

## **Act on the Investigation of Transport Accidents (Marine Accidents)**

**No. 18 of 6 March 2013**

Process of the matter in the Althing. Proposed bill.

Entered into force on 1 June 2013. Amended through Act No. 59/2013 (entered into force on 1 July 2013). Act No. 12/2016 (entered into force on 12 March 2016; The EEA Agreement: Annex XIII to Regulation 1177/2010). Act No. 40/2017 (entered into force on 17 June 2017). Act No. 81/2018 (entered into force on 28 June 2018). Amended through Act No. 71/2019 (entered into force on 5 July 2019). Act No. 141/2019 (entered into force on 1 January 2020).

If a minister or ministry is mentioned in this Act without the administrative area being specified or referred to, the reference is to the Minister of the Interior or Ministry of the Interior, which enforces this Act. Information on the administrative areas of ministries according to a presidential decree can be found here.

### **Chapter I Purpose and scope**

#### Article 1

##### Objective

The purpose of this Act is to reduce the number of accidents and increase safety in transport by strengthening and improving accident investigation.

Investigation according to this Act shall only aim to identify the causes of transport accidents and incidents, but not to apportion blame or liability, with the aim of reducing the risk of similar accidents and incidents occurring and the consequences of similar accidents.

An investigation into alleged criminal conduct in connection with a transport accident is governed by the Criminal Procedure Act, and such an investigation is independent of the investigations of the Transport Accident Investigation Board under this Act.

Where applicable, investigations under this Act shall also cover the organization of accident notifications, search and rescue operations and other related operations intended to reduce the consequences of accidents.

#### Article 2

##### Application

This Act applies to the investigation of traffic accidents and transport incidents that fall under the Transport Accident Investigation Board.

#### Article 3

##### Definitions

The meaning of terms in this Act is as follows:

1. Serious aircraft incidents: An aircraft incident that occurs in circumstances that indicate that a near-accident has occurred.

[2. Serious marine accident: Marine accident leading to fire, explosion, collision, stranding, damage due to bad weather, damage due to ice, crack in the hull or suspicion of defects in the hull and causing:

- a. stopping of main engines, extensive damage to accommodation, severe hull damage so that the ship is no longer seaworthy, e.g. when a hole appears in the hull below the waterline; or
- b. pollution (without regard to the quantity); and/or
- c. a breakdown necessitating towage or shore assistance.] (1)

[3.] 1) Serious traffic incident: An incident or circumstances in connection with vehicle traffic that are not traffic accidents but can lead to a serious accident to road users or damage to vehicles, traffic structures and the environment are therefore not averted.

[4.] 1) Fatal accident: Transport accident when an individual dies within 30 days from the day the accident occurred, provided that his or her fatal injury will be traced in part or in full to the accident.

[5. Aircraft incident: An incident, other than a aircraft accident, related to the operation of the aircraft and which has or may affect the safety of the operation.] (1)

[6.] 1) Aircraft accident: An event that occurs in connection with the operation of an aircraft from the time of boarding the aircraft for the purpose of flying with it and until everyone has disembarked where:

- a. one dies or suffers serious injury:
  - while he/she was on board the aircraft, or
  - when he/she was in direct contact with any part of the aircraft, including parts detached from the aircraft, or
  - when he/she was hit by a jet engine thrust,

except when the injury has natural causes, is caused by the person himself or others or when injuries occur to stowaways hiding outside the area to which passengers and crew normally have access; or

- b. an aircraft is damaged or malfunctions or breaks in its structure occurs which:
  - has a significant effect on its strength, capacity or flight characteristics, and
  - would normally require major repairs or replacement of the components in question,except in the case of engine failure or damage to the engine, its covers or accessories or to damage to the propellers, wing tips, antennas, tires, brakes, covers, small dents or holes in the outer surface of the aircraft; or

- c. an aircraft is missing, i.e. when an official search has been called off and a wreck has not been found, or there is no way to reach it.

[7.] 1) Air traffic incident: Aircraft incidents that are mainly related to air traffic control rules and where aircraft pass each other in such proximity that an emergency situation occurs or where other difficulties are caused by inadequate operating methods or due to non-compliance with approved operating methods or equipment defects on the ground, causing an emergency.

[8. Very serious marine accident: Marine accident where a ship is lost, death or major pollution occurs.] (1)

[9.] 1) Causes: Actions, omissions, incidents or circumstances, or a combination of these, that led to the accident or incident.

[10.] 1) Investigation: The process of investigations carried out in order to prevent the recurrence of a similar transport accident or incident and involves collecting information and analysing it, drawing conclusions from it, including identifying the causes, and proposing safety improvements, when applicable.

[11.] 1) Investigation Committee: Transport Accident Investigation Board provided for in this Act.

[12.] 1) Director of Investigation: The person in charge of a specific category of accident investigation.

[13.] 1) Transport incident: Serious flight incident, serious traffic incident and marine incident in accordance with the definitions in this Act.

[14.] 1) Transport accident: Air accidents, marine accidents and traffic accidents in accordance with the definitions in this Act.

[15.] 1) Marine incident: An event, or series of events, other than a marine accident, that has occurred in direct connection with the ship's operator, which endangers the safety of the ship, those on board or others or the environment if the event is not averted. Marine incidents do not cover activities that, with direct intent or inaction, are intended to harm the safety of the ship, individuals or the environment.

[16.] 1) Marine accident: The event or sequence of events which in connection with the operation of a ship leads to any of the following:

- a. death of or serious injury to a person;
- b. a person falls overboard;
- c. a ship perishes, it can be assumed that a ship has perished or been abandoned;
- d. damage will occur to a ship;
- e. a ship runs aground, cannot be sailed or a ship collides;
- f. damage will occur in connection with the ship's operation of an external equipment/structure of the ship that could endanger the safety of the ship or another ship or person;

g. there will be major environmental damage or possibly serious environmental damage that could be caused by damage to a ship or ships.

Marine accidents do not cover activities that, with direct intent or inaction, are intended to harm the safety of the ship, individuals or the environment.

[17.] 1) Investigation director: The person responsible for the planning, implementation and management of an individual study as well as participating in the study.

[18.] 1) Suggestions for improvements: Safety recommendations from the Transport Accident Investigation Board, based on information from a specific investigation and presented in order to prevent transport accidents and transport incidents.

[19.] 1) Confidential representative: A person who, on the basis of education and qualifications, is nominated by a state to take part in a study carried out by another state.

[20.] 1) Traffic accident: Where at least one moving vehicle is involved in an accident on a public road, a private road or an area open to public traffic.

1) Act No. 12/2016, Article 6.

## **Chapter II**

### **About the Transport Accident Investigation Board.**

#### Article 4

#### Transport Accident Investigation Board

Investigation of transport accidents and transport incidents shall be in the hands of the Transport Accident Investigation Board, which handles investigations of individual accident and incident categories in accordance with further provisions in this Act.

The Board shall itself decide when there is cause to investigate a transport accident or transport incidents, as provided for in this Act. [In deciding on an investigation, the Board shall take into account, among other things, the seriousness and extent of the transport accident or incident and other factors that may be relevant, and what lessons can be learned from such an investigation and how likely the results of the investigation are to prevent such a transport accident and transport incident from recurring.] (1)

The Transport Accident Investigation Board shall operate independently of the government, other investigators, the prosecution and the courts in its investigations.

The Transport Accident Investigation Board reports to the Minister.

The reports of the Board on the investigation of individual accidents and incidents shall not be used as evidence in court cases and shall not seek to divide blame or responsibility.

When an accident investigated by the Board becomes the subject of an investigation in the manner of the Criminal Procedure Act, the Board may provide the police with general information about the on-site investigation, if applicable, with the exception of those provided for in Article 27. The Board may also assist the police in resolving technical issues.

1) Act No. 12/2016, Article 7.

## Article 5

### Members of the Board

The Minister appoints seven members to the Transport Accident Investigation Board for a term of five years at a time, in addition to six deputies. The Minister appoints one of the Board members as chairman of the Board and another as his deputy.

At least three members of the Board shall be involved in the handling of each case under investigation.

The members of the Board shall have education or work experience in a field that is useful in transport accident investigations.

### Article 6 Director of Investigation and heads of investigation.

The director of investigation is responsible for the investigation of individual accidents and incidents on behalf of and under the responsibility of the Transport Accident Investigation Board. The Director of Investigation participates in the investigation of individual accidents and shall have special education and work experience that is useful in investigations in the field of transport accidents.

The Minister appoints three heads of investigation to the Board, each of whom oversees a specific category of accident investigations. The Minister selects one of them to act as the committee's chief operations manager and is responsible for and manages the Board's day-to-day operations, including its finances, and ensures that the committee's activities are in accordance with applicable laws and regulations at any given time. The operations manager hires other staff for the Board. The head of investigation shall have special education and work experience that is useful in research in the field of transport accidents.

## Article 7

### About eligibility.

The chairman of the Transport Accident Investigation Board, the directors of investigations and the heads of individual investigations may not be directors or employees of companies operating in transport operations in the relevant areas or be in such interests or financial relations with such parties that their impartiality may be questioned.

The special qualifications of Board members are in other respects governed by the provisions of the Public Administration Act (see the included excerpts from that Act on Eligibility)

#### Article 8

Costs.

The cost of the activities of the Transport Accident Investigation Board is paid from the State Treasury.

#### Article 9 Confidentiality, anonymity.

[Confidentiality according to Chapter X of the Administrative Procedure Act rests with the members of the Transport Accident Investigation Board, the committee's employees and others who work on its behalf.] (1)

While processing cases by the Transport Accident Investigation Board the anonymity of those involved in the accident, including in the final reports shall be ensured.

1) Act No. 71/2019, Article 5.

#### Article 10

Delegation of investigation.

The Transport Accident Investigation Board may entrust another State with the task of investigating a transport accident and transport incident in part or in full.

### Chapter IV

Investigation of marine accidents and incidents.

#### Article 15

Jurisdiction in the investigation of marine accidents and incidents.

[The jurisdiction of the Accident Investigation Board covers all marine accidents and incidents in which Icelandic ships are involved, as well as all marine accidents and incidents that occur in Iceland's territorial waters and inland waters or concern other significant interests of Iceland.] 1)

The Board may investigate other accidents or incidents occurring aboard foreign vessels sailing to Iceland or in Iceland's Exclusive Economic Zone (EEZ) if the Board sees reason to do so or if requested by the vessel's flag state.

The Board shall, among other things, investigate:

a. a marine accident in which a registered ship is involved and which occurs in Icelandic territory;

b. a marine accident in which a ship registered in Iceland is involved, wherever it occurs in the world;

c. accidents and other incidents at sea and on lakes that occur on unregistered vessels, including vessels under 6 meters in length;

d. [diving accidents, cf. Article 16 of the Act on Diving]. (2)

1) Act No. 12/2016, Article 9. 2) Act No. 81/2018, Article 19.

[Act 15 a. Duty to investigate due to very serious marine accidents and serious marine accidents.

The Transport Accident Investigation Board shall conduct investigations following very serious marine accidents involving an Icelandic ship, regardless of the location of the accident, as well as marine accidents occurring in Icelandic territory, regardless of the flag of the ship or vessels involved, or where Iceland's significant interests are at stake, regardless of the location of the accident and the flag of the ship or ships involved in the accident.

In the event of a serious marine accident, the Board shall carry out a preliminary assessment of whether there is a reason for an investigation to take place or not. If the Board decides that [there is no cause] 1) to investigate, the reason for that decision shall be notified in accordance with the procedure prescribed by the Minister in a regulation. 2)] 3)

1) Act No. 40/2017, Article 17. 2) Regulation No. 616/2017. 3) Act No. 12/2016, Article 10.

[Act 15 b. Marine accident or incident when a ro-ro ferry or high-speed passenger craft is involved.

When a ro-ro ferry or high-speed passenger craft is involved in a marine accident or incident, the Transport Accident Investigation Board shall be responsible for investigating a case when it occurs within Icelandic territorial waters or internal waters of Iceland. The Board shall also handle the investigation of a case when a marine accident or incident of a ro-ro ferry or high-speed passenger vessel takes place in another sea area, provided that the last stop of the ferry or the craft was in Iceland. In the case of the second sentence above, the Board is responsible for the investigation and coordination of actions with other substantially interested States until a joint decision has been made as to which State shall be the lead investigating State.] (1)

1) Act No. 40/2017, Article 18.

#### Article 16

Obligation to report marine accidents and incidents.

In the event of a marine accident or incident according to this Act, anyone who is aware of it must notify the Transport Accident Investigation Board without undue delay or ensure that the Board has become aware of the accident.

The following parties have a special obligation in this regard:

a. managers and owners or shipowners;

b. The Icelandic Coast Guard, the police, port operators, [customs authorities] 1) and the Maritime Traffic Service (VTS);

c. Government institutions in the field of supervision of marine traffic, the Icelandic Health Insurance and insurance companies established in Iceland, as well as others who have become aware of accidents or incidents.

The same applies to anyone who discovers a ship or other objects in circumstances that indicate that a marine accident or incident has occurred.

1) Act No. 141/2019, Article 53.

#### Article 17

Notifications to foreign countries and parties.

The Transport Accident Investigation Board shall notify as soon as possible of a marine accident or incident that occurs within Icelandic territorial waters and/or within the exclusive economic zone of Iceland to the relevant State where the ship is registered and the International Maritime Organization.

If the Board receives a notification from a foreign state about a marine accident or incident, it shall immediately ensure that relevant information concerning ships registered in Iceland is received by the State where the accident or incident took place.

#### Article 18

[Foreign State's participation in the investigation of a case and co-operation with foreign States.

The Transport Accident Investigation Board shall grant the authorities of a State which has a strong interest in the investigation the right to take part in the investigation of a case. The Board shall seek agreement with the State concerned on its participation in the investigation and, if applicable, which State directs the investigation.

Representatives of foreign States who have a strong interest in the investigation shall be bound by a duty of confidentiality in accordance with Article 9.

In other respects, the Board shall co-operate as closely as possible with those States which have substantial interest in the investigation of a case.

[If the Board requests the assistance of the authority of an EEA State that does not participate in the investigation, the Board shall then seek an agreement with the relevant authority on the reimbursement of costs incurred.] 1)] 2)

1) Act No. 40/2017, Article 19. 2) Act No. 12/2016, Article 11.

## **Section VI**

### **General provisions on procedures, etc.**

#### Article 21

The scene of the accident.



At the scene of a transport accident, an aircraft, ship or vehicle, its parts or contents may not be moved or removed nor may the traces of the accident be disturbed until the on-site investigation has been completed without the permission of the lead investigator. Without such authorization, however, an aircraft, ship or vehicle, part or contents thereof may be moved or removed, in so far as is necessary to save persons and valuables and to prevent damage from fire or other causes or to prevent that aircraft, ships and vehicles, their components or contents cause danger.

In the event of a marine accident at sea or where it is unavoidable to change the scene before the scene investigation, the master, other captains or those in charge of the scene are obliged to make a detailed report on the scene, the cause of the accident and who were at work on the scene, etc. Masters or others in charge at the scene are obliged to receive for storage any defective items.

In cases where repair of equipment at sea is unavoidable, the master or other navigating officers are obliged to ensure that a detailed report is made on the failure and the repair and that all items that need to be removed and replaced with new ones are preserved. Such reports, as well as all items that must be taken for safekeeping on board a ship in connection with an accident, shall be submitted to the Board upon arrival at the port.

## Article 22

### On-site investigation

During a field investigation under the auspices of the Transport Accident Investigation Board, its management shall be in the hands of the lead investigator, in consultation with the Board as far as possible.

The lead investigator, the Board and other employees of the Board shall have unrestricted access to the scene of the accident. This also applies in the case of privately owned places.

The lead investigator shall have the right to call on the assistance of the police and other public bodies, as well as the rescue and relief team.

The lead investigator shall have the right to interview persons and collect data on the site. The lead investigator's right to interview persons also extends to those who have been removed from the scene or left themselves.

When an accident or incident becomes the subject of an investigation in the manner of the Criminal Procedure Act, the Board shall provide the police with information and data concerning the scene and resolution of technical issues. The delivery of data shall be in accordance with Article 27., cf. however, Article 28.

## Article 23

### Seizure of items.

The Transport Accident Investigation Board may seize or hold an aircraft, ship or vehicle or part thereof, equipment and other items that may be of significance in the investigation.

The Board shall, as soon as possible and taking into account its investigative interests, hand over what has been seized or held in accordance with paragraph 1

If the police have seized or detained items under the Criminal Procedure Act that may be relevant to the Board's investigation, they may be required not to be handed over to the owner or other lawful right holder without consulting the lead investigator.

#### Article 24

Preservation of research data.

Evidence on the ground shall be protected as far as possible in the light of the circumstances at hand. Evidence which may be fleeting, removed, lost or destroyed shall be photographed or otherwise preserved.

The documents taken into custody by the Board shall be securely preserved so as not to spoil or damage them and prevent unauthorized access to them, and measures shall be taken to prevent theft.

#### Article 25

Interviewing and data collection.

A party to a case, his representative and others who the Transport Accident Investigation Board deems necessary to be interviewed to solve a case under consideration are obliged to appear before the Board to answer questions addressed to them, in accordance with the provisions of this Act.

The Transport Accident Investigation Board may interview, and record, and video, the owner, user or operator of an aircraft, ship or vehicle, its operator, crew and passengers, air carriers and air navigation service providers, airports, ports and traffic structures and supervisory authorities, and any other person who may be expected to possess knowledge that can contribute to revealing the cause of the accident and other issues that the Board deems necessary to shed light on.

The Board may seek the assistance of research institutes, domestic or foreign, as well as call in experts from specific areas in the field if it deems it necessary.

#### Article 26

Information gathering.

The Transport Accident Investigation Board may require the submission of data and information, including from bodies responsible for transport supervision, the police, insurance companies, doctors and other healthcare professionals, as well as those operating air navigation services, airports, ports and transport infrastructure, air carriers or others, as required in the investigation of individual cases. The Board may, inter alia, request the custody of recordings, including recordings of telecommunications, records, books and other data relating to aircraft, ships and vehicles, their operators and crews and the traffic of aircraft, ships and vehicles. The above parties are obliged to provide the Board with such information.

The Board may without delay take into custody the flight recorders of aircraft, ship voyage data recorders and vehicle tachographs and process the copying of the data and information therefrom.

When reading and copying communications that appear on recordings and when preparing reports, cf. Paragraphs 1 and 2, the investigative committee shall take special measures to ensure the utmost confidentiality of the information contained therein. A copy shall be limited to items that the Board deems relevant in the investigation of a case, but alternatively the main items from reports shall be recorded.

The authority of the first and second paragraphs above includes personally identifiable information, including sensitive personal information such as medical and autopsy reports, as well as other information that the Board deems necessary for the investigation of a case.

The investigator must always be able to investigate data and information on accidents or incidents without undue delay.

#### Article 27

Restrictions on access to information.

The Transport Accident Investigation Board is not permitted to provide access to the following data that the Board obtains during the investigation of a transport accident and transport incident or information about them, cf. however paragraphs 2 – 4:

- a. recordings or transcripts of the statements of those whom the Board interviews during the investigation of a case;
- b. any kind of recorded radiocommunications or recordings of radio communications between those involved in a traffic accident or incident;
- c. medical records and other personal data relating to those involved in a traffic accident or incident;
- d. recordings of communications or recorded communications that have taken place in the cockpit of an aircraft or between flight crews;
- e. recordings of communications and radio communications at the air traffic controller's workplace or transcripts of such communications;
- f. recordings of communications on the navigation bridge of ships or between crew members;
- g. recordings of a communications centre/ Maritime Traffic Service (VTS) and radio communications with ships;
- h. recordings of the communication of the coordinated emergency response centre or the police with the victims or reporters of traffic accidents or serious traffic incidents;
- i. any opinions obtained in connection with the evaluation of the available data, including flight recorders, and voyage data recorders of ships, and vehicle tachographs;
- [j]. other reports, statements, narratives and comments recorded by the Board during the investigation of a case;

k. information revealing the identity of individuals who have testified in connection with the investigation of a case;

l. material generated during the course of the investigation, such as comments, drafts, the opinion of the investigator and the opinion expressed during the analysis of the information;

m. draft interim reports or final reports or interim declarations.] (1)

Only commenters according to paragraph 1 of Article 33 shall be granted access to data according to paragraph 1 to the extent that the Board deems necessary for them to be able to provide an opinion and the anonymity of those connected to a transport accident or transport incident shall be respected. If access is granted to data according to point (a), and points (d) to (h) of paragraph 1, access shall only cover a transcript of a copy of the recording, cf. Article 26(3)

Commenters and those working on their behalf shall respect the duty of confidentiality regarding anything that becomes known to them regarding access to data under this provision. Commenters are not permitted to provide information on or access to such data to anyone other than those who work on their behalf.

The Board shall delete from the final report a direct reference to data pursuant to paragraph 1 except to the extent deemed necessary for the analysis of the causes of a transport accident and a transport incident.

Restrictions on access to information and data under this provision also apply to information and data that the Board receives from the authorities of other States in charge of investigating transport accidents and incidents. The Board may grant the investigative authorities of other states access to data and information in accordance with this provision, provided that it is part of the investigation of the relevant authority.

1) Act No. 12/2016, Article 12.

## Article 28 Judgement

Notwithstanding the provisions of Article 27 it is permitted to prescribe by a court ruling the obligation of the Transport Accident Investigation Board to provide access to data pursuant to points (b) to (i) of the first paragraph Article 27 or information about those data if they are not obtained in any other way and it is considered that access to them outweighs the assessments than the negative effects that such access could have. Access to data according to points (d) to (h) of the first paragraph of Article 27 shall, however, be limited to transcripts of copies of recordings, cf. Article 26(3) Documents which contain the statements of the parties and witnesses before the Board shall not be submitted, cf. point (a) of the first paragraph Article 27.

## Article 29 Notification to authorities

If there is a suspicion or it will be revealed during the investigation of a case that illegal measures have been taken against air transport, navigation at sea or road traffic, the lead investigator shall as soon as possible inform the relevant authorities about the investigation of the case.

#### Article

30 Collection of data from flight recorders, voyage data recorders and tachographs for foreign countries.

In the event of a aircraft accident or serious aircraft incident outside the jurisdiction of the Transport Accident Investigation Board, but the aircraft in question lands in Iceland, the Authority shall then be authorized to collect data from flight recorders or take possession of flight recorders, upon request from the marine safety investigating State responsible for the investigation of the accident or incident.

In the event of a marine accident or incident outside the jurisdiction of the Transport Accident Investigation Board, but the ship in question arrives in Iceland, the Board shall then be authorized to obtain data from a ship's voyage data recorder or take possession of a ship's voyage data recorder, upon request from the State investigating the accident or incident.

In the event of a traffic accident or serious traffic incident outside the jurisdiction of the Transport Accident Investigation Board, and the vehicle in question is transported to Iceland, the Board shall then be authorized to obtain data from a vehicle tachograph or take possession of a vehicle tachograph, upon request from the State investigating the accident or incident.

## **Section VII Reporting**

#### Article 31

##### Preliminary report

The Transport Accident Investigation Board shall be authorized to compile an interim report on the investigation of a traffic accident or transport incident before the investigation of a case has been completed in order to provide information to the authorities and the parties.

#### Article 32

##### Final report

When the investigation of an accident or incident has been completed, the Board shall as soon as possible issue a final report on the outcome of the investigation. The final report shall state the cause or probable cause of the accident, in addition to which measures shall be proposed to prevent further accidents of the same or similar causes or to reduce their consequences.

The purpose of accident investigations according to this Act, cf. Article 1, shall be mentioned on the front page of each final report submitted by the investigative committee. Furthermore, it should be mentioned that no investigation seeks to divide blame or responsibility, cf. Article 4(5)

The Board may issue a statement upon completion of the investigation or complete the investigation of a case with a [simplified report or] 1) memorandum instead of issuing a final report.

The final report on the accident investigation shall normally be issued within one year of the accident. If an investigation is not completed within this time limit, an [interim report or preliminary declaration] 1) on the status of the investigation shall be issued annually and thereafter.

Final reports shall be published on the website of the Transport Accident Investigation Board.

The final report can be made in a foreign language, for example if the party is foreign.

1) Act No. 12/2016, Article 13.

### Article 33

#### Opinions

The Accident Investigation Board may give those parties, which, in the opinion of the Board, have considerable interests to comment on the draft final report within the prescribed time limit, as no information is available in the files on their opinion and the reasons for it, or if this is obviously unnecessary.

The Investigation Board may stipulate that the commenting party shall be bound by confidentiality regarding what is stated in the draft final report.

### Article 34

#### Important information

The Board shall, at any stage of the investigation, if necessary, draw the attention of the parties concerned to matters that have been identified during the investigation, and it is considered important that they be presented without delay to ensure safety.

### Article 35

#### Safety recommendations

The Board shall make recommendations for safety improvements as warranted by the investigation of the accident and direct recommendations to the relevant parties, domestic and foreign, as appropriate. The proposals shall be made public.

Those to whom the recommendation is addressed shall take due account of it and, if appropriate, implement it. They shall without delay and no later than within three months of receipt of the recommendation, report to the Board on how the recommendation was complied with or, if appropriate, why it was not complied with.

The Board shall, within two months of being informed of its response to recommendations for improvement, notify the party concerned whether the Board considers them satisfactory.

[The Board shall, as appropriate, issue recommendations on the basis of research, investigation analyses, and overall results of investigations or other actions.

The recommendation shall not provide for or create a precondition for the division of responsibility or blame due to transport accidents and transport incidents.] (1)

1) Act No. 12/2016, Article 14.

#### Article 36

##### Annual report

The Transport Accident Investigation Board shall publish a comprehensive report on its work each year and publish it on its website. The report shall include statistical summaries, as well as proposals for safety improvements.

Furthermore, the Board shall draw up an overview of how its recommendations according to Article 35 has been enforced and published on its website.

### **Section VIII**

#### **Reopening of cases, special investigations**

#### Article 37

##### Authorization for reopening

The Board may reopen a case even if the investigation has been completed if new and important evidence is presented in its opinion. If the Board did not initiate the investigation, however, the case shall not be reopened until the consent of the State which initiated it has been obtained. [A decision to reopen a case or a refusal to reopen a case shall be specifically justified.] (1)

... 1)

1) Act No. 12/2016, Article 15.

#### Article 38

##### Special investigations

The Transport Accident Investigation Board may, on its own initiative or at the request of the Minister, investigate matters concerning general safety in transport.

#### Article 39 Registration and analysis of transport accidents

The Minister may entrust the Transport Accident Investigation Board with the task of recording and analysing transport accidents and serious transport incidents.

If the Minister entrusts the Board with the registration of a specific category of accidents and serious incidents, the Board shall then publish in its annual report information on such registration and analysis, as appropriate.

### **Section IX**

#### **Regulatory permit, entry into force, etc.**

Article 40  
Regulatory Permit

The Minister may issue regulations 1) on the further implementation of this Act, which provides for, among other things:

- a. further definition of transport accidents and incidents, aviation accidents and serious aviation incidents, marine accidents and incidents, traffic accidents and serious traffic incidents according to Article 3. [and diving accidents according to paragraph 2 (d) Article 15.]; (2)
- b. conditions, notification and arrangements for the transfer of investigation in part or in full according to Article 10;
- c. notification of accidents to foreign parties according to Articles 13 and 17 and arrangements for making such notifications, their content, subject and receipt and handling of corresponding notifications from foreign parties;
- d. further implementation of an investigation at the scene of a transport accident according to Articles 21 and 22, including the obligation of the parties in charge of the management of the scene of the accident to preserve any objects and other things related to an accident or serious incident, to prohibit the use of equipment related to an accident or serious incident until an investigation has taken place; the obligation of a party to report an accident or incident in cases where repair of an object is unavoidable before an investigation can take place; an obligation to preserve all items that need to be replaced by new ones and an obligation for a party to record an accident or incident and submit its report to the investigative Board;
- e. further arrangements for the access of domestic and foreign parties to research data, investigation of a case, including consultation with foreign investigators in the preparation of an interim report and a final report;
- f. conducting investigations and procedures, including the handling, investigation and custody of case documents and the preparation of procedures for conducting investigations;
- g. operation of the Transport Accident Investigation Board, communication with other domestic investigators, communication and co-operation with foreign investigators and institutions involved in transport safety, identity documents with information on the legal status of Board members, investigators and other employees and their authorizations of employment;
- h. necessary equipment and facilities;
- i. training program of Board members and lead investigators;
- j. the content and format of the interim report and the final report of the Investigation Board, the issue, publication and distribution of the interim report and the final report of the Board and safety recommendations;
- k. registration and analysis of transport accidents and incidents;



l. drawing up a plan for assistance to victims and close relatives following transport accidents in co-operation with relevant public bodies and stakeholders in each field;

m. the obligation to provide information for the persons involved in the transport of persons by air, sea or land with regard to, inter alia, passenger lists and dangerous goods on board aircraft, ship or vehicles and the handling of such information;

n. assistance of the persons responsible for the transport of persons by air, sea or land to the victims of transport incidents and accidents and their relatives.

1) Regulation 763/2013. Regulation 1248/2014, cf. 1178/2015. Regulation 616/2017.

2) Act No. 81/2018, Article 19.

#### Article 41

##### Penalties

Anyone who obstructs employees or members of the Transport Accident Investigation Board in their investigative work shall be subject to fines.

Anyone who provides information on the content of the data discussed in Article 27 shall be subject to fines.

Violation of the provisions of Articles 12, 16 and 20 are subject to fines.

#### Article 42

Entry into force, etc.

This Act shall come into force on 1 June 2013. ...

#### **Transitional Provisions**

The term of appointment of the Transport Accident Investigation Board, cf. Act No. 68/2000, 35/2004 and 24/2005, ends with the entry into force of this Act.

The Directors of the Transport Accident Investigation Board shall be offered the position of Director of Investigation at the Transport Accident Investigation Board until the current term of office ends. Their work and reorganization are in accordance with the Government Employees Act. Other employees of the Boards shall be offered a job with the Transport Accident Investigation Board. Provisions in Article 7 in the Government Employees Act No. 70/1996 do not apply to positions that are filled according to this provision.