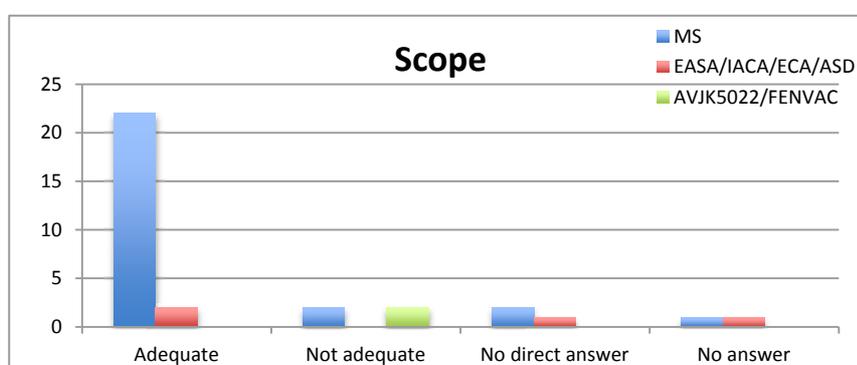
2. Analysis of the responses

2.1. Current functioning and scope of the Regulation

The Commission was particularly interested in aspects relating to the investigation capacity of the EU, cooperation between authorities involved in the investigation, the European Network of Civil Aviation Safety Investigation Authorities (ENCASIA), protection of sensitive information, SIA's access to safety information, consistent implementation of safety recommendations and protection of the rights of victims and their relatives.

In their answers to the questions, the Member States and stakeholders generally seem positive towards the functioning of safety investigations and the Regulation appears to work in a satisfactory way. Some Member States pointed out that there is room for improvement, especially with regards to implementation and Articles 20 and 21, which some stakeholders do not find appropriate in this context. These two articles define obligations for Member States, in particular regarding the information on persons on board and the establishment of emergency plans at national level in case of a civil aviation accident.

When asked about the scope of the Regulation, some Member States and stakeholders would not be against extending it by including investigations related to aircraft engaged in



e.g. military, customs, police or similar services, but most consider it adequate. Poland raised the problem of not covering the Annex II aircraft that are referred to in Regulation (EC) No 216/2008. It could lead to double-standards in the case of organisations operating both families of aircraft or it could create difficulties when such aircraft have accidents in other Member States. On the other hand, EASA highlighted that the scopes of Regulation (EU) No 996/2010 and Regulation (EC) No 216/2008 should remain aligned.

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

The majority of SIAs consider the national investigation capacity unchanged since the entry into force of the Regulation. A few Member States have experienced increased capacity, whereas some others, due to external reasons, such as the economic crisis and cuts in government spending, have rather experienced decreased investigation capacity. The answers provided seem to confirm that, the effect of the Regulation, in terms of increased capacity, was offset by the consequences of the economic crisis. ASD noted an increase in the number of formal investigations since the entry into force of the Regulation, without a corresponding significant increase in occurrences, possibly linked to more emphasis on the investigation of serious incidents. The delineation between incidents and serious incidents is seen as a matter for a harmonised approach.

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

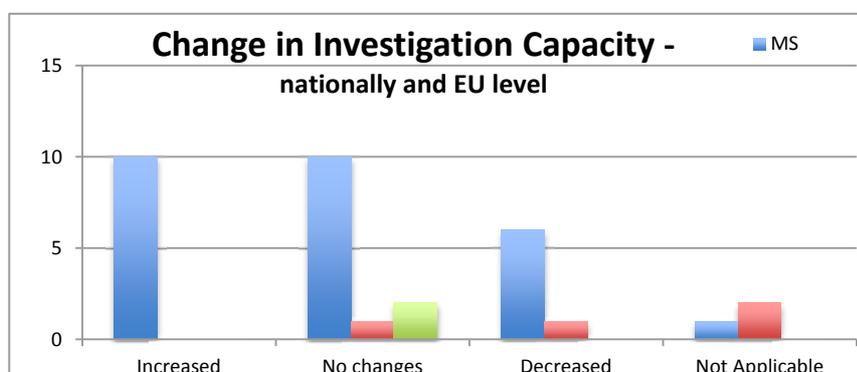
Most Member States which faced a decrease of their investigation capacity expect their SIA, however, to be able to conduct a full safety investigation on its own or through agreements with other SIAs. In the case of a major accident, the Portuguese, Luxembourgish and Romanian SIAs consider their capacity insufficient, while the Slovakian and Greek SIAs are unsure of their capacity and would require assistance from another Member State. On this point, IACA suggests that agreements to pool and share resources between Member States could reduce the burden on each individual SIA.

Article 4.6(c) has been criticised as it could be wrongly interpreted that a SIA only requires one investigator.

2.2. Independence of the Safety Investigation Authority

One of the main objectives of the Regulation was to strengthen the independence of the national SIAs in line with ICAO Annex 13. The term "independence" is used in several provisions of the Regulation, especially in conjunction with the absence of external interference and conflict of interest.

The majority of SIAs consider that the Regulation has not had any effect on their independence which has already been established under the repealed Directive 94/56/EC, while a few SIAs mention that the independence has increased. Some reported that the qualification of "authority" has contributed to change the perception of some organisations who consider the SIAs more independent than before the adoption of the Regulation.



EASA does however point out the negative effect stemming from a misinterpretation of independence and the possible adverse effect on the flow of information between the SIA and the Agency. Such impediments could increase safety risk exposure if the flow of safety information is indeed altered.

Do you consider that the Regulation has strengthened the independence of the SIA of your Member State?

Regarding stakeholders, ASD, EASA and ASD are positive about the independence of European SIAs whereas AVJK5022 and FENVAC question it. AVJK5022 considers that the Spanish SIA remains dependant and under control of the Ministry of Transports (Fomento) while FENVAC wonders about the real and organic independence of the French SIA. AVJK5022 notably advocated for measures of effective and efficient control of the EU supervising compliance regarding the Regulation.

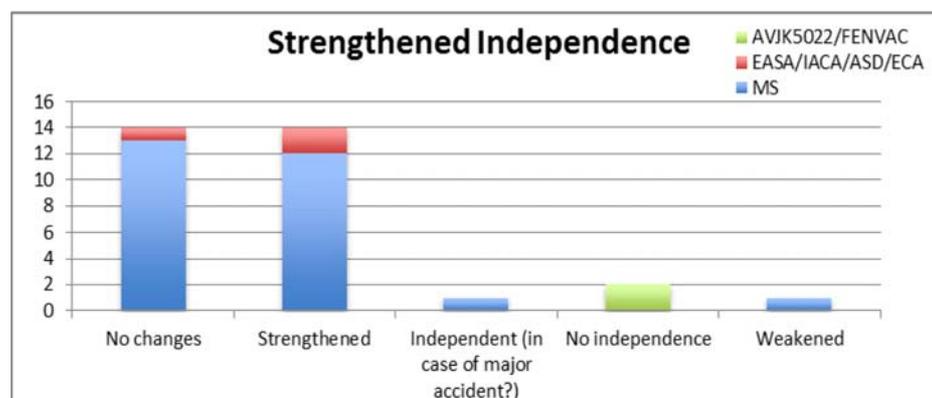
2.3. Cooperation in safety investigations

Overall, the Regulation is seen as beneficial for the cooperation between the authorities involved in the investigations. In practice, it has also been reported that it was a question of goodwill at the level of the individuals involved in the process, hence the importance of mutual knowledge and preparation.

2.3.1. Cooperation between investigation and regulatory authorities

There is a wide acknowledgment about the fact that the Regulation has clarified the role of EASA in accident investigations in a positive way, as Article 8 has enabled EASA to participate to safety investigations and to advise the Investigator-In-Charge (IIC) and/or the Accredited Representative. ASD expects that further increased EASA involvement would make the investigation

process even more efficient. A majority of Member States consider that the Regulation has not led to any change in the cooperation between the



SIA and other authorities involved in the investigation, because the relationship was already well defined in their national legislations. In other Member States, the Regulation has fostered more leverage and only the Hungarian authorities reported having experienced some problems.

Some Member States, e.g. the Irish authorities, expressed that they had not experienced any cooperation issues with the other authorities involved in the investigation prior to the development of the Regulation either. Despite this, EASA asked for clarifications and common interpretations of the article to increase effectiveness, especially concerning the statement "provided that the requirement of no conflict of interest is satisfied", seconded by a few Member States. Some Member States do not find clarification necessary while others think it could lead to

improvements. It is also felt that guidance is needed for better understanding of the role of the adviser during an investigation process.

ASD noted some local differences in the degree of involvement required in investigations (and level of exchanges) depending on the SIA. A number of cases have been reported where, after the notification, the investigating SIA never really involved the State of Design and Manufacture (as per Article 10) and their technical advisor in their investigation. In a few cases, this led to an incomplete description and understanding of some aircraft system behaviour, and consequently to inaccurate recommendations. ASD considers that the involvement of accredited representatives and technical advisors all along the investigation ensures a high level of expertise when analysing safety data and should be more systematic.

In many Member States, advanced arrangements between the SIAs and search and rescue authorities are in place or under consideration, but e.g. the UK authority believes that search and rescue authorities are outside of the scope of the Regulation as their processes are not judicial.

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

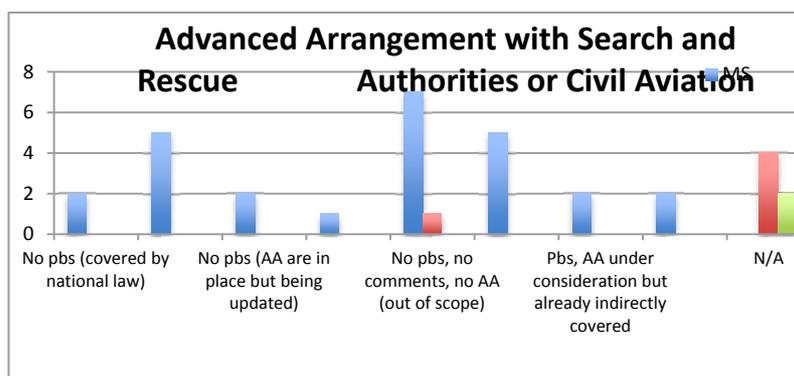
2.3.2. Cooperation when dealing with draft Final Reports

Prior to the release of the Final Report, States that were involved in the investigation are given the opportunity to comment on the draft Final Report via their respective Accredited Representatives (who are from SIAs). Some States consult more widely with any persons or organisations whose reputations may be adversely affected by the publication of the report. EASA reported that Article 16.8(c) explicitly requires that SIAs forward all non-EU draft Final Reports to the Commission and EASA for comments as Annex 13, Recommendation 6.3.2, foresees that the State conducting the investigation should send a copy of the draft Final Report to the organisations responsible for the type design and final assembly, through the State of Design and the State of Manufacture,. According to EASA, this recommendation is not often applied for EASA, carrying out the functions of State of Design, as Article 16.8(c) leaves room for interpretation. SIAs often instead only provide their own reports to EASA.

ASD highlights that Articles 16.3 and 16.4 are ambiguous and could be misinterpreted as that the draft final report should be passed through EASA or local airworthiness authority (e.g. French DGAC or UK CAA) to the type certificate holder (e.g. Airbus, Rolls-Royce,) for comment, rather than the SIA. This would not be in line with the content of Annex 13 to the Convention on International Civil Aviation, Chapter 6.3 and therefore needs to be clarified.

2.3.3. Cooperation between SIAs and judicial authorities

To solve problems for Member States that had issues with the relationship between the national SIAs and the judicial authorities,



the requirement of advanced arrangements was brought in to clarify the respective roles. As the national systems are considerably different, ranging from well-established independent SIAs backed with a strong national legislation to newly established SIAs where the national judicial authorities have strong traditions, the views of Member States tend to vary when evaluating the advanced arrangements. In most of these Member States, the advanced arrangements were in progress and not yet available to be precisely evaluated. However, the Italian SIA does not think the advance agreements will provide a definitive solution because a cultural change in part of judiciary is mainly required. Nevertheless, ASD does specifically point out that the primacy of the Judiciary in Italy has been problematic during the progress of some investigations.

For ECA, whose main concern remains the criminalisation of air accidents, these arrangements are considered important as they are supposed to clarify the interactions between the judicial and safety investigation processes in each Member State. To avoid blame in relation to the possible misuse of safety reports, ECA recommends more emphasis on 'contributing factors' rather than on 'causes'.

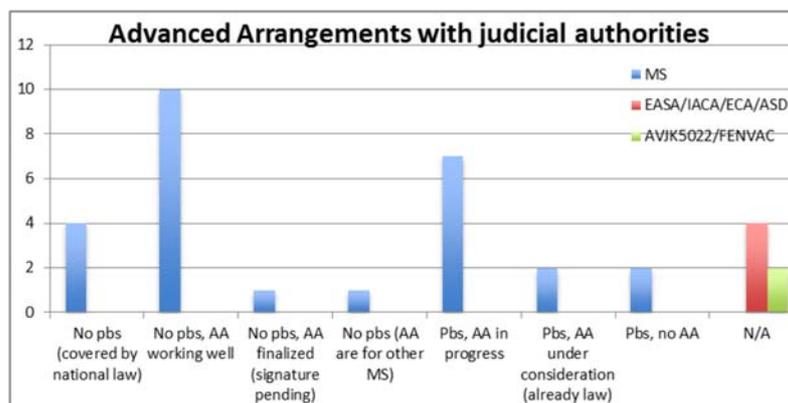
Do you consider that the advance arrangements signed in your member state between the SIA and the judicial authorities are balanced to enable the conduct of a safety investigation and to ensure the availability of safety data?

2.4. ENCASIA - The European Network of Civil Aviation Safety Investigation Authorities

The European Network of Civil Aviation Safety Investigation Authorities, ENCASIA, was established with the objective to develop common approaches to air accident investigation in the EU, strengthen the capacity and independence of national competent authorities and advice EU institutions on air accident investigation and prevention matters. Almost all Member States stated that ENCASIA has led to improvements, mostly focusing on gains from training and cooperation between national SIAs. While emphasising the benefits of a network, the French, Romanian and Swedish authorities do not think ENCASIA has led to specific additional improvements. EASA, which is invited, as appropriate, to the ENCASIA meetings, notes a more standardised and global approach to safety investigation in Europe as a result.

The Member States and stakeholders were also asked about how they foresee EU cooperation in the future. The majority expressed that the national SIAs should be maintained, but many would not mind a cooperative network of SIAs with e.g. joint investigations or shared resources. IACA argues that considering the increasing complexity of the aviation industry, service level agreements could be agreed and enforced between national SIAs to share/pool more data and experience between them.

ASD replied that the advantages of centralisation are not immediately apparent and that there is need for local ties to ease all stages of the



investigation. ASD recommended sharing technical resources and expertise, but also reported other opinions in the industry viewing some degree of centralised functions, seen as support for Member States with less established SIAs.

EASA and the authorities of Estonia, Luxembourg, Greece and the Slovak Republic recommended taking into consideration a more centralised organisation in the long run, for instance an independent EU SIA for public transport operations. This could ultimately happen if there is a political will, but there will remain cultural, linguistic, procedural issues – outside aviation – so different for each country that an investigation is seen as being currently more efficiently managed at local/national level.

The undertaking of thematic safety studies and the issuance of safety recommendations are instead the functions most Member States and stakeholders would like to see dealt with on a more centralised EU level. A few Member States would also appreciate if the collection of facts and the elaboration of analysis would be dealt with at EU level. The main conclusion is that the national SIAs are positive towards the idea of increased cooperation (through joint investigations or shared resources), but want to maintain their national competencies.

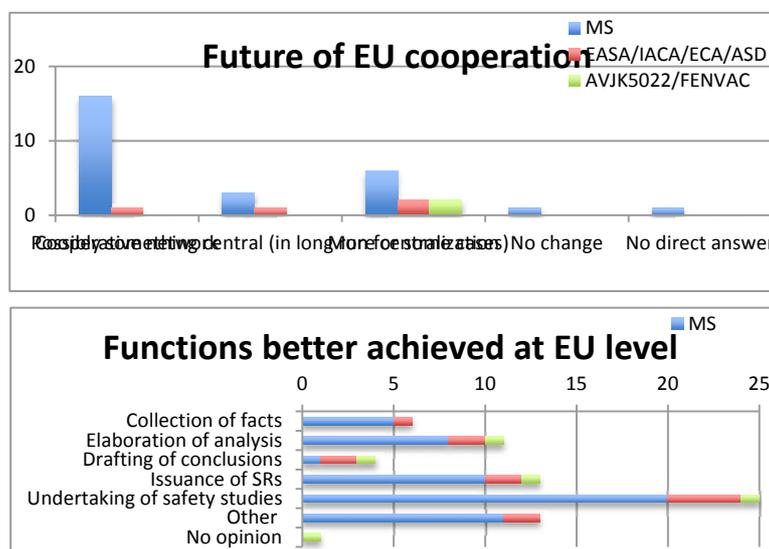
How do you foresee EU cooperation in the future? Remaining a network, becoming a place where resources are shared, morphing into an EU SIA with centralised functions (such as investigations in commercial aviation)?

What functions could be better achieved at EU level?

2.5. Protection of sensitive information and SIA's access to safety information

The Regulation, and specifically Article 14, has in many cases not been sufficient for the protection of sensitive safety information during investigations as in several Member States, the EU Regulation has had no or limited legal effect in restricting the powers of judges defined in the national codes of criminal procedure. Even if the Regulation has helped to clarify the protection of sensitive information in some cases, most Member States and stakeholders believe that there is a need for clarification on the use of Article 14. ECA noted different situations from one MS to another and regretted that the Regulation has not been a shield against the misuse of safety information.

With the exception of five Member States where the article has to be taken into account before communicating sensitive information, the provisions of Article 14.3 has not yet been applied (for the fortunate reason that no major accident had occurred since the entry in force of the Regulation). The Irish authorities has not faced any issues, but argues that as a SIA is not concerned with liability, consideration should be given to preventing final reports from being allowed as evidence in

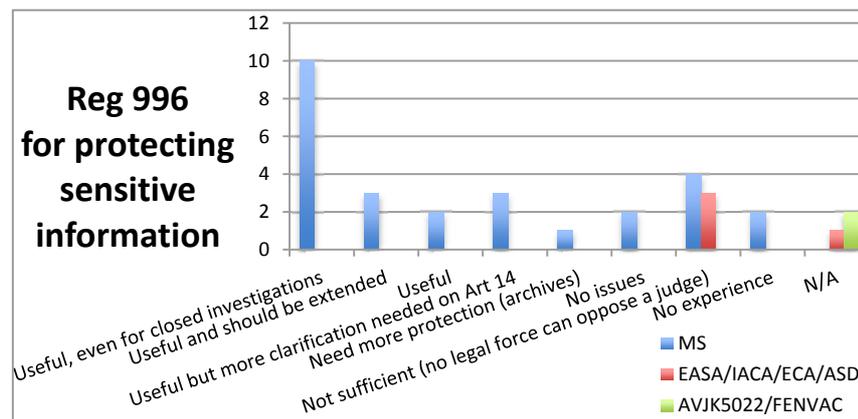


judicial processes involving blame and liability, except on application to a High Court, like in Article 14.3. They therefore expressed the need for the Regulation to reflect that relevant confidentiality protection should apply even after an investigation is closed. The use of final reports in courts has also been raised as an issue by the UK SIA.

In Denmark, where the protection of sensitive information has been covered by national legislation, the Danish SIA has been challenged on the interpretation of Article 14 by the national police forces, prosecutors, insurance companies, service providers, etc.

The competent authority, for disclosing records after performing the balance test between public interests, such as the prevention of future accidents and the proper administration of justice, is in most instances the judicial authority. It was reported that judicial authorities have generally taken the Regulation into account when dealing with sensitive information. In other Member States, the national SIA is the competent authority or there is no such authority. In this respect, the UK argues that clarification is required on the applicability of the Regulation concerning disclosure of relevant data not held by an SIA. In the view of the Irish SIA, there seems to be a conflict between Article 14 and EU OPS regarding protection of CVRs and other sensitive data. They point out that the Regulation states that such records shall not be made available or used for purposes other than safety investigation while EU OPS allows use of CVR recordings for purposes other than safety investigations provided all crew members and maintenance personnel consent.

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



Regarding the flow of safety data between the participants of an investigation, it is worth noting that EASA reported some difficulties in the application of both Regulation (EU) No 996/2010 and the Basic Regulation (EC) No 216/2008 with regard to the reporting obligation of approved design organisations. It is sometimes not clear that the opening of a safety investigation does not discharge the design holder from its reporting obligation. On the contrary, ASD regretted that in one instance EASA forwarded technical data to the SIA without informing the manufacturer.

The members of ASD have concerns related to sharing confidential data. It is considered important for the safety investigations, but as manufacturers they do not want to risk that the information is made public or being shared in a way which makes it possible for competitors to access proprietary documents. Even if this has not been a problem within the EU yet, but has happened outside the union, ASD considers that it is important to restrict the use of such shared data.

2.6. Follow-up and implementation of safety recommendations

EASA, as an addressee of safety recommendations (SRs), finds the time constraints for follow-ups of SRs set up in Article 18 unpractical as it might result in unrealistic expectations, especially as a common expectation raised by the present wording is that the outcome of a SR will be known in only 90 days. Also a few Member States state that they have encountered difficulties with the time constraints when dealing with SRs addressed to EASA. EASA argues that this usually requires them to catch-up with the level of information gathered by the investigation and the time needed for the investigating authorities to prepare the report is not proportionate to the reaction time requested by the Regulation. The Agency is ensuring that all incoming SRs are systematically acknowledged within the 90-day timeframe while making its best efforts to deliver consolidated replies within that time. Regarding the 60-day time limit for response assessment, EASA has noticed that a limited number of Member States have provided such assessments so far. Most Member States have not encountered difficulties, but some concur to consider that the 90-day time constraint is challenging.

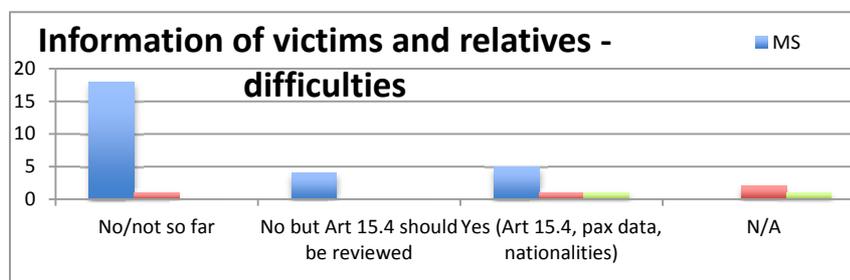
A future alternative would be to more extensively use the database on safety recommendations, SRIS (Safety Recommendations Information System), to make the process more efficient. Most national authorities having used SRIS are positive about this tool, but some rather consider it as a part of a more long-term project with the potential to bring additional safety benefits. A few have not yet implemented SRIS due to lack of resources and a few do not consider it an efficient tool. Other stakeholders, such as EASA and ECA are mostly positive, however EASA also points out that there are several important parts missing to make it a useful tool and suggest continuing developing it and grant access to the SRIS database to a wider audience, including addressees. ASD argues that it could be a very useful tool if the database was public.

The UK SIA highlighted that the SRIS database did not have the technical feature to manage third country SRs and considered that there seems to be little justification to record them, considering that other organisations such as ICAO, NTSB and TSB Canada already have extensive SR databases. It was therefore suggested to remove this provision from the Regulation.

2.7. Information of victims and their relatives

Several Member States and stakeholders request a review of Article 15.4, related to the information of victims and their relatives; some have already experienced some difficulties, while others see potential problems. The majority of Member States have however not yet experienced problems in regard to the information (because of the fortunate absence of public transport accidents).

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



The Irish authorities have had to use this article and argue that it needs to be reviewed as it can now be misused by legal entities and families to seek access to sensitive draft material prior to the publication of a Final Report. It is argued that conclusions and safety recommendations should only be made known after completion of the entire Final Report process as it is likely that their legal entities will seek to influence the outcome of the report for the benefit of their clients. They recommended reviewing Article 15.4 to clarify the type and timing of information that could be provided to the families of victims. An ECA Member also highlighted the risk of having an investigation restarted based on judiciary files, under emotion and without (SIA's) competences.

2.8. Articles 20 and 21

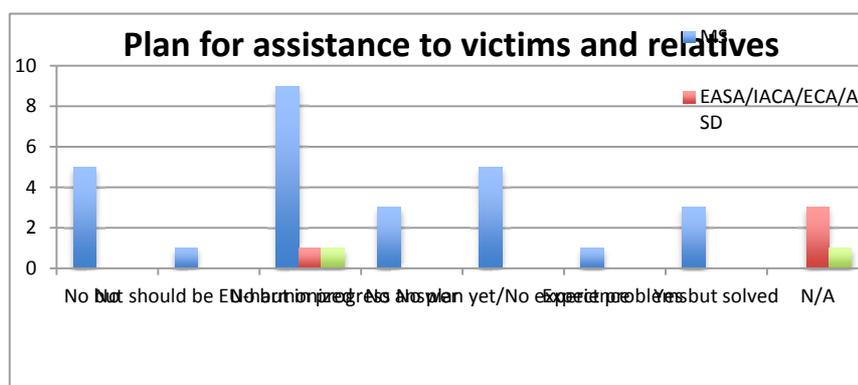
Article 20 requires the Union airlines flights arriving to or departing from, and third country airlines operating flights departing from an airport in the Union, to have a list of all the flights passengers and dangerous goods. The majority of the Member States authorities have not yet encountered any problems with the implementation of the Article, but the French authorities consider the time constraint of two hours to provide the list in the case of an accident a too-limited timeframe to supply something comprehensive. The Irish authorities have encountered difficulties in relation to foreign operators providing the information in a timely manner and, similarly have IACA and the Spanish authorities. After the sending out of the questionnaire, the Finnish authorities discovered during the testing of their national emergency plan that Article 20 does not require the list to include information on the nationality of the passengers for flights within the Union. This lack could contribute to making the identification of victims difficult in a crisis situation. It was therefore suggested that the Commission should present further guidance.

Article 21 covers the support for victims and their relatives and includes a plan for assistance. Most Member States reported having either implemented a plan or being in the process of doing so. The Greek authorities consider that it should also include third-country airlines, which operate in and out of a Union airport. The UK authorities replied that it presents a challenge as the responsibilities for accident investigation and emergency response are spread across several public bodies, each with their own legislative process. The Spanish authorities argue that it might not be possible to have one single national emergency plan as the relation between the regional and national competencies is complex in some Member States. Like a number of other Member

States and stakeholders, Spain has requested some clarification on what should be included in the emergency plans and several authorities welcomed the idea of a workshop on the issue (such workshop took place early 2014). IACA considers the lack of one coordinated national accident plan problematic as operators are concerned that, without coordination at national level, the burden in case of emergency will be solely upon the operator.

However, many authorities do not find Article 20 and 21 appropriate in the Regulation as it implies that SIAs should produce the lists or develop assistance plans. There were several requests from Member States to have these provisions relocated. On the other hand, AVJK5022 and FENVAC have welcomed these provisions. However, FENVAC highlighted that the provisions on the assistance of victims are relegated at the national level, which will trigger differences in treatment depending on the place of the accident or the nationality of the victims.

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



2.9. Other matters

Some clarifications regarding Articles 4 and 11 have been requested by several Member States:

- The authorities of Croatia, Malta, Slovenia, Ireland and ECA requested clarifications on Article 4.6, relating to the nationally allocated budget of the SIA and the qualifications of the Head of SIAs. The Irish authorities have requested that "the Member State must each year inform the Commission of budget that enables it to carry out state SIA function" should be added to Article 4.6 to safeguard the resources to national SIAs.
- An issue raised by the authorities of Germany, Latvia and Ireland concerns Article 11(e) and medical examinations of people involved in the operation of the aircraft where more information on what can be tested for, e.g. illicit drugs, alcohol, prescription medications and more importantly how is testing done, is requested.

Some Member States also reported that Regulation (EU) No 996/2010 has demanded to document its implementation, which has created an additional workload in a context of limited resources. Denmark highlighted that: One thing is that most SIAs are working according to the regulation; another thing is to document it." This can have the side effect to unbalance the internal use of investigation resources towards the more administrative task of documenting the implementation instead of performing the core investigating tasks. A number of SIAs have also echoed these administrative burdens, especially considering a context of limited resources.

3. Conclusions

The answers confirmed the overall positive aspects of this Regulation which are the harmonisation of safety investigations at the European level and the organisation of the coexistence of the safety and judicial investigations. In terms of functioning, cooperation between SIAs and the relationship with EASA have greatly improved, which was one of the objectives of the Regulation because Directive 94/56/EC predated the creation of EASA.

Although a lot of progress was noted, the relationship between the judicial and safety investigation will continue to be challenging in Europe because of the different legal systems, which are either based on Common law or on Civil law.

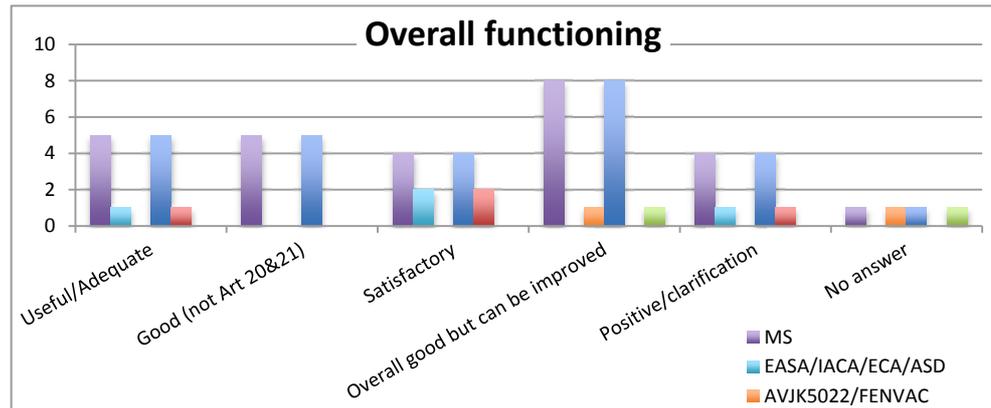
The responses received highlighted that some articles can be interpreted in different ways, which have sometimes created difficulties for a number of safety investigation authorities. This is notably the case of Article 14 on the protection of sensitive safety information, where SIAs are generally challenged by other entities, such as the national police forces, prosecutors, insurance companies, service providers, etc.

The remaining difficulties mostly concern the development of common criteria for the treatment of serious incidents, improved access to data on medical examinations under Article 11(e), clarification of the use of final reports in courts, clarification on the budget for SIAs, clarification on the access of reports from non-EU SIAs, clarification of Article 16.3 and 16.4 and to the appropriateness of Article 20 and 21 in the Regulation. Some guidance on those articles which are sometimes difficult to interpret was requested by a number of Member States.

There is however limited support for increased centralisation of accident investigations at European level in the short run. Most Member States want to safeguard the national competencies in the area of safety investigation and only a few think safety investigations could be handled by a more centralised organisation in the long run. Some smaller Member States express the opinion that, considering their size and limited capacity, a European SIA would be a useful development, while some Member States consider increased cooperation in certain areas beneficial. Service level agreements between national SIAs were mentioned as a solution to face the challenge of an increasingly complex aviation industry. Most Member States do confirm the benefit of a cooperative network of SIAs, something which could be developed even further. Undertaking thematic safety studies and issuing safety recommendations at EU level is suggested by most Member States and stakeholders, as well as the continuation of common training sessions for air safety investigators.

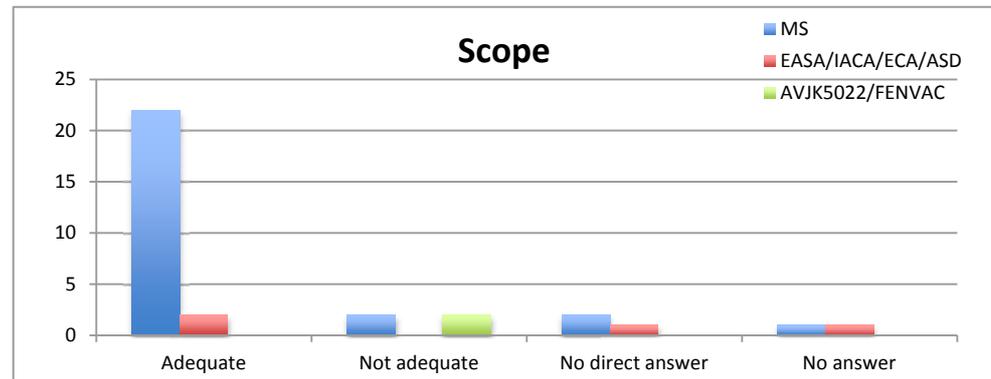
Question 1:

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



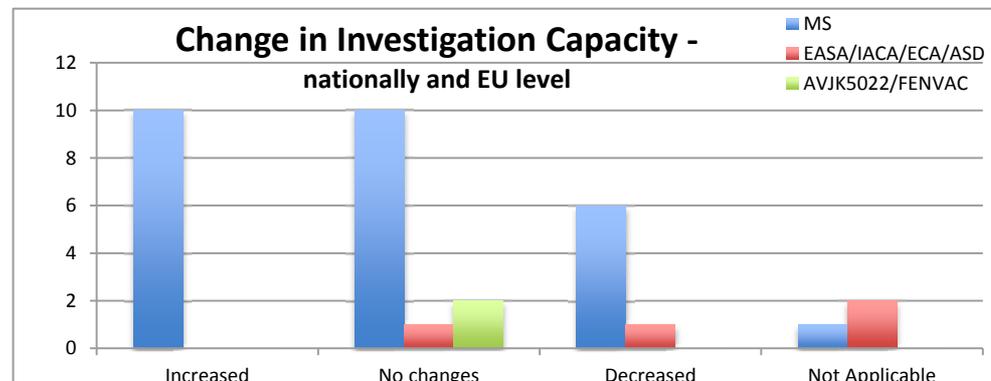
Question 2:

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



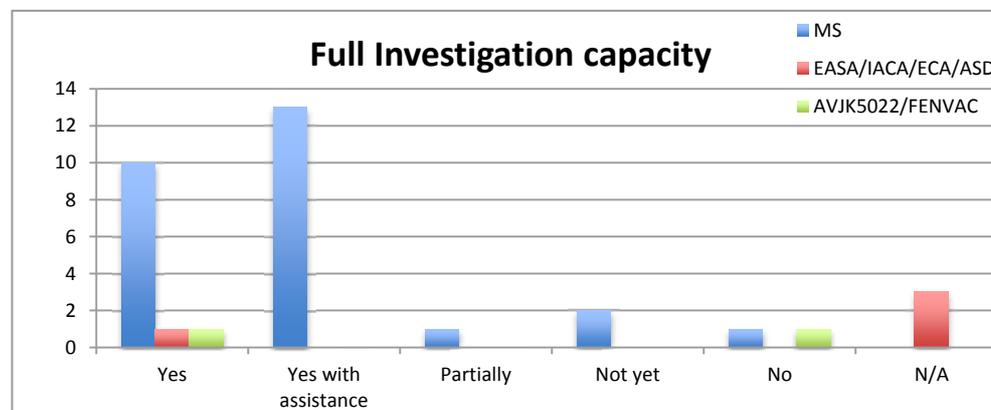
Question 3:

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



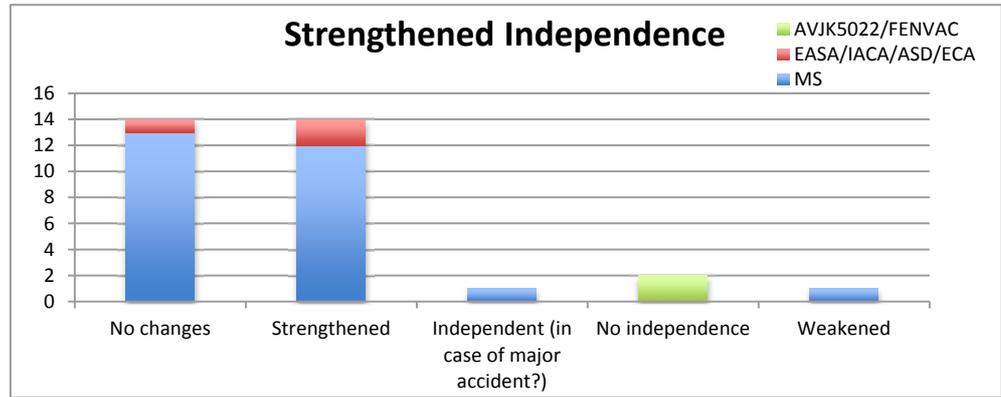
Question 4:

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



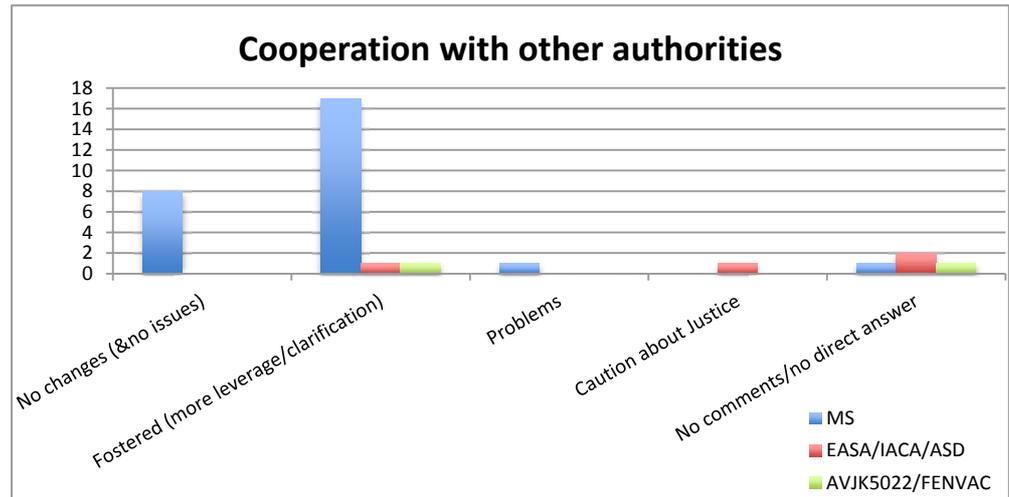
Question 5:

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



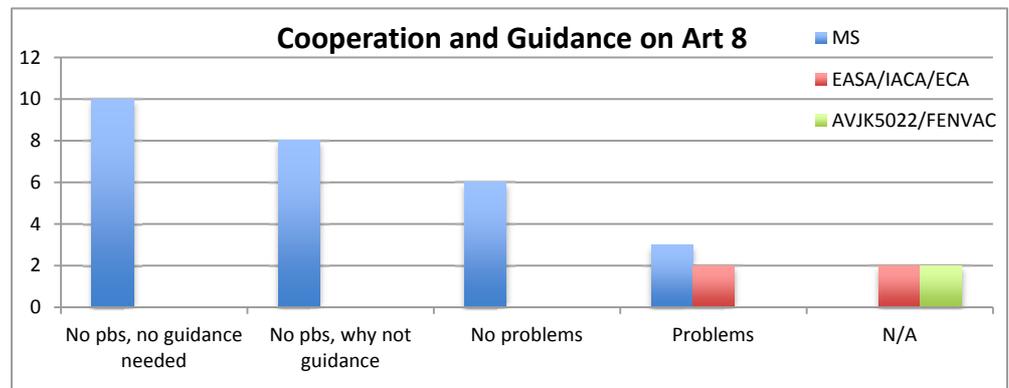
Question 6:

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



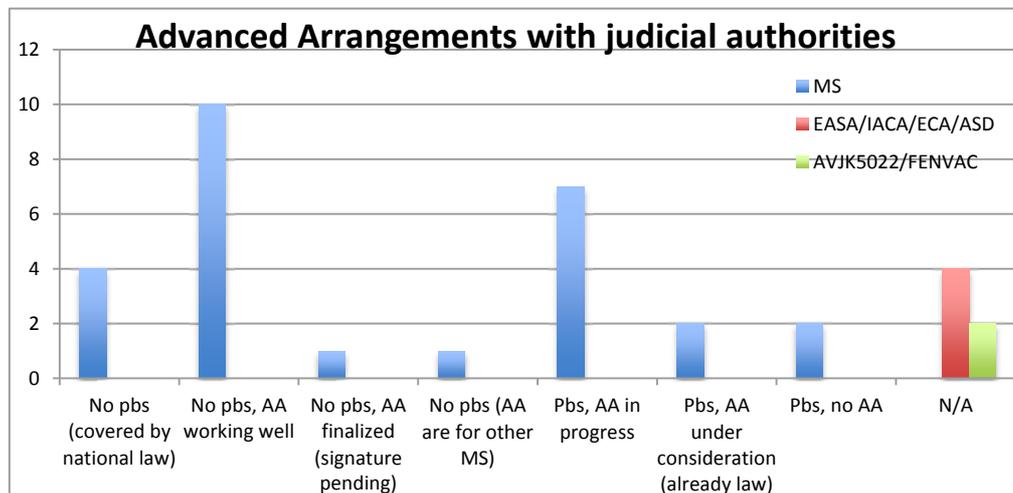
Question 7:

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



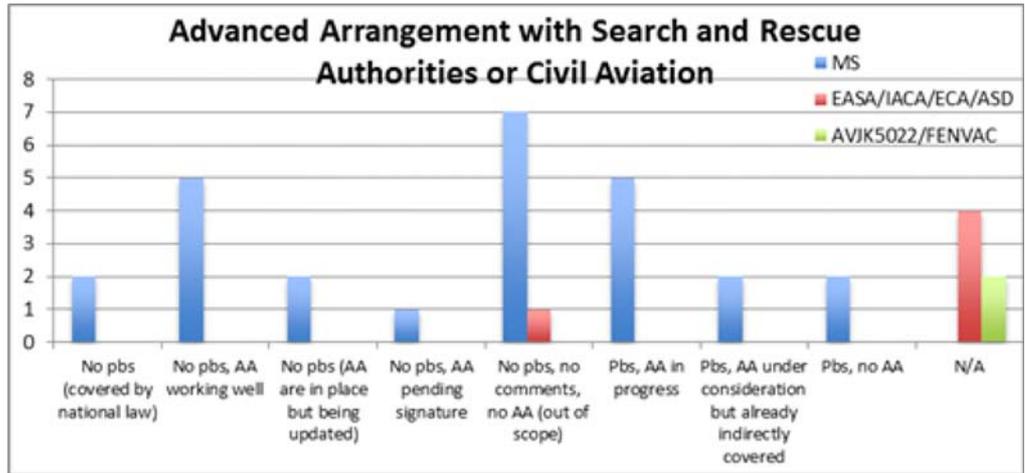
Question 8:

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



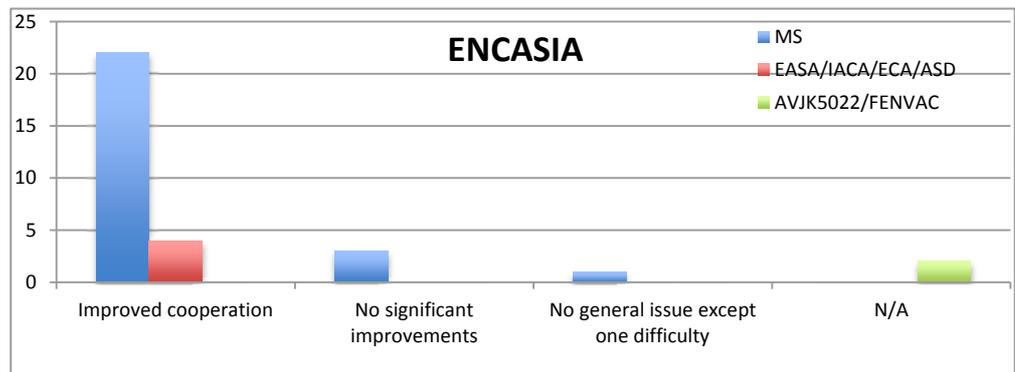
Question 8bis:

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



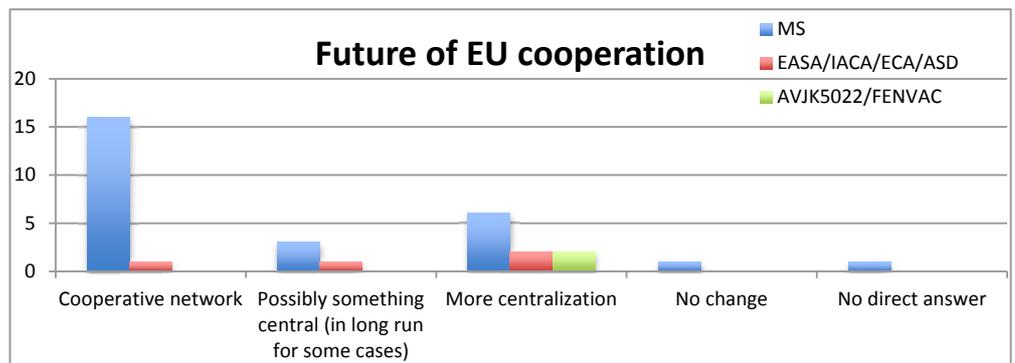
Question 9:

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



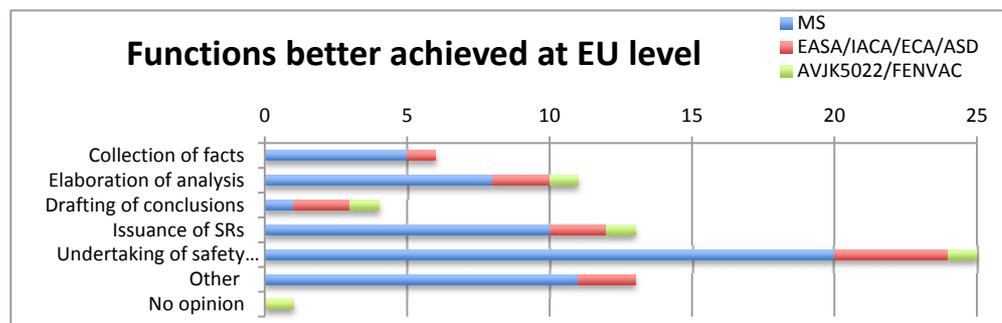
Question 10:

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



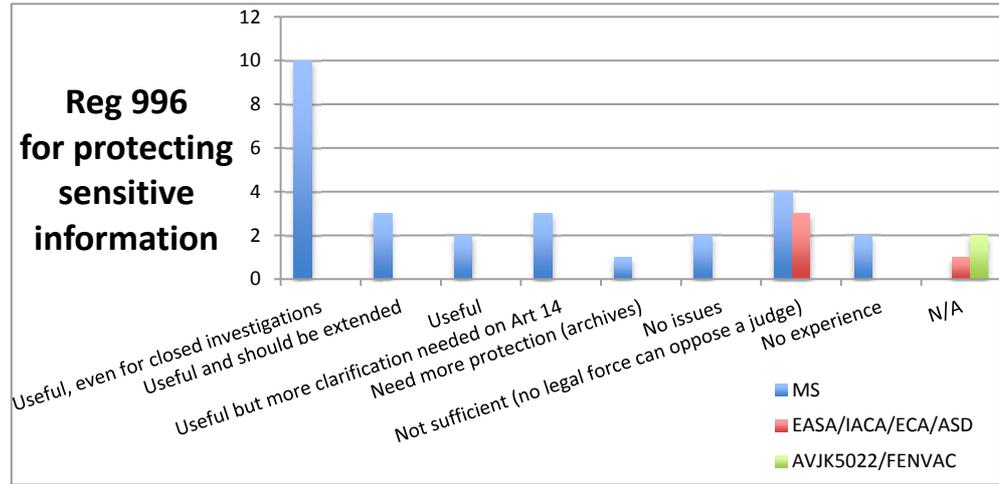
Question 11:

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



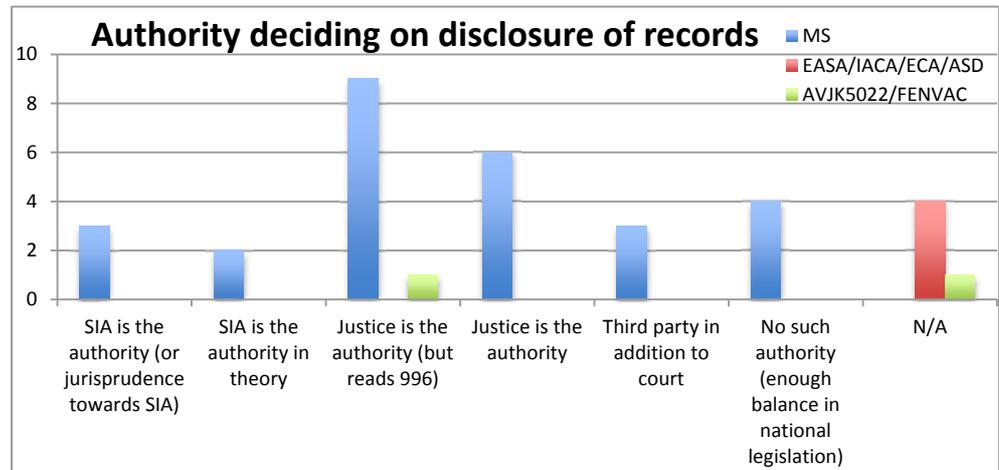
Question 12:

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



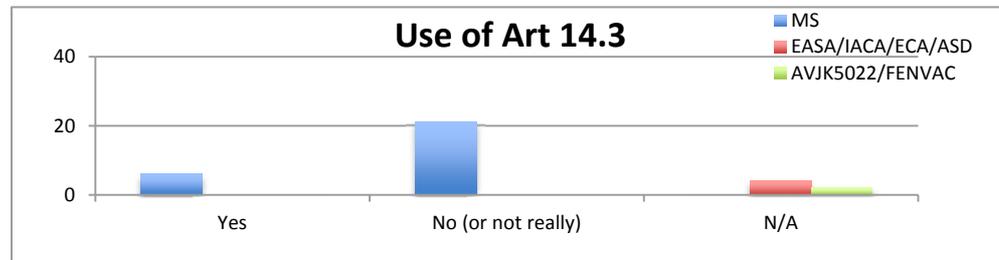
Question 13:

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



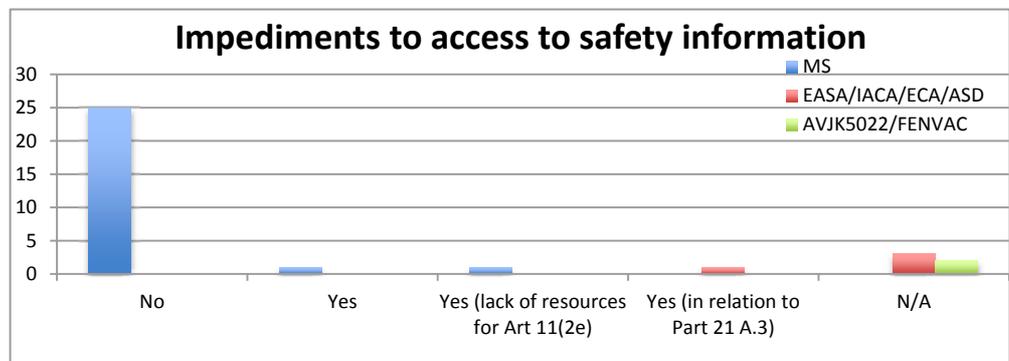
Question 14:

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



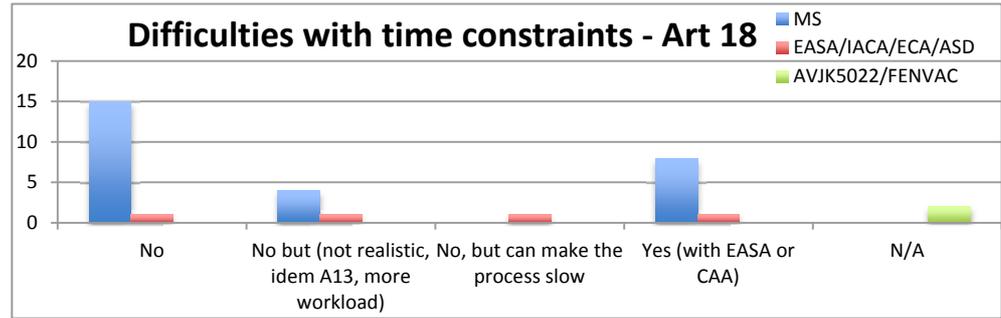
Question 15:

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



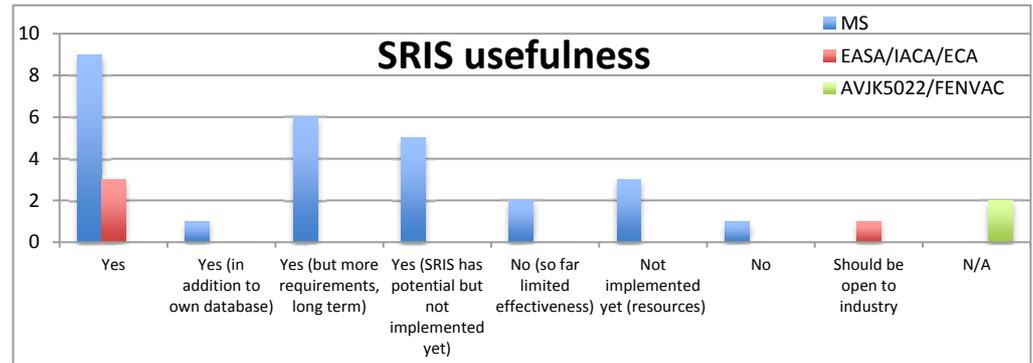
Question 16:

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



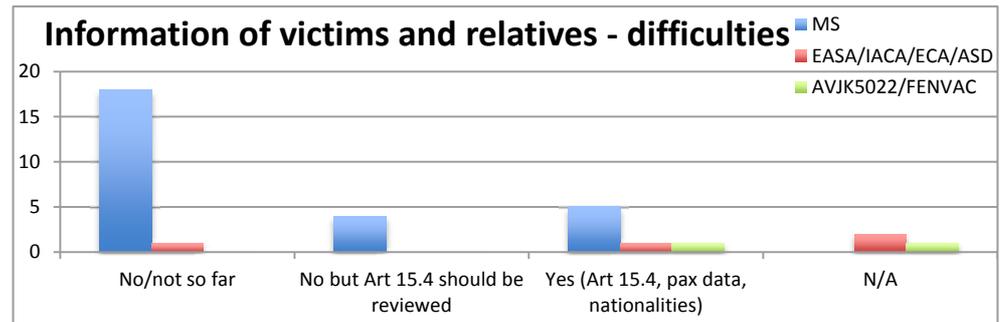
Question 17:

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



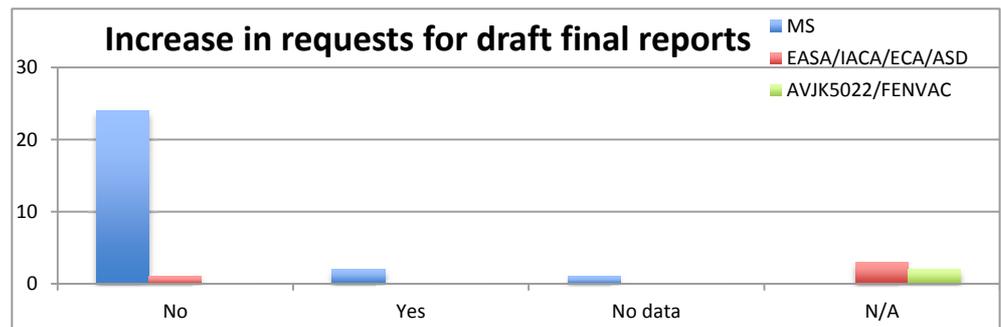
Question 18:

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



Question 19:

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



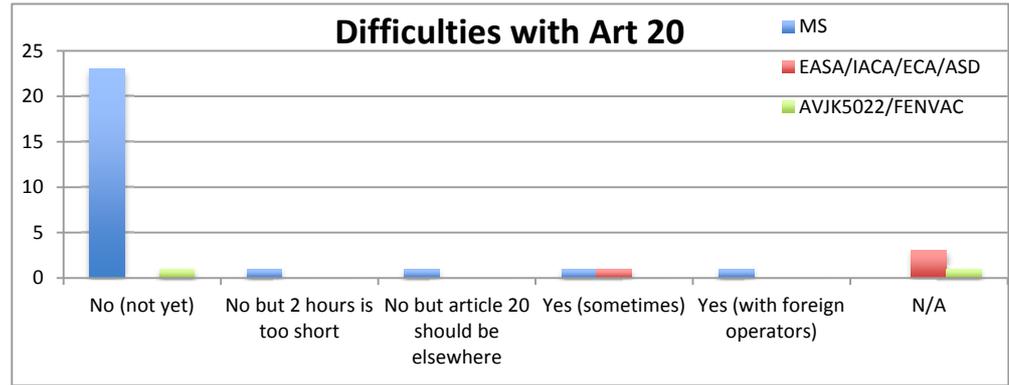
Question 20:

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

The responses are summarised throughout the text.

Question 21:

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



Question 22:

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

