



# Procedure file

Basic information		
SYN - Cooperation procedure (historic)	<a href="#">1993/0519(SYN)</a>	Procedure completed
Investigations into accidents and incidents in civil aviation		
Repealed by <a href="#">2009/0170(COD)</a>		
Subject 3.20.01.01 Air safety		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>TRAN</b> Transport and Tourism	RDE <a href="#">KILLILEA Mark</a>	26/07/1994
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1803</a>	21/11/1994

Key events			
01/09/1993	Legislative proposal published	COM(1993)0406	Summary
13/10/1993	Committee referral announced in Parliament		
16/02/1994	Vote in committee		Summary
16/02/1994	Committee report tabled for plenary, 1st reading/single reading	A3-0071/1994	
08/03/1994	Debate in Parliament		Summary
09/03/1994	Decision by Parliament	T3-0142/1994	Summary
29/03/1994	Modified legislative proposal published	COM(1994)0102	Summary
16/05/1994	Council position published	<a href="#">05605/1/1994</a>	Summary
15/09/1994	Committee referral announced in Parliament, 2nd reading		
11/10/1994	Vote in committee, 2nd reading		Summary
11/10/1994	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0016/1994</a>	
25/10/1994	Debate in Parliament		
	Decision by Parliament, 2nd reading		Summary

26/10/1994		T4-0054/1994	
17/11/1994	Modified legislative proposal published	COM(1994)0503	Summary
21/11/1994	Act adopted by Council after consultation of Parliament		
21/11/1994	End of procedure in Parliament		
12/12/1994	Final act published in Official Journal		

### Technical information

Procedure reference	1993/0519(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Repealed by <a href="#">2009/0170(COD)</a>
Legal basis	EC before Amsterdam E 084-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/3/05607

### Documentation gateway

Legislative proposal	<a href="#">COM(1993)0406</a> <a href="#">OJ C 257 22.09.1993, p. 0008</a>	01/09/1993	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES1161/1993</a> <a href="#">OJ C 034 02.02.1994, p. 0018</a>	24/11/1993	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	A3-0071/1994 <a href="#">OJ C 077 14.03.1994, p. 0002</a>	16/02/1994	EP	
Text adopted by Parliament, 1st reading/single reading	T3-0142/1994 <a href="#">OJ C 091 28.03.1994, p. 0043-0121</a>	09/03/1994	EP	Summary
Modified legislative proposal	COM(1994)0102 <a href="#">OJ C 109 19.04.1994, p. 0014</a>	29/03/1994	EC	Summary
Council position	<a href="#">05605/1/1994</a> <a href="#">OJ C 172 24.06.1994, p. 0046</a>	16/05/1994	CSL	Summary
Commission communication on Council's position	SEC(1994)1245	11/07/1994	EC	
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0016/1994</a> <a href="#">OJ C 323 21.11.1994, p. 0006</a>	11/10/1994	EP	
Text adopted by Parliament, 2nd reading	T4-0054/1994 <a href="#">OJ C 323 21.11.1994, p. 0039-0066</a>	26/10/1994	EP	Summary
Modified legislative proposal	COM(1994)0503	17/11/1994	EC	Summary

### Additional information

European Commission	<a href="#">EUR-Lex</a>
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### Final act

[Directive 1994/56](#)  
[OJ L 319 12.12.1994, p. 0014](#) Summary

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## Investigations into accidents and incidents in civil aviation

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This proposal for a directive sought to establish the fundamental principles governing national investigations of civil aviation accidents and incidents, in accordance with the most recent principles outlined by the International Civil Aviation Organisation (ICAO): it established the principle of an obligation to investigate and requested the Member States, first, to define a specific legal framework for defining the status of the investigation and the powers of the investigators and, secondly, to designate as competent a permanent qualified independent body, which would have to draw up a report for each investigation. ?

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## Investigations into accidents and incidents in civil aviation

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## Investigations into accidents and incidents in civil aviation

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The Committee on Transport and Tourism adopted the draft report by Mr Lalor. ?

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## Investigations into accidents and incidents in civil aviation

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## Investigations into accidents and incidents in civil aviation

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Parliament approved the proposal for a directive with 11 amendments. The proposed amendments sought: - to establish the closest possible coordination between the technical investigation and the judicial inquiry; - to extend the scope of the directive to cover not only serious accidents but all types of incident; - to include cases involving accidents in which there were casualties requiring a period of hospitalization longer than 24 hours, instead of the 48 hours required by the Directive; - to state that the inquiry should be held, and free assistance provided, without the intervention of external agencies; - to set a maximum time-limit of 12 months, from the date of the accident, for the investigating agency to publish a report; - to require Member States to take the necessary measures to ensure that the said report was published; - to state that only information of a purely material nature, which has been obtained during the inquiry, may be used for the purpose of any other inquiry or action which is undertaken following the accident or incident in question; - to set 30 June 1995 as the final date for the Commission to present to Parliament and the Council proposals relating to: . the adoption of mandatory procedures for the presentation of reports, . the setting up of a confidential system for the voluntary presentation of reports, . the payment of compensation to victims of air accidents, - to set 31 December 1995 as the final date for the Council to give a ruling on the proposals presented by the Commission; - to guarantee access to the site of the accident or incident, as well as to the airplane, its wreckage and cargo, including luggage. ?

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## Investigations into accidents and incidents in civil aviation

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The Commission adopted 7 of the 11 amendments adopted by Parliament. These sought: - to extend the investigators' freedom of access to include items of luggage; - to require Member States to take the necessary measures to ensure the publication of the accident report; - to state that only information of a purely material nature, which has been obtained during the inquiry or has resulted from it, may be used for the purpose of any other inquiry or action undertaken following the accident or incident in question; - to make it possible for accident reports to be used for disciplinary purposes; - to withdraw the provision which required Member States to take the necessary steps to protect investigators from any involvement in legal proceedings aimed at establishing blame or responsibility for an accident; - to call on the Commission to put forward supplementary measures before 31 December 1995 (introduction of mandatory national and Community systems for reporting incidents, a confidential system for incident reporting and a compensation scheme for victims). ?

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## Investigations into accidents and incidents in civil aviation

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The common position keeps to the spirit of the Commission proposal and incorporates amendments 1, 5, 6, 7 and 10 adopted by the European Parliament and accepted by the Commission. However, the Council has not incorporated amendments seeking to: - extend the scope of the directive, outside Community territory, to all incidents involving an aircraft registered in a Member State or operated by a company established in a Member State. However, the directive does make provision for this possibility if the investigating authority hopes to learn lessons on air traffic safety; - set a period of 24 hours' hospitalisation for the definition of serious injury; - exclude the possibility of external agencies intervening in enquiries; - ensure that an accident report is published. The common position calls for the accident report to be made public, if possible within twelve months of the date of the accident, the deadline also proposed by the European Parliament.?

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## Investigations into accidents and incidents in civil aviation

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This morning, the draft recommendation for second reading on investigations into accidents in civil aviation was adopted. There is a broad consensus amongst EP, Council and Commission on the purpose of the proposal to increase air safety by laying down a set of principles and procedures to facilitate the investigation of and inquiries into accidents and incidents in the field of civil aviation. These principles concern the compulsory nature of investigations, the speed with which an investigation has to be carried out, the independence and permanence of the bodies responsible for the investigation and the requirement for accident to be published, as well as the safety recommendations which must be adopted and implemented by the Member States. As some of the amendments have not been taken up in the Council common position, the rapporteur has retabled the most important ones. The purpose of Am 5 is to ensure that the proposal does not stand in isolation. It binds Parliament, Council and Commission to a timetable and a set of proposals which are regarded as an essential contribution to a more effective Community air safety policy. No later than 30 June 1995, the Commission shall submit proposals for: - the setting up of mandatory incident reporting systems in each Member State and a Community system coordinating these national data bases; - the establishment of a confidential system of voluntary incident reporting and - compensation for victims of air transport accidents. Finally, Am 6 asks that the investigating body or entity shall make public the final accident report in the shortest possible time, and if possible within 12 months of the accident. But the EP adds that "should publication of the first accident report be prevented by the continuing instability of information, an interim report shall be made public within 12 months of the date of the accident. A decision on the proposals shall be taken before 31 December 1995. ?

## Investigations into accidents and incidents in civil aviation

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The European Parliament amended the Council's common position by adopting an amendment stipulating that if a final accident report cannot be published because information is missing, a provisional report should be published within twelve months of the date of the accident.?

## Investigations into accidents and incidents in civil aviation

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The amended proposal includes Parliament's amendment to the common position. This amendment supplements Article 7, paragraph 2 by making provision for the publication of a mid-term report within twelve months of the accident if the final report on the enquiry cannot be presented by then.?

## Investigations into accidents and incidents in civil aviation

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OBJECTIVE: to improve air safety by facilitating the expeditious holding of investigations, the sole objective of which is the prevention of future accidents or incidents. COMMUNITY MEASURE: Council directive 94/56/EC establishing the fundamental principles governing the investigation of civil aviation accidents and incidents. CONTENT: The basic principles proposed are as follows: . every accident or serious incident and certain civil aviation incidents to be investigated, the sole objective being to prevent them from happening again; . scope of investigations: investigations to be limited to accidents and incidents on Community territory or involving an aircraft registered in a Member State or operated by an undertaking established in a Member State, where such investigations are not carried out by another state; . a clear distinction to be made between the judicial enquiry (to establish liability) and the technical investigation (which now has enhanced status); . action which the investigators are authorised to take (free access to the site of the accident and to the aircraft, immediate listing of evidence, immediate access to flight recorders, access to the bodies of victims etc.); . the body or entity in charge of the investigation to be a permanent, independent body which may call on the bodies or entities of other Member States for assistance; . these agencies or bodies to publish an accident report in the shortest possible time, if possible within 12 months of the date of the accident. This report may contain safety recommendations; . Member States to monitor the action taken on safety recommendations; . the investigation to be protected from being used for purposes other than accident prevention; . the principle whereby a safety recommendation does not under any circumstances create a presumption of blame or liability for an accident or incident; . Directive 80/1266/EEC on future cooperation and mutual assistance between the Member States in the field of air accident investigation (OJ L375/80) to be repealed; . examples of serious incidents are listed in the annex to the directive. DATE OF ENTRY INTO FORCE: 1 January 1995 DATE OF TRANSPOSITION: 21 November 1996?