



Information Article

Spanish Royal Decree 632 / 2 August 2013

**Civil Aviation Accidents - Assistance to Victims and their Families**



Relevance

***Legal Requirement - enacted under Spanish Law - August 2013***

Note - This information article is based on a Spanish Royal Decree (Law) - the latter being written (obviously) in Spanish, whilst **this** information article is in English - as translated from the original Spanish using a computer programme

In many areas the computer translation has introduced errors, which the author of this information article has attempted to correct, with varying degrees of success (or failure) as the case may be!

**Any assistance from readers of this info article in making further corrections to the translation will be much appreciated / gratefully received.** You will find the original Spanish version by following the link below:

<http://www.boe.es/boe/dias/2013/08/03/pdfs/BOE-A-2013-8567.pdf>

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**GAZETTE No. 185 Saturday August 3, 2013 Section I. Page 56791 / CVE: BOE-A-2013-8567**

I. General Provisions - Ministry of the Presidency - 8567 - Royal Decree 632/2013 of 2 August, assistance to victims of civil aviation accidents and their relatives - also amending the Royal Decree 389/1998, of 13 March, regulating research into civil aviation accidents and incidents

[Regulation \(EU\) 996/2010 of the European Parliament and of the Council of 20 October 2010](#), on the investigation and prevention of accidents and incidents in civil aviation (and repealing Directive 94/56/EC) has established a set of measures to ensure assistance to victims (of civil aviation accidents) and their families

To this end, EU Regulation 996/2010 sets out an obligation to provide as soon as possible a list of persons on board the accident aircraft - and, in any event, within a period not exceeding two hours from the notification of the accident (to the airline?)

Other obligations include:

- The provision of appropriate initiatives to allow passengers to provide (pre-flight) details of a contact person 'in case of accident / emergency'
- Need to maintain confidentiality re names / identities of persons on board accident aircraft
- Details of 'persons on board' may be made public **only** after having first informed the families concerned **and** where appropriate permission is given
- Provides for the appointment of an 'official' contact person (Spanish government sponsored) - responsible for providing information, liaison, support etc. - to / with accident victims and their families

Besides these specific measures - aimed at providing within the (European) Community a more comprehensive and harmonized response to civil aviation accidents, EU Regulation 996/2010 imposes on States (EU Countries) a duty to:

- Establish **national** plans providing for assistance to civil air accident victims and their families
- Ensure that airlines registered in their territory have appropriate plans in place for assistance to such victims and their families
- Encourage airlines of non-EU countries (operating in / out of EU?) to also adopt such plans

In relation to the need for an emergency plan at Spanish national level, it should be noted that as provided for in (Spanish Law) Act 2/1985, of January 21 (related to 'Civil Protection' ref dealing with general emergencies [amongst which are included aviation accidents]) - Spanish administrations already have civil protection plans (territorial and / or specially adopted in their respective fields)

This ensures a uniform national response regardless of incident location and scope. It also sets common minimum requirements and permits subsequent approval and integration into a unified response programme, in accordance with STC 133/1990, of July 19 (and also in light of the provisions of Royal Decree 407/1992, of 24 April, approving the Basic Civil Protection)

As stated in this policy, civil protection plans (territorial and / or special) must conform to the Basic Civil Protection and must be approved by the national / regional Commission for Civil Protection





Nevertheless, to ensure that civil protection plans provide for the eventuality that aircraft accidents generate an emergency risk - the latter shall be included in the inventory of potential risks referred to in Article 9.a) of the Law 2/1985, of January 21.

Furthermore, to ensure integration into a unified response programme, in accordance with constitutional doctrine on the subject ..... (the meaning of the following words has been made unclear in the 'computerised' translation from Spanish to English - *'the minimum content of the civil protection plans and / or dependent protocols regarding assistance to victims of civil aviation accidents and their relatives is due .....*'). International standards have been accounted for in establishing this minimum common content

This royal decree also considers the measures which the Spanish Central Government must guarantee and establish re the need for a Co-ordination Protocol related to the subject of assistance for victims of civil aviation accidents and their relatives

Moreover, the Law 1/2011 of March 4, by establishing the State Civil Aviation Operational Safety Programme (amending Aviation Safety Law 21/2003 of 7 July), introduced the obligation for Spanish licenced air carriers to have in place an assistance plan for civil air accident victims and their families, within **six months** from the entry into force of EU Regulation 996/2010 of October 20. Such assistance plans must be audited by the Aviation Safety Agency, followed by mandatory reports to the Ministry of Interior

For reasons of legal certainty it is necessary to establish the minimum requirements / contents for airlines in providing such plans for assistance to victims and their families. Additionally, such plans should provide appropriate measures for integrating / co-ordinating with **airport** emergency plans

Accordingly, this Royal Decree introduces the detailed (Spanish / Domestic) legal provisions necessary to ensure compliance with Regulation EU 996/2010 of October 20, when accounting for the requirements of air accident victims and their families as per:

- 'ICAO Manual on Assistance to Aircraft Accident Victims and their Families' (Doc. 9973, AN/486 - published 2013) (Requires purchase from ICAO Store)

*However, this document can be viewed here directly by following the freely available link below:*

[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)

- 'ICAO Policy on Assistance to Victims of Air Accidents and their Families' (ICAO Doc 9998 - AN/499) - published in 2013

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

- Similar provisions introduced / applicable in other states (countries)





In order to ensure a complete protection scheme for of air accident victims and their families, this Royal Decree has provided for measures as follows:

- Establishes the actions that must be guaranteed by Central Government and provides for the minimum content of civil protection plans for the Administrative Regions - when providing assistance to civil aviation accident victims and their families
- Provides for the obligations of air carriers (airlines) regarding the provision of assistance to civil aviation accident victims and their families
- Provides for the obligations of **airports** regarding the provision of assistance to civil aviation accident victims and their families
- Establishes the concept of a primary (government appointed) person with overall oversight responsibility re communications / contact with civil aviation accident victims and their families
- Provides for the adoption of protocols to coordinate the actions of appropriate responding parties

These measures will comply with the provisions of Law 51/2003, of December 2 - regarding equal opportunities, non-discrimination and universal accessibility for persons with disabilities etc.

Finally, this royal decree amends Royal Decree 389/1998, of 13 March, governing the investigation of civil aviation accidents and incidents ..... (the meaning of the following words has been made unclear in the 'computerised' translation from Spanish to English - '*by expanding the number of representatives permitted (within the maximum provided for in Aviation Safety Law 21/2003, of July 7), in order to strengthen the multidisciplinary nature of this investigative body and make clear the 'technical' specialties of the representatives re the technical maintenance of aircraft. Remain unchanged*

*However, the requirements applicable to the members of the Commission on competition professional and independent, without concrete, being only one of the cases in which leave to attend the independence requirement, that requirement is not met by representative who holds positions in institutions having among its purposes the defence of the professional groups .....')*

In the processing of this royal decree ..... (The meaning of the following words has been made unclear in the 'computerised' translation from Spanish to English - '*the reports of the National Civil Protection Commission and the Committee on Accident and Incident Investigation Civil Aviation have been considered .....')*

The views of the Autonomous Communities and of local government (through the Spanish Federation of Municipalities and Provinces [FEMP]) and also of the 'Association of Victims / Families of Accident Flight JK5022' (Spanair - August 2008) - together with other sector representative organizations (such as Air Carriers and the Council of Consumers and Users) - have been taken into account





## ORDER: CHAPTER I - General Provisions

### Article 1 - Objectives

1. This Royal Decree has the following objectives:

- a) Ensuring civil protection plan risk registers include civil aviation accidents (as pre-planned risks)
- b) Establishing government measures to ensure the provision of assistance to civil aviation accident victims and their families
- c) Developing the obligation of (Spanish?) air carriers to have an assistance plan for victims of civil aviation accidents and their families - under Article 37.3 of Aviation Safety Law 21/2003 of July 7

2. This royal decree is issued pursuant to the provisions of Article 21 of Regulation (EU) 996/2010 of the European Parliament and of the Council of 20 October of 2010 - re the investigation and prevention of accidents and incidents in civil aviation (repealing Directive 94/56/EC)

### Article 2 - Definitions

1. For the purposes of this Royal Decree the following definitions are provided:

- a) **Airline** - means an aircraft operating company (having a valid operating license) - authorized to provide transport of passengers, mail and cargo - for remuneration or lease
- b) **Victim** - means persons, whether occupants of an aircraft or not, who are involuntarily, directly involved in an aircraft accident e.g. crew, passengers and third parties (ground victims)
- c) **Survivor** - victims not suffering fatal injuries as a result of a civil aviation accident

2. The rest of the concepts used in this Royal Decree shall apply as per EU Regulation 996/2010 - for which purpose 'families' of civil aviation accident victims are considered to be any of:

- 'Life partners'
- Ascendants (e.g. parents and grandparents) and descendants (e.g. children and grandchildren) - by consanguinity (blood relatives) and / or affinity .....and
- Collateral line relatives within the 'second degree' (father-in-law, daughter-in-law etc.)

### Article 3 - Coordination and Co-operation in the implementation of Assistance Measures - as provided to Civil Aviation Accident Victims and their Families

1. Civil protection plans or, where appropriate, the protocols laid down in their development and application, shall ensure the necessary coordination in assistance measures provided to air accident victims and their families i.e. as applied between the 'Public Administration' (government - national & local) and the similar plans of regulated **air carriers** as per Chapter III and also with **airport** emergency plans

2. Associations representing aviation civil accident victims may participate in the development of plans and protocols referred to above and, where appropriate, airline and airport representatives also. Such associations may also enter into agreements to formalize such cooperation





## CHAPTER II - Civil Protection Plans

### **Article 4 - Inclusion of Civil Aviation Accidents in the Risk Inventory of Civil Protection Plans**

The possibility of civil aviation accidents should be included in the risk inventory (register) of appropriate civil protection plans - as provided for in the Article 9 of Law 2/1985, of 21 January on Civil Protection

### **Article 5 - Civil Protection Plan Measures and development of associated Protocols - for assistance to civil air accident victims and their families**

1. Civil protection plans (territorial / special / in development) shall provide for the following measures when considering assistance to civil air accident victims and their families:

- a) Psychological (psychosocial) assistance
- b) Establishment of 'private (reception) areas' for families - including, where appropriate, different areas for the families of crew and families of passengers. Additionally, and as far as possible, establish separate areas for families of those killed and / or (seriously) injured
- c) Protection of the privacy and dignity of the victims and their families from unsolicited communications of persons not involved in their care e.g. journalists and lawyers
- d) Provision of private areas for collaboration with the State Security Forces and regional police in obtaining physical descriptions and identification of victims (as provided for in the National Protocol for action Medical-legal and Forensic Science in events with multiple fatality victims, as approved by Royal Decree 32/2009, of January 16 - as appropriate)
- e) Coordination with the State Administration for assisting victims and their families in their respective areas of competence
- f) Coordination and collaboration with the designated (government nominated) **contact person** responsible for overall oversight of contact and communications with victims and their families, as provided for in Article 7 - plus the necessary support for this function to be exercised effectively and efficiently

2. Without prejudice to the provisions of Article 6.1.b - and ensuring adequate coordination with Central Government - civil protection plans may provide for communication with local (foreign) consulates etc. of accident victims

Communications can also be established with any other offices or agencies representing the countries with which the (Spanish) Administrative Regions have established a protocol for emergency communication and coordination





### **Article 6 - Other Assistance Measures for Victims and their Families**

1. With the activation of a civil protection plan as a result of a civil aviation accident, Central Government shall, within the operational and management framework plan activated as appropriate, invoke the following measures:

- a)** Support provided by State Security Forces (where appropriate and in coordination with regional police) - in assisting victims and their families - and in particular in protecting their privacy regarding communications with journalists, lawyers etc.
- b)** Notification to foreign embassies in Spain of their nationals who were on board the accident aircraft - together with coordination, where appropriate, in the family assistance measures applied
- c)** Processing in the shortest time possible, visas and authorizations for entry into Spain of the families of those on board, as well as (where appropriate) the documentation necessary to leave Spain
- d)** The issue in the shortest possible time, of identity and / or travel documents for Spanish nationality victims and families, as appropriate
- e)** Coordination and administrative measures which permit the repatriation of bodies as authorized by judicial authority
- f)** Family involvement in the tasks of identifying fatalities (in locations with sufficient privacy) as provided in the National Protocol for Medico-legal action and Forensic Science - in events with mass fatalities, when the protocol is applicable
- g)** The recovery (when reasonably possible) of any personal effects (regardless of the state or degree of deterioration) and, if appropriate, custody of the personal effects that are in the possession of State Security Forces and / or regional police - or of the Civil Aviation Accident / Incident Research Commission - as well as delivery of same to families when research is completed or (where appropriate) as authorized by judicial authority
- h)** The provision of the rights recognized by Article 21.4 and 5 of Regulation EU 996/2010, of October 20, relating to the expert (or expert nominated by another EU Member State or third party country) - which has a special interest in an accident by having among its citizens - those killed and / or seriously injured
- i)** The measures provided for in Article 5 as may be required under the provisions of the civil protection plan





2. Furthermore, provided that the Commission for Investigation of Civil Aviation Accidents and Incidents decides that no harm will be inflicted on the objectives of their investigation - they shall provide (before official publication) to surviving victims, families and victim associations - the following:

- a) Factual information about the accident within 48 hours of such information being produced
- b) The factual observations made during the investigation of the accident, the procedures employed, the progress of the investigation, the recommendations of security issues, the contents of the reports, interim statements and final reports - and conclusions of the safety investigation

#### *Article 7 - Contact Person for Victims and their Families*

1. In accordance with the Protocol Coordination provisions of Article 8, a **government** appointed person shall be designated for primary contact (communications / information etc.) oversight with accident victims and their families. This person is charged with:

- a) Informing victims and their families (and, where appropriate, *any person pre-designated by the passenger 'in case of accident'*) re the various relevant issues - including the identification of persons on board the accident flight; the scope of assistance to be provided to victims and their families and their rights to assistance under applicable aviation regulations
- b) Act as liaison between the aircraft operator (of the accident flight) and families (+ surviving victims?)
- c) If applicable, establish the necessary coordination with officials designated by other states (countries) to assist victims and their families - being nationals of such states
- d) Make available to the victims and families appropriate information regarding aviation legislation applicable to that referred to in Article 9

2. Provide the designation (and other appropriate details) of the contact person:

- a) To the Administrative Region of Spain where the accident occurred, when an air carrier (airline) is **not** involved
- b) To Central Government when the accident aircraft belongs to an airline. Such designation may rest with a pre-designated person documented in the applicable civil protection plan

3. The contact person must be appropriately trained and also have the background and experience established in the Article 8 Co-ordination Protocol. The latter provides the considerations for the appointment of the contact person - including required background and experience requirements.

The contact person will have experience and training in emergency care and shall participate in drills (under Article 19 if the accident is to a commercial aircraft) - or as per any other appropriate requirement





Also, for the efficient exercise of his / her functions, the contact person will enlist the support and cooperation of both *civil protection authorities* (as provided for in Article 5) and the '*State Committee for Support*' - re assistance to victims of civil aviation accidents and their families - referred to in Article 8

4. In accidents occurring *outside* Spanish national territory, (Spanish) Central Government shall appoint a contact person to collaborate with the authorities of the State in which the accident occurs (regarding information about victims and their families) as follows:

- When the accident aircraft is operated by an air carrier with a Spanish operating license **OR**
- When a significant number of Spanish National citizens were on board the accident flight

Central Government may appoint an expert who assumes the rights and powers provided for in Article 21, paragraphs 4 and 5 of EU Regulation 996/2010, of October 20. This designation may be held by the person entrusted with the functions provided in the first paragraph of this Article 7

5. In addition to the functions provided for in paragraphs 1 and 4 of this Article 7, the contact person shall subsequently develop the associated requirements as referred to in this royal decree

#### *Article 8 - Coordination of the Various Administrations, Airlines and Airport Managers - providing Victim and Family Assistance*

1. The Deputy Minister of the Interior, subject to a favourable report by the National Commission for Civil Protection - shall approve the *Coordination Protocol* for assistance to victims of civil aviation accidents and their families

The Protocol shall consider the organization and procedures necessary to ensure that the State General Administration exercises as effectively as possible the functions assigned to it in this Royal Decree - together with the mechanisms of cooperation with the regional civil protection authorities (including information regarding general or sport aviation accidents) - and with air carriers and airport operators

The above Protocol shall be included within the operational framework of the administrative regions' civil protection plans

In developing the protocol, the Deputy Minister of the Interior may commission a working group which will take into account the views of the Administrative Regions and also 'associations' representing victims of air accidents and their families, in addition to other organizations representing the sector

2. (The Protocol?) also creates the *State Committee for Support* in assisting civil aviation accident victims and their families, with the nature of group work in accordance with Article 40.3 of 6/1997, of April 14, re organization and functioning of Central Government , with the following composition:

a) The Deputy Minister of the Interior, who shall act as chairman





**b)** The Director General of Police, the Director General of the Civil Guard, the Director General of Civil Protection and Emergency, the Director of the State Aviation Safety Agency, the Director General of Civil Aviation, the Director General for Consular Affairs and the Director General for Coordination of Peripheral State Administration (or replacements as provided for in Articles 23 and 24 of Law 30/1992, of 26 November, on the Legal Regime of the Public Administrations and the Common Administrative Procedure)

**c)** The person designated by the Director General of Civil Protection and Emergency - to act as secretary of the committee

3. Representatives of other Central Government departments and / or other public authorities may be invited to said State Committee meetings, at the request of its chairman, for advice on matters outside the areas of expertise of said committee

4. As befits the above State Committee support in assisting victims of civil aviation accidents and their families, the Secretary of the Interior shall facilitate collaboration between the different agencies involved at the time of Protocol implementation

In particular, the Committee will support the contact person (i.e. providing / facilitating / overseeing) contact with victims and their families) - when he / she is exercising such functions

The Protocol will also be presented to the appropriate 'associations' of 'victims of civil aviation accidents and their relatives' - for agreement and endorsement

5. Operation of the State Support Committee will be assisted with / by the media personal, technical and budgetary resources allocated to the Directorate General of Civil Defence and Emergencies of the Ministry of Interior

#### **Article 9 - Brochure Guidance and Assistance Plans provided in conjunction with EU and Third Country Airlines**

1. To provide guidance to victims and their families, the Ministry of Development shall prepare (with participation of air carriers and also associations of victims of civil aviation accidents civil and their families) - a **brochure** which will provide information associated with the rights of victims and their families re assistance, the responsibilities of the companies (airlines) in case of accident, monetary advances, deadlines for exercising liability actions and other, relevant obligations of **licenced Spanish air carriers** operating under current regulations

The Ministry of Public Works will prepare a dossier providing information regarding appropriate aviation legislation applicable on assistance to victims and their families, as well as their rights

The brochure and dossier provided for in this section shall be made available to relevant public administrations and the contact person provided for in Article 7

2. The Ministry of Public Works shall similarly:

- a) *Collect, in collaboration with the competent authorities of the EU states, accurate information about care plans to the victims and their families of EU air carriers licensed to operate in Spain*





b) *Shall encourage the adoption by non-EU airlines operating into Spain - of plans to assist the victims of air accidents and their families - and shall gather accurate information about such plans and their modifications*

### CHAPTER III - Assistance to Victims and their Families by Air Carriers (Airlines)

#### Article 10 - AIRLINE Obligations

**Airlines with Spanish operating licenses** are required to have a plan for providing assistance to victims of civil aviation accidents and their families, including at least the assistance provisions falling under this Chapter III

#### Article 11 - Information to be provided to the Contact Person - regarding 'Persons on Board' and the 'Measures which will be provided to Assist Passengers and their Families'

1. The airline shall facilitate provision of information to the contact person referred to in Article 7 above - such person corresponding, communicating and liaising as appropriate, in order to provide victims and their families with information including the list of persons on board the accident aircraft (crew and passenger lists) and, where appropriate, information concerning the *passenger designated* 'emergency contact person' (if so provided) in accordance with the provisions of Article 20 of EU Regulation 996/2010, of October 20
2. The airline shall also provide facilities, information etc. - relating to the provisions contained in the following articles

#### Article 12 - Emergency Call / Contact / Information Centre

1. Airlines shall have telephone lines, available in Spanish (Castellana) and English - sufficient to provide basic information, collect information they receive from families and similar - and to be consulted on passengers involved in the accident. These lines, which should be **free** for calls *made from within Spain*, shall be served by trained staff and remain open as needed, depending on the course of the emergency operation and identification of affected persons - including status (uninjured, injured, deceased, unknown etc.) and location (hospital, hotel, mortuary, missing etc.)

Adequate publicity / distribution (of / for) the appropriate call centre contact information shall be provided - accounting for passenger nationality and origin

2. Airlines also are obliged to similarly make every effort to locate and inform crew families. They shall do similarly for victims (crew, passengers or ground victims) for which no enquiry is received
3. The airlines, in the development of these functions, shall meet the guidelines established by the 'contact person'





### **Article 13 - Provision of Appropriate Facilities**

1. Airlines, (in cooperation with **airport** operators and others) shall provide suitable assistance and information to the families of persons on board the accident aircraft - and ensure that adequate privacy is provided. This applies at the place of origin; the place of destination and at the actual accident location - if different from either of the latter locations (and if practicable / possible so to do)
2. At places to be provided as per 13.1 above, adequate facilities (food, beverage, toilets, seating etc.) and communication services (e.g. necessary to contact / communicate with family members who are not present) should be provided

### **Article 14 - Transportation and Accommodation of Family Members and Surviving Victims**

1. (Where practicable / possible so to do) Airlines will provide for transportation (of the families of the persons on board the accident aircraft) to the accident location and return, as well as accommodation and support during the time required, depending on the course of the emergency response / rescue and identification tasks and, where appropriate, repatriation of accident victims

Airlines shall, in their assistance plans, document the criteria for determining the number of family (per victim **OR** victim group) eligible for assistance measures, considering the number of victims and survivors of the accident and the relationship between two or more of them. **These provisions shall ensure that assistance is provided for a minimum of five family members for each person on board the accident aircraft**

2. The assistance referred to in this Chapter III shall also apply to accident victims themselves - where appropriate
3. The airline will ensure different accommodation is provided for families of the deceased and for surviving victims and their families. Airlines shall also (where possible) accommodate crew and crew families in a different location to passengers and passenger families

### **Article 15 - Psychological .....and Financial Assistance**

1. Airlines shall provide the psychological (psychosocial) support necessary to help victims and their families to overcome the associated psychosocial consequences of the accident
2. The airline shall provide information on the financial assistance available to survivors and immediate family members, plus their economic rights (including details about insurance policies and advance payments as appropriate - and also in accordance with the provisions of the 1999 Montreal Convention for the Unification of Certain Rules for International Air Transport - and also regarding Regulation (EC) 2027/1997, of October 9, 1997 - both relating to air carrier liability in case of accident)





### Article 16 - Personal Effects

The airline shall be responsible for the storage, cleaning and return of personal effects to their owners and / or their families - unless these are retained by the accident investigation or judicial security, applying the provisions of Article 6.1.g

### Article 17 - Other Assistance provided to Accident Victims and their Families

The airline, (in cooperation with the **airport operator** where appropriate) shall:

- a) Facilitate the visit to the accident scene by victims and their families, as well as 'associations' of 'victims of air accidents' - subject to appropriate permissions from the air accident investigation and judicial authorities
- b) Liaise and co-ordinate with accident victims and their families, as well as the associations formed by them, for the performance of any act of **commemoration**

### Article 18 - Minimum Content of the Assistance Plan

1. Airline plans to assist victims of civil aviation accidents and their families shall address *at least* the following steps to comply with the obligations of this chapter

Such plans shall contain in all cases

- the appointment of a company interlocutor (go-between) to work with the contact government person appointed under this Royal Decree and with the representative designated by the **airport**
- a detailed description of the personnel and material resources assigned to the application of each of the measures and
- appropriate review (training, exercising, audit, maintenance etc.) procedures designed to ensure the effectiveness of such plans should they be implemented

Such plans shall also account for the division of responsibilities and application of measures with 'partner' airlines e.g. code-share; alliance; lease; charter etc.

2. Crisis Communications resources required to respond to an emergency situation shall be integrated into the plan and will comprise, at the option of the air carrier:

- a) Own personnel and / or .....
- b) Own personnel + staff brought together by one or more airlines, in this case, following signing of contracts or collaboration protocols and / or .....
- c) Staff provided by a specialist crisis communications third party entity under contract. In this case, the airline must satisfy itself that the third party is 'fit in all respects for the required purpose'

3. The scope of the measures included in the plan shall ensure its adequacy with relation to the number of passengers capable of being carried on the air carrier's largest capacity aircraft





4. The plan shall identify the person designated by the airline as responsible for its planning and implementation. Sufficiently reliable provisions must be made for implementing the plan should the above person not be available for any reason

#### **Article 19 - Staff Training / Updating the Plan ..... and Simulations (Exercises)**

1. The airline shall ensure that appropriate training is provided for its own, nominated staff (together with any other personnel who are [or potentially might be] involved - as appropriate) in the implementation of the plan. Training shall be made specific to assigned roles and responsibilities under the plan and shall be sufficient to achieve required objectives

2. The airline shall conduct periodic exercises to check the effectiveness and efficiency of the plan and to test coordination with other appropriate parties. For this purpose, the exercise schedule shall be co-ordinated with the appropriate external agencies i.e.

- Local Civil Protection Authorities
- Airport Operator(s)
- Contact Person as appointed under provisions of this Royal Decree
- etc.

Such agencies shall support the exercises with appropriate resources - as agreed with the airline

The airline shall provide exercise schedules (at least three months in advance of appropriate exercise dates) to the Spanish Aviation Safety Agency, so that the latter's staff may opt to attend for the purposes of audit and / or observation

3. The airline shall take appropriate measures necessary to maintain / update / review the plan (at least five yearly) to ensure that it can provide what is required of it (i.e. be 'fit for purpose') - as based on the type and scope of its operations. Resulting feedback shall be used to update the plan

#### **Article 20 - Audit of Assistance Plan**

1. The Aviation Safety Agency, when auditing airline assistance plans (as per Article 37.3 of Law 21/2003, of July 7) shall verify that such plans conform to the provisions of this Royal Decree

2. **Spanish licenced airlines** shall submit their assistance plans to the Aviation Safety Agency (plus any updates or revisions) within two months from the date of its (grant of licence?) adoption

3. The Aviation Safety Agency shall have a period of six months in which to audit submitted plans - followed by mandatory reports to the Ministry of Internal Affairs with all matters relating to coordination and coherence of the plan ..... (the meaning of the following words has been made unclear in the 'computerised' translation from Spanish to English - **as well as the means necessary to co-ordinate with civil protection plans - in particular assistance measures provided for therein**.....')





This (6 month) period may be suspended for the time between the submission of the report to the Ministry of the Interior and receipt, for a period not exceeding three months. In accordance with the provisions Article 42.5, letter c) of Law 30/1992, of 26 November, on the Public Administrations Legal Systems and the Common Administrative Procedure ..... (The meaning of the following words has been made unclear in the 'computerised' translation from Spanish to English - *shall communicate to stakeholders report request and the date of receipt* .....')

..... (The meaning of the following words has been made unclear in the 'computerised' translation from Spanish to English - *If the Aviation Safety Agency has not directly addressed the result of the audit within the above time periods - the result of the audit will be understood to be favourable* .....')

4. When the audit findings are unfavourable, the air carrier must submit to the Aviation Safety Agency, within the period specified, a revised assistance plan containing corrections (and any other required remedial action) to any deficiencies, inconsistencies or omissions reported upon

On the matter of resources the provisions of Article 4 of the Statute of the Aviation Safety Agency, approved by Royal Decree 184/2008 of 8 February shall apply

#### **Article 21 - Inspection and Control**

The Aviation Safety Agency shall exercise the inspection and control provisions of this chapter in accordance with the powers set out in Law 21/2003, of July 7 and Royal Decree 98/2009, of February 6 - regarding Aviation Inspection Regulation

A breach of the obligation to have a 'fit for purpose' plan for providing assistance to the victims of a civil aviation accident and their families, as envisaged in this Royal Decree - together with the obligation to have the practical ability to effectively and efficiently execute such plan in case of an aircraft accident - *would be a serious administrative infraction* of Article 50.3.7. / Law 21/2003, of 7 July

#### **First additional provision - Assistance to victims and their families by Airport Operators**

1. The 'self-protection' plans of airports (i.e. **Airport Emergency Plans - AEP** etc.) provided for by Royal Decree 393/2007, of 23 March, approving such for establishments engaged in activities which can lead to emergency situations (such as airports), considers the following measures for assistance to victims of civil aviation accidents and their families:

**a)** Working with airlines for the provision of airport facilities referred to in Article **13**; fulfilling the measures provided for in Article **17** - and conducting exercises as referred to in Article **19.2**

**b)** The appointment of an interlocutor (go-between) for coordination with the equivalent person from the accident airline - and the government appointed contact person provided for in Article **7**

**c)** Any other measures necessary to ensure coordination and cooperation in the implementation of measures to assist victims of civil aviation and their families referred to in Article **3**





2. In the event that an accident occurs 'on-airport' - the **airport operator** shall facilitate (for commemoration etc. purposes) access for victims and families to the accident location - unless security (and / or air accident investigation) reasons prevent such access - and provided sufficient notice has been given

***Second additional provision - Approval of Coordination Protocol for assisting victims of civil aviation accidents and their relatives***

Within six months from the entry into force of this Royal Decree - the Deputy Interior Minister shall approve the Coordination Protocol for assisting victims of civil aviation accidents and their families

***Transitional provision only - Production / Adaptation of appropriate Airline and Airport Plans***

Airlines (presumably this refers to Spanish licenced airlines?) have a period of three months in which to prepare and / or adapt their assistance plans to the provisions of this Royal Decree

Whilst airports are already required to review their emergency plans in accordance with relevant regulations, they should also adapt same to the provisions of this royal decree - namely

- develop procedures to comply with the '*first additional provision*' shown on the previous page
- provide such procedures to the competent administrative region civil protection authorities and also to the State Aviation Safety Agency - within three months





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## BROCHURE

Information for VICTIMS and FAMILIES in the event of Commercial Civil Aviation Accidents

Issued in Spain - November 2014

The screen shots reproduced on the next 12 pages show the English translation of a 'brochure', produced by the appropriate Spanish government authority (Ministry of Transport & Public Works), regarding a concise summary of '*Information for VICTIMS and FAMILIES in the event of Commercial Civil Aviation Accidents*', as already reproduced in detail (as Spanish legislation dated August 2013) in the document which you are now reading

The brochure was published some 15 months after the associated law became applicable. Its target audience is the air travelling public - particularly as the latter relates to air accidents within Spanish territory (and more particularly for any EU Air Carrier[s] involved), and also to air accidents world-wide involving a Spanish air carrier - or otherwise where a significant Spanish interest is involved





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Information for  
VICTIMS AND FAMILIES  
in the event  
of Commercial Civil  
Aviation accidents

 GOVERNMENT OF SPAIN | MINISTRY OF TRANSPORT AND PUBLIC WORKS

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General Technical Secretariat  
Ministry of Transport and Public Works©

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If you are a victim -or a family member- of a commercial aviation accident, this brochure issued by the Ministry of Transport and Public Works intends to give you information about the assistance you are entitled to, and answer some of the frequent questions that arise when you are involved in an aviation accident.

A **victim** of an aviation accident is anybody, whether on board the aircraft or not, directly affected by it.

People regarded as **family members** of a victim are his/her husband/wife or civil partner, ascendants and descendants, by relationship or consanguinity, and relatives related collaterally up to the second degree.



The Spanish system for the assistance of victims of civil aviation accidents and their families is regulated by Royal Decree 632/2013 of 2 August, and Resolution of the Ministry of Home Affairs of 14 May 2014, approving the Coordination Protocol for this assistance.

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The assistance for victims of aviation accidents in Spain is based on a close coordination among the actors involved:

- Ministry of Transport and Public Works
- Ministry of Home Affairs
- Ministry of Justice
- Ministry of Foreign Affairs and Cooperation
- Autonomous Communities Civil Protection authorities
- City Councils
- EU Air Carriers(\*)
- Spanish Airports
- Associations of Victims of civil aviation accidents, which may have agreements with the appropriate public bodies to cooperate in the assistance.

(\*) Non-EU air carriers are not required to have assistance plans for victims, and they have individual insurance and compensation regimes according to the existing international regulations.

**ASSISTANCE DURING THE EMERGENCY**

**WHERE TO GO?  
HOW TO GET THERE?  
WHO HAS THE PASSENGER LIST?  
WHERE IS MY RELATIVE?  
WHAT HAPPENS NEXT?**

After a commercial civil aviation accident, Civil Protection authorities and the airport managing body activate a specific emergency plan, where the emergency and health services have the main role in rescuing and giving urgent assistance to the victims, and evacuating wounded people to hospitals.

Immediately and in coordination with that, the air carrier starts its Plan for Assistance to the Victims and their Families, in which **the first measure will be to activate a contact phone number –Call Center–**, toll-free for national calls and answering calls in English and Spanish, in order to contact the families of the passengers on board and give them information and customized assistance at a **Family Assistance Center (FAC)**.

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If you are a family member of a person on board, call the phone numbers that will be made publicly available after the accident, and you will be given the first indications on what to do.

In addition, EU Regulation No. 996/2010 **obliges the air carrier** to provide **the passenger list** within a maximum period of 2 hours after the accident. The air carrier will take actions by other means at its reach to locate any family members of victims with regard to whom nobody has shown concern. It will also deal with calls and queries about the accident victims, gathering all possible information about their families.

**AT THE FAC,  
THE CONTACT PERSON WILL PROVIDE INFORMATION,  
ADVICE AND SUPPORT TO FAMILIES**

**The Contact Person**

The Contact Person, located at the FAC, will perform the following functions:

- He/she will inform the victims and their families about questions related to the accident, the air carrier responsibilities, their rights and the scope of the assistance.
- He/she will act as a liaison between the families and the air carrier operating the crashed aircraft, as well as between them and other assistance services acting.
- He/she will help the families to locate and track the victims, wounded and hospital inpatients, and provide information about their condition. He/she will also assist in carrying out the necessary formalities.
- He/she will coordinate with representatives of other countries to assist the victims and families of other nationalities.
- He/she will inform about the procedures established to give back the victims' luggage and personal belongings.

The Contact Person, acting as regulated in Royal Decree 632/2013 and the Coordination Protocol for assistance of the victims of civil aviation accidents and their families activated due to the accident, will count on the necessary help of the **Representatives assigned by the Air Carrier**, and on the **cooperation of the airport managing body** in order to perform his/her duties. He/She can also request, as needed, help and collaboration from the **Civil Protection authorities** and the Public Administrations.

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**State Support Committee (SSC)**

This body, created by Royal Decree 632/2013, will be in charge of coordinating the action of the different bodies of the State Administration in the activities envisaged in the **Coordination Protocol**, and its activation will be in line with the requirements of the accident.

**The Family Assistance Center (FAC)**

In the moments after the accident, **the air carrier**, in **cooperation with the airport managing body** will provide, at the airports of the flight origin, stopover, and destination, adequate meeting places where, paying appropriate attention to privacy, family members are gathered and assisted.

In addition, a **Family Assistance Center (FAC)** will be established as soon as possible, located at an easily accessible place near the accident site, where the **Contact Person** can provide assistance and information to the families of the victims and to those people having escaped unharmed. The FAC will have communication facilities at their disposal.

At the CAF there will be specialized staff to provide psychological support to survivors and families, and law enforcement officers in order to avoid visits, unwanted by the families, i.a. from media representatives, intermediary agents, lawyers, etc.

In 48 hours, the families, and where appropriate, the victims association that may be founded will receive factual information about the accident before it is made public.

**Immediate and long-term psychological assistance**

In addition to the psychological assistance provided at the FAC, EU air carriers will provide the objectively necessary psychological assistance to help close the grieving process, according to their Plans for Assistance to the Victims of Civil Aviation Accidents and their Families, which are audited by the Spanish Aviation Safety State Agency (AESA).

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***Transport, board and lodging costs for families and survivors***

The air carrier will provide transport for families and un-harmed people to the site of the accident and back, as well as board and lodging costs for the necessary time, assuming these costs when its operating license is issued by an EU Member State.

The number of family members that may benefit from this measure is established in each air carrier assistance plan for civil aviation accident victims and their families. Royal Decree 632/2013 regulates that air carriers with a Spanish operating license will provide this assistance to at least 5 family members of each one of the passengers on board the crashed aircraft.

***Intimacy and privacy at victim identification***

The information on physical descriptions of the victims for their identification shall be provided by the families in reserved spaces with the adequate privacy.



***Spanish nationality victims in accidents abroad***

In the case of an aircraft accident of either a Spanish air carrier or a foreign air carrier abroad with a significant number of Spanish victims, the Ministry of Transport and Public Works will assign a Contact Person to collaborate with the Spanish Embassy and the Consular Services involved in order to help in assisting the nationals directly affected and their families.

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An expert may also be designated to collaborate with the local foreign authorities and visit the crash site, receive the factual information as it is made available, be informed about the advances in the investigation, receive a copy of the final report, and assist in the identification of the victims as well as in meetings with the survivors.

Both in this case and in the event of victims of other nationalities in aviation accidents in Spain, the Spanish authorities will facilitate the procedures and provision of the documents required for the movement and repatriation of the victims.

**Foreign victims in aviation accidents in Spain**

The Contact Person, through the SSC, will provide information on the accident to the Foreign Embassies and Consular Offices in Spain whose nationals are involved in the accident in order to speed up the finding of their families to provide them with the necessary information and assistance.

As stated in the second paragraph of the foregoing section, the visit to the accident site and access to the aforementioned information and activities will be facilitated to the experts designated by the other countries with foreign victims involved.

**Immediate financial help**

In case of a passenger death or injuries, EU air carriers will pay, within 15 days from the identification of the person entitled to compensation, an advance payment to cover the immediate basic needs. In case of death, this advance payment may not be less than **16,000 Special Drawing Rights (SDR)\*, according to the aforementioned European Regulation.**

Furthermore, the community air carrier having suffered the accident shall provide information about the immediate financial help to be given to the families and survivors, about their rights to compensation, and details related to the insurance arrangements and the relevant advance payments.

(\*) Unit of account of the International Monetary Fund, equivalent to €1.37 on the date of publication of this brochure.

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**Compensations for death or injuries caused by aviation accidents**

Compensations for death or injuries caused by air transport accidents are laid down in different national and international regulations that will be applicable in function of the concurrence of criteria such as the nationality of the air carrier operating the crashed aircraft, the territory of origin and destination of the flight and other considerations.

In the case of compensations for death or injuries caused by air transport operations performed by air carriers of the European Union Member States, the air carrier liability is governed by **EU Regulation No. 2027/97, of 9 October, amended by EU Regulation No. 889/2002, of 13 May, and by the application of the Montreal Protocol, of 28 May 1999 (published in the Spanish Official Bulletin of 20 May 2004).**

There is not any fixed economic limit for liability in case of a passenger death or injuries. Without prejudice to the criminal liability, if any, in the event of compensations due to **strict liability** for death or injuries, **the air carrier may not exclude or limit its liability for a confirmed damage to less than 100,000SDR.**

**Air carriers insurance in respect of liability for passengers**

**EU Regulation No. 785/2004, of 21 April**, on insurance requirements for air carriers and aircraft operators establishes in Article 6 the air carrier obligation to take out an insurance policy with a minimum insurance cover in respect of liability for passengers that shall be **250,000SDR per passenger.**



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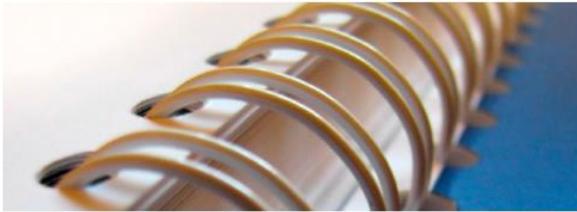
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**OFFICIAL INVESTIGATION OF THE ACCIDENT**

The Commission of Investigation of Civil Aviation Accidents and Incidents (CIAIAC) is an official organization responsible for investigating civil aviation accidents and incidents occurring in the Spanish territory, and its ultimate aim is to prevent future accidents and incidents, without determining blames or responsibilities.

The CIAIAC technical investigation results are published in a public report analyzing the facts and drawing up conclusions and recommendations in the safety area.

Victims and family members will receive factual information on the investigation before making it public within 48 hours after the accident and throughout the investigation.



**OFFICE OF ASSISTANCE TO VICTIMS (OAV)**

The Ministry of Transport and Public Works has an Office of Assistance to Victims of Civil Aviation Accidents (OAV) and its aim is to provide any possible information, advice, and support to the victims and their family members after the end of the emergency situation caused by the accident.

This Office provides a webpage on the Internet website of the Ministry of Transport and Public Works, where it is possible to view the necessary information about assistance, applicable regulations, frequent asked questions, web links, contact forms, etc.

In case of accident, this webpage will show any public relevant information as soon as it is available and can be provided by the air operator to the Contact Person, and it will be updated when new data can be known.

[www.fomento.gob.es/OAV/](http://www.fomento.gob.es/OAV/)



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**VICTIMS ASSOCIATION**

On the date of publication of this brochure, the only existing association of victims of commercial aviation accidents is the Association Affected Flight JK5022, declared as a group of public utility on 5 March 2013. The Ministry of Transport and Public Works has counted on it and wants to thank its collaboration in order to prepare this brochure.

 [www.avjk5022.com](http://www.avjk5022.com)



**ACCIDENTS MEMORIALS**

The air carrier, if appropriate in cooperation with the airport managing body, will facilitate the visit to the accident site to the victims, their family members and associations of victims created by these, and will rely on them to organize any memorial ceremony.

**WEB LINKS**

**Public Administrations:**  
Ministry of Transport and Public Works: [www.fomento.es](http://www.fomento.es)



AESA (Spanish Aviation Safety State Agency) : [www.seguridadaerea.gob.es](http://www.seguridadaerea.gob.es)



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AENA, S.A.:  
[www.aena.es](http://www.aena.es)



Directorate of Civil Protection and Emergencies:  
[www.proteccioncivil.es](http://www.proteccioncivil.es)



CIAIAC (Civil Aviation Accident and Incident Investigation Commission) :  
[www.fomento.gob.es/CIAIAC/](http://www.fomento.gob.es/CIAIAC/)



Ministry of Foreign Affairs and Cooperation:  
[www.maec.es](http://www.maec.es)



Ministry of Home Affairs:  
[www.mir.es](http://www.mir.es)



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### ***ICAO - Family Assistance Website***

Around late 2018 ICAO introduced a webpage dedicated to 'Assistance to Aircraft Accident Victims and their Families'

The information found via this webpage is really good (particularly some of the 'family assistance' presentations) and well worth reading by all those having an interest here. (One comes from Spain)

You can find it at:

<https://www.icao.int/Security/FAL/ANNEX9/Pages/AssistancetoAircraftAccidentVictimsFamilies.aspx>

