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COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY

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

{SWD(2019) 177 final}

EXECUTIVE SUMMARY

Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation lays down a comprehensive legal framework governing the conduct of safety investigation in the European Union with the overall aim to improve aviation safety.

This evaluation aims to assess whether the overall objectives of the Regulation were met. To do so, the evaluation examines five criteria: the relevance of the Regulation, its effectiveness, efficiency, its coherence with the other relevant legislation, and the added value of the Union's intervention.

In the evaluation of the Regulation's relevance, the conclusion was reached that the objectives of the Regulation remain significant in a number of areas. These include: reinforcing the cooperation between SIAs, where ENCASIA remains highly relevant in bringing SIAs closer to one another; ensuring adequate investigation capacity; coordination of safety investigation and judicial proceedings; or addressing the role of EASA in safety investigations. Furthermore, the Regulation's provisions on safety recommendation or the rules concerning the information on persons on board of an aircraft continue to be relevant in ensuring that the lessons are learnt from an accident investigation and that the victims and their families are duly assisted in a timely manner. Consequently, the objectives of the Regulation continue to be relevant in achieving the ultimate goals of appropriate and timely reactions to major civil aviation accidents and the overall improvement of aviation safety.

In the assessment of the effectiveness, the evaluation examined whether the Regulation has been effective in achieving its objectives. Objectives that were analysed include those falling under the categories of quality and timeliness of safety investigations, cooperation and assistance, handling of confidential information and assistance to victims and emergency plans. Based on the analyses of the implementation of these objectives, a conclusion was drawn that there has generally been an improvement in the quality of safety investigation. Nonetheless, some shortcomings related to an improper and incomplete implementation of the Regulation persist. The lack of sufficient resources remains an issue, especially for smaller SIAs. In addition, in the sphere of the protection of confidential information collected during the investigation, the practice remains inconsistent as to the use of such information in the various domestic court proceedings.

The efficiency analyses assessed to what extent the costs incurred by the implementation of the Regulation are proportional to the results achieved. The results suggest that the costs incurred in relation to the implementation of the Regulation are largely outweighed by the benefits related in particular to the amount of prevented fatalities resulting from aviation accidents.

The Regulation is coherent with other European Union legislation, including Regulation (EU) No 376/2014 on occurrence reporting in civil aviation, or Regulation (EU) No 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (GDPR).

Finally, the evaluation identified several areas where the adoption of the Regulation brought an added value compared to the pre-existing situation. These areas include the cooperation of SIAs across Europe; resources and knowledge sharing; enhanced procedures regarding safety recommendations; the roles of other stakeholders, including EASA and national judicial authorities; or the assistance to victims and their families. Overall, the EU intervention has brought benefits to aviation safety.

In conclusion, the Regulation has met the evaluation criteria. Safety investigations keep a predominant role in improving aviation safety through lessons learnt from aviation accidents. With the expected growth in traffic, the need for a robust accident investigation framework continues to be relevant, with Regulation 996/2010 being an effective tool in this regard. Nonetheless, there is still room for improvement in several areas. While the Regulation clarified the role of EASA in safety investigations, tensions still exist and the cooperation is not always optimal. Sufficient funding continues to be a challenge, especially for smaller SIAs. While there has been a notable improvement in the quality of investigation reports and safety recommendations, there is still a need for further improvements in the responses to such recommendations. Independence of the SIA still needs to be achieved at least in one Member State. The advantages of the advance arrangements between SIAs and other authorities involved in safety investigations are yet to be fully exploited. Protection of sensitive information continues to pose a challenge in some Member States. The benefits of the peer-review process introduced by the Regulation are as well yet to be made use of.