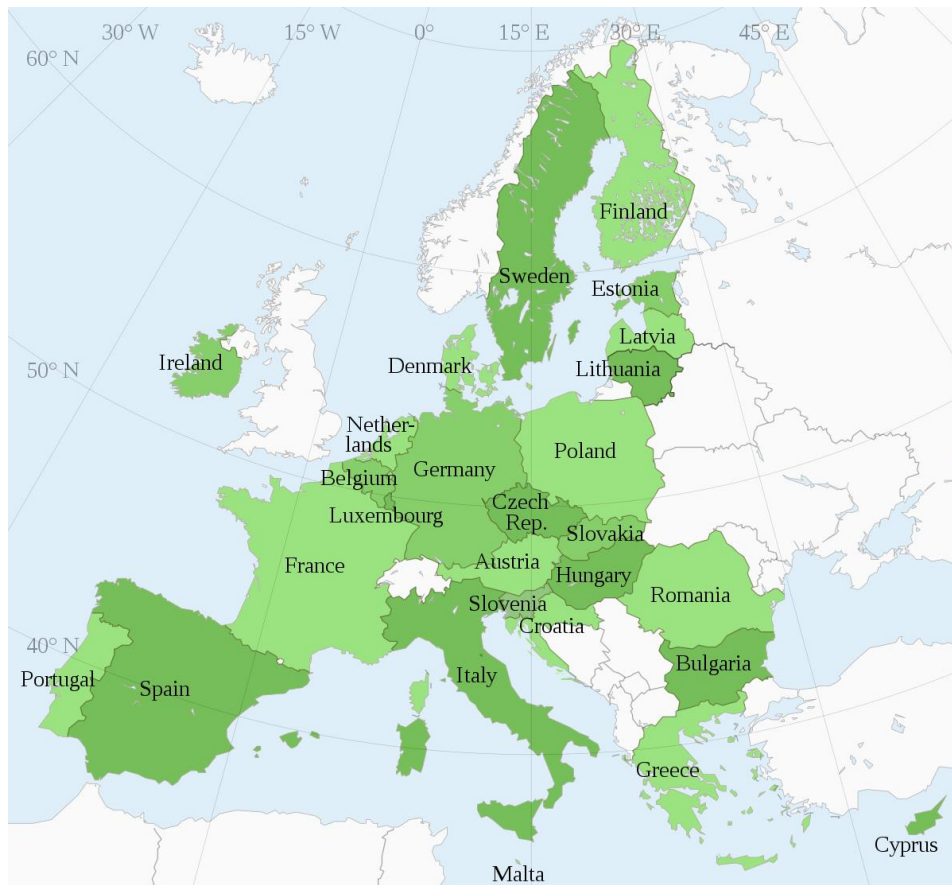




## Information Article

### EUROPEAN UNION

#### Aircraft Accident - Assistance to Victims & Associated Families, Relatives & Friends etc



#### Relevance:

#### Family Assistance type legislation and its impact on airlines, airports etc. (+ EU member states also)

Note - follow below link to view the full EU legislation text upon which this info article has been based

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:295:0035:0050:EN:PDF>

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Extract from first page of original document (provided to establish context only)

**REGULATION (EU) No 996/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL / 20 October 2010 / on the investigation and prevention of accidents and incidents in civil aviation - and repealing Directive 94/56/EC (Text with EEA relevance)**

**THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION**

- Having regard to the Treaty on the Functioning of the European Union and in particular Article 100(2) thereof
- Having regard to the proposal from the European Commission
- Having regard to the opinion of the European Economic and Social Committee (1)

**After consulting the Committee of the Regions**

- Having regard to the opinion of the European Data Protection Supervisor (2)
- Acting in accordance with the ordinary legislative procedure (3)

**Whereas:** (see introductory **clauses** [in brackets] below)

- (1) A high general level of safety should be ensured in civil aviation in Europe and all efforts should be made to reduce the number of accidents and incidents to ensure public confidence in air transport..... etc.

Note to Reader:

Introductory Clauses 2 to 29 continue in the '**real**' Reg (EU) 996 / 2010 - **BUT** as they are not relevant to the subject matter of the 'info article' (which you are now reading) - we will 'fast forward' to clause 30 etc.

- (30) Experience has shown that an **accurate** list of **persons** (crew and passengers) on board an aircraft is sometimes **difficult to rapidly / reliably obtain** - and thus it is important to establish a deadline by which an **airline** is required to produce such a list - particularly re an (associated) **MAJOR**, aircraft accident type situation

Furthermore, the **personal data** contained in any lists should be protected from unauthorised use and / or disclosure

Similarly, rapid / reliable availability and distribution of information re any **dangerous goods** carried on board an aircraft involved in such an accident, can minimise associated risks to 'on-site' responders i.e. at / near to the site of accident occurrence itself (as appropriate)

- (31) Following an aircraft accident as per clause 30 above, it can also be problematic to rapidly / reliably identify the appropriate **contact person(s)** (i.e. to be informed) of any particular passenger(s) on board. The opportunity for designating such a contact person should thus be **offered** to passengers **before** their associated flights take place





(32) Details of how assistance to **victims** of air accidents and their **relatives** is to be provided - should be adequately specified, documented, maintained, trained for, exercised, reviewed etc.

(33) The manner in which an aircraft accident and its consequences are dealt with by EU Member States (countries) is crucially important. Accordingly, each **Member State** should provide and maintain etc. an (its own) associated emergency plan which should include (amongst other matters not in scope herein) the requirement for appropriate **Airports** (within each such Member State) to similarly provide and maintain etc. their own, specific (airport) emergency plans (AEP)

Such **AEPs** should include (amongst other matters not in scope herein) instructions and information etc. re the use of associated emergency services - together with **how the provision of assistance etc. to the victims of civil aviation accidents (and their relatives) is to be accomplished**

Appropriate **Airlines** (air carriers) should similarly provide and maintain their own emergency response plans (ERP) including (amongst other matters not in scope herein) **instructions and information etc. re the provision of assistance etc. to the victims of civil aviation accidents (and their relatives) - and how this is to be accomplished**

Particular attention should be given to the support to and communication with victims and their relatives, and their (typically formed in the aftermath of any particular aircraft accident) **'family support associations'** (if any / as appropriate for latter)

Note to Reader 1: It is obviously essential that all such emergency plans (referred to in the last 4 paras above) integrate with each other as appropriate. They should also be jointly 'trained for' and 'exercised' at appropriate intervals. Associated records should be maintained and retained

Note to Reader 2: **Clauses** 34 - 38 continue in the 'real' Reg (EU) 996 / 2010 - but as they are not relevant to the subject of the 'info article' (which you are reading now) - we will now 'fast forward' below to **'Article'** 1 etc.

## HAVE ADOPTED THIS REGULATION:

### **Article 1** - Subject matter

1. This Regulation aims to improve aviation safety by ensuring a high level of efficiency, expediency, and quality of European civil aviation **safety investigations**, the sole objective of which is the prevention of future accidents and incidents without apportioning blame or liability, including through the establishment of a European Network of Civil Aviation Safety Investigation Authorities

**It also provides for rules concerning the timely availability of information relating to all persons and dangerous goods on board an aircraft involved in an accident - and for improving the provision of assistance services to victims of air accidents and their relatives**

Note to Reader: Articles 1-14 continue in the 'real' Reg (EU) 996/2010 - but as they do not concern the subject of the 'info article' (which you are reading now) - we will now 'fast forward' to 'article' 15 etc. (see next page)





## Article 15

### Communication of Information

.....4 **The Safety Investigation Authority in charge** shall be authorised to **inform** victims and their relatives (and / or 'associations' etc. of the latter two) - or otherwise **make public** - any information regarding:

- The factual observations and proceedings of the safety investigation
- (Possibly) the preliminary reports; conclusions; safety recommendations etc. - provided that so doing does not compromise the objectives of the safety investigation and fully complies with applicable data protection requirements

.....5 **Before Making Public** any details as per above, the Safety Investigation Authority shall firstly provide same to victims and their relatives (and / or their associations) - in a manner which does not compromise the associated, safety investigation objectives

## Article 20

### Information on Persons and Dangerous Goods carried on board an Accident Flight

1. \* **EU Member** airlines operating flights arriving to / departing from (plus [+] any third country [non-EU] airlines with regards to **DEPARTING** flights **ONLY**) airports located in the member state territories (to which the Treaties apply) - shall implement procedures which allow for:

- (a) As soon as possible, **but at the latest within 2 hours** (of notification of occurrence of a major aircraft accident) the production and associated distribution of a **validated list** (based on best available information) of all **persons on board** ..... **AND**
- (b) **Immediately** upon notification of the occurrence of an aircraft accident - production and associated distribution of the **list of the dangerous goods on board** (if any)

\* Note from author / owner of this info article: It would have obviously been advantageous for **ARRIVING** (i.e. arriving in the EU) third country (non-EU) airlines to also be 'requested' to provide the same type of information as is provided for in Article 20.1 above. Why the author(s) of Reg (EU) 996 / 2010 did not so do is not known - but it does need to be 'put right'

2. The lists referred to in Article 20.1 just above shall be made available without delay to:

- The safety investigation authority
- The authority designated by the Secretary of State to liaise with the relatives of the persons on board ..... and, where necessary





- **\*\* Emergency Responders of all, appropriate types - needing such info to better / more safely carry out their assigned (emergency related) roles and responsibilities etc.**

**\*\* Note from author / owner of this info article: It is absolutely imperative that responding 'fire and rescue' organisations (and similar) are made aware (in the fastest possible timescale) of the details of all dangerous goods, carried on board any accident flight, to which they are responding**

3. **In order to facilitate airline passengers' relatives etc. more quickly obtaining information (concerning the presence [or not] of a related passenger(s) on board an accident aircraft), AIRLINES shall offer such passengers the opportunity (before flight) to provide them (airlines) with the name / contact details of someone to be contacted in the event of an associated accident. This info may be used by airlines in the event of an accident only and shall typically not be communicated (without the provider's permission - as appropriate) to third parties; used for commercial purposes etc.**

4. **\*\*\* Names of persons on board an accident flight shall not be made publicly available before the relatives of such persons have been informed by the relevant authorities. The 'validated' list referred to in Article 20, para 1(a) on the previous page shall be kept confidential in accordance with the legal acts of the EU and national law - and the names of persons shown in that list shall, subject thereto, only be made publicly available - insofar as associated relatives have not objected**

**\*\*\* Note from author / owner of this info article: Unless, of course, any particular crew member / passenger survives the accident and is in a position to provide permission to 'whoever' for his / her personal data (possibly including 'sensitive' personal data) to be shared and, if so, when / how / who with etc.**

**Even better, if passenger airlines could make it a 'condition of carriage' that all such personal data could be so shared (e.g. by the carrying airline) in specified 'extreme' events - typically being the catastrophic aircraft accident type situation and its aftermath - this would effectively prevent unsuitable data protection legislation etc. adversely impacting on (getting in the way of) related (essential) aspects (data sharing etc. in this case) of the emergency response etc. itself**

## Article 21

### Assistance to Victims of Air Accidents..... and their Relatives

1. **In order to ensure a more comprehensive and harmonised air accident response at EU level, each Member State shall establish a civil aviation air accident emergency response plan at national level.**

**Such plan shall include requirements etc. (amongst other matters not in scope herein) re 'assistance to civil aviation accident victims and their relatives'**





2. Member States **shall** ensure that airlines established in their territories have appropriate, air accident emergency response plans

Such plans must, in general, provide for how said airlines will respond to a major accident and, more particularly for the purposes of **this particular** EU regulation, account for how they intend to deliver psycho-social and other required assistance / support to associated victims and / or their relatives. Member States shall **audit** such plans on an on-going basis

Member States **shall encourage** third-party (i.e. **non-EU**) airlines operating in the Union to similarly prepare, maintain etc. and use their own equivalent air accident emergency plans - including providing for the 'assistance of victims of civil aviation accidents and their relatives' type situation

3. When an aircraft accident occurs:

- The Member State in charge of the associated investigation and / or
- The Member State in which the accident aircraft's parent airline is 'established' (if different) and / or
- The Member State having a significant number of its nationals on board the aircraft

**Shall** provide for the appointment of a 'reference person(s)' to act as a 'point(s) of contact; information provider(s); facilitator etc. for associated accident victims and their relatives

4. A Member State or a **third (non-EU) country**, which, by virtue of fatalities or serious injuries to its citizens, has a special interest in an accident which has occurred in the territories of the Member States to which the Treaties apply, **shall be entitled to appoint an 'expert'** having the right to:

(a) **Visit the scene of the accident**

(b) **Have access to the relevant factual information** (which is approved for public release by the safety investigation authority in charge) **and progress of the investigation**

(c) **Receive a copy of the final accident report**

5. Such expert may also **assist**, subject to applicable legislation etc. in force, **in the identification of associated accident victims and also attend meetings with any survivors** (where possible and if so agreed by the latter) **from his / her own State (country)**

6. In accordance with Article 2(1) of Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators, third country air carriers shall fulfil the insurance obligations set out in that Regulation







## Article 26

### Entry into force

This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union (i.e. on or about 02 Dec 2010)

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

Done at Strasbourg - 20 October 2010

For the European Parliament - The President

J. BUZEK

For the Council - The President

O. CHASTEL

Notes from author of this info article (the one you are reading now):

#### (1) EU Regulations - Explanation

An EU "regulation" is a **binding, legislative** act. It **must** be applied in its entirety across the EU. For example, when the EU wanted to make sure that there were [common safeguards on goods imported from outside the EU](#), the Council adopted an appropriate regulation to so ensure

(2) As at **February 2023** (almost **13** years after EU Reg 996 / 2010 came into force) only 3 EU states (countries) are thought to have complied with same. Two were delivered 'voluntarily' i.e. Spain and Italy in 2013 and 2014 respectively

The other country (Netherlands) was 'publicly coerced' into so doing (in late 2017) following associated and intense public etc. criticism of its 'family / humanitarian assistance' etc. response (or, rather, lack of) - re the shooting-down of Malaysian Airlines 'Flight 17' over Ukraine (July 2014) in which everyone on board was killed. Many Dutch citizens were passengers on board this flight (i.e. 196 out of a total of 283 PAX)

Why (during the period December 2010 to February 2023) has there apparently been no 'enforcement' of Reg (EU) 996 / 2010 by the EU - with regards to getting the other 23 EU countries to comply with this regulation?

How can this be allowed to happen??





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#### Notes:

- The 'interested' reader should note that subsequent to (but not as a result of / connected with) publication of EU Reg 996 /2010, the International Civil Aviation Organisation (ICAO) had published (in 2016) two 'recommended practices' - related (to a greater or lesser degree) to the subject of 'Assistance to Aircraft Accident Victims and their Families'

Associated updates were made in mid-2022, with one of the said recommended practices mentioned above being upgraded to an ICAO 'Standard' - thus effectively becoming a mandatory requirement for all United Nations countries i.e. just about every country in the world. For further details see pages 10 and 11 below

- Some useful and comparative 'definitions' are shown on pages 12 and 13
- Links to examples of 'national' (aircraft accident related) 'family assistance plans' can be found on page 14. They are thought to be the only such plans in existence as at early 2023





Capital letter 'I' (as in 'eye')

Extract from ICAO Annex 9 / Chapter 8 - FACILITATION (16<sup>th</sup> edition - July 2022)

### I. Assistance to Aircraft Accident Victims and their Families

8.42 **Standard**. The State of Occurrence of an **aircraft** accident (+ adjacent States as required) **shall** facilitate temporary entry into its / their territory/ies, of **family members** of **victims** of said accident

8.43 **Standard**. The State of Occurrence (+ adjacent States as required) **shall** facilitate temporary entry into its / their territories, of **authorized reps** of the accident aircraft's **operator** - and / or of any associated codeshare / alliance partner etc. - so as to enable it / them to provide assistance to **a)** accident survivors and their family members; **b)** family members of deceased victims and **c)** the relevant authorities in said States

(Note: Codeshare and Alliance etc. type agreements etc. might typically require 'partner(s)' to act as "first responder(s)" on behalf of the accident aircraft's operator, if the former can reach the accident location in a significantly quicker timescale than the latter)

8.44 **Recommended Practice**. In arranging for the entry of persons referred to in 8.42 above, the State of Occurrence and adjacent States **should not** require any travel document other than a passport - or an emergency travel document issued specifically to such persons - so as to enable them to travel to said States. However, where the State of Occurrence or an adjacent State **does** still require entrance visas etc. for persons referred to in 8.42 **and** 8.43 above, it should facilitate and expedite issuance of same

8.45 **Standard**. ICAO Contracting States **shall** make arrangements to issue emergency travel documents, as required, to any of their nationals who have survived said accident

8.46 **Standard**. ICAO Contracting States **shall** extend all necessary assistance (e.g. clearing customs, arranging transport, ensuring associated dignity etc.) in the repatriation of human remains to countries of origin etc. - if so requested by family members of the deceased and / or the accident aircraft's operator

8.47 **Standard**. ICAO Contracting States **shall** establish legislation, regulation and / or policies in support of assistance to **aircraft** accident victims and their families

(Note - Attention is drawn to ICAO Doc 9998, '**Policy** on Assistance to Aircraft Accident Victims and their Families' and ICAO Doc 9973, '**Manual** on Assistance to Aircraft Accident Victims and their Families' [Comment: note that at time of writing this extract, both aforesaid documents are now 10 years old!])

8.48 **Recommended Practice**. ICAO Contracting States **should** ensure that their associated **aircraft** and **airport** operators, as appropriate and relevant, develop appropriate plans, to provide for the timely and effective assistance to aircraft accident victims and their families

(Note: such **Airport** operators' plans may form part of the associated **Aerodrome** Emergency Plan (AEP), as per / required by ICAO 'Annex 14 - **Aerodromes**')





**Further Explanatory / Useful Information** (i.e. not part of the above as originally produced by ICAO)

At most major, commercial airports, *non-based* (at any particular airport) *aircraft* operators (passenger airlines for purposes used here) rarely have significant numbers of their own staff serving their (own) associated flights. Instead, they contract the services of an appropriate '*ground handling agent - GHA*' so to do. **Thus the associated role of such GHA in airport (aircraft accident) emergency response ops is vital - and should thus be additionally accounted for by all concerned**, in addition to what has already been written on page 10 above

Note:

ICAO Doc 9998 (first edition) is dated August 2013:

[http://www.icao.int/Meetings/a38/Documents/DOC9998\\_en.pdf](http://www.icao.int/Meetings/a38/Documents/DOC9998_en.pdf)

ICAO Doc 9973 (first edition) is dated January 2014:

[https://www.icao.int/SAM/Documents/2016-AIG-RECORDSPRO/Doc%209973.Family%20Assistance\\_en.pdf](https://www.icao.int/SAM/Documents/2016-AIG-RECORDSPRO/Doc%209973.Family%20Assistance_en.pdf)





#### DEFINITION - Family, Relatives & Friends - FR

(As used herein), a collective, generic term meant to indicate **loosely** the categories of persons having some form of relationship or otherwise valid (personal) link with associated **victims** (including **ground** victims) of an aircraft accident. The term typically includes (i.e. as 'related to' or as 'known to' **victims**):

- The Next of Kin (i.e. the legal or 'otherwise' closest relative / equivalent person)
- Other family members, relatives and similar
- Friends
- Appropriate business / professional etc. colleagues and similar
- Meeters and Greeters (*of all categories*) waiting to meet victims at the emergency flight's destination airport - and / or similar persons who have gathered at the departure airport(s) of the emergency flight - after it has departed and subsequently experienced a crisis
- Any other person(s) having a reasonably close or otherwise valid relationship

The above definition shall be interpreted as FR who are associated in some 'valid' way with air accident victim(s) - **BUT** who had **NOT** actually been on board the accident flight itself

#### DEFINITION - Victim

For aircraft accident purposes, 'victim' is a term (used herein), referring collectively to **all** persons who had been on board the accident aircraft (**air victims**) - together with any **other** persons **directly** involved as a result of the accident i.e. the latter referring specifically herein to '**ground victims**' - being those killed, injured and / or traumatised as a **direct result** of the accident aircraft hitting the ground or similar / equivalent event

(Note that the term '**victim**' does **not** refer to the dead alone nor is it a term which should be associated with others who might be termed herein as **indirectly** involved [**no matter how closely**] by the emergency e.g. family, relatives & friends [FR] of victims - where such FR had **not** been travelling on board the accident flight - and who thus **cannot** be classified as **ground victims** - are considered herein to be **indirectly** involved

Note also that the corresponding 'International Civil Aviation Organisation's [ICAO]' definition of Victim is very similar i.e. '..... An occupant of an aircraft, and / or any person outside the aircraft, who is unintentionally, directly involved in an associated accident involving that aircraft. Victims may include the crew, revenue passengers, non-revenue passengers and **third parties** [i.e. ground victims].....')

#### Family

An adequate definition of what is 'family' is an important prerequisite of planning for the provision of family (humanitarian) assistance (as referred to herein), since the size, structure and context of same will have direct impacts on the potential 'entitlements', logistics resources etc. to be planned for / actually required etc.

Determining 'who' might constitute 'family' might typically involve e.g. religious / cultural / legal considerations, 'social relationships' etc. - and may well be different to what is **generally** covered by such 'Western' terms as '**legal next of kin**' (the latter typically being the person **legally** responsible for the 'estate' of the deceased)





Accordingly, a definition must be considered and agreed upon which is flexible enough to take due account of religion, custom and culture, + any other, relevant factors envisaged / evident

Furthermore, a person's entitlement to the various types of aviation (air accident etc.) related 'family' (humanitarian) assistance may depend on the degree of flexibility shown in determining who constitutes 'family' etc.

Also keep in mind the following:

- a) Responses to enquiries / enquirers about persons possibly involved in an aircraft accident will typically be to a large cross-section of such enquirers, who actually have no direct (or even indirect) connection with such persons. Nevertheless, they must still be responded to
- b) The **initial** notification to the families of crew and passengers will typically be to those of such crew and passengers **who survived** e.g. the latter contacting such families directly themselves / getting someone to do it for them / automatically (SOP) done by the airline involved etc.
- c) Visits to the accident site and attendance at memorial services etc. must be adequately 'managed' accordingly (e.g. re those that will so attend) and sensitively
- d) Immediate financial assistance is typically directed to 'family' who are dependents of a victim, under existing and relevant / appropriate 'laws' etc. (whatever the latter might be e.g. statutory law; religious law; custom and culture; best practice etc.)





For the interested reader 'real life' examples of 'national' family assistance plans (and / or broadly equivalent plans e.g. 'code of conduct') can be found by following the below links:

<https://aviationemergencyresponseplan.com/information/>

When link opens scroll down the list of 'info articles' displayed until you find those listed just below:

- \* **Information Article** - Humanitarian (Family) Assistance - Statutory and Best Practice Requirements - [Australia](#) & [Brazil](#)
- \* **Information Article** - Above continued - [China](#); [EU](#); [Hong Kong](#) (SAR); [Indonesia 1](#); [Indonesia 2](#); [Italy](#)
- \* **Information Article** - Above continued - [S Korea](#); [Netherlands](#); [Spain](#); [UAE](#); [USA](#)

Whilst you can access the above plans directly from the page you are reading now, it is recommended that the website versions are consulted, as they will be the most 'up to date'

The author / owner of this info article (the document you are reading right now) is fairly sure that, as at early 2023, no / not many other countries of the world (other than those listed just above) have produced their own equivalents of the above plans

This is thought to include 24 of the 27 European Union countries and about 160 of the other 168 countries - meaning that more than 13 years after Reg (EU) 96 / 2010 came into force and some 5 years after (what was then [2016]) ICAO's Annex 9, Recommended Practice (NOW -2023 [a mandatory ICAO **STANDARD**]) similarly came into force, **around 184 ICAO countries have yet to address this vital matter**

