

This is a translation into English of the Swedish original text. In case of discrepancies between this translation and the Swedish text, the Swedish text shall prevail with respect to the meaning and interpretation of the law.

The Accident Investigation Act (1990:712)

Introductory provision

§ 1 This Act contains regulations on the investigation of accidents and incidents from a safety perspective.

Accidents to be investigated

§ 2 Accidents shall be investigated under this Act if they are of such a serious nature as indicated in the following, namely

1. aviation accidents: Accidents during the use of aircraft that have resulted in

- a) a fatality or serious injury,
- b) significant damages to the aircraft or property not transported on the aircraft or significant damage to the environment, or
- c) the aircraft having become inaccessible or having disappeared during flight and remaining to be located.

2. marine accidents: Accidents during the operation of merchant ships, fishing vessels, or government vessels which under § 2c constitute a very serious marine accident, or an event on par with such.

3. railway accidents: Accidents during the operation of a railway, metro, or tramway caused by collisions between rail vehicles or derailments or other events of significance to safety which have resulted in

- a) at least one fatality or at least five serious injuries, or
- b) Extensive damage to rail vehicles, track systems, property not transported on the rail vehicle or the environment and where the total costs of such damage are estimated at an amount equal to at least two million Euros.

4. road traffic accidents and other serious accidents: Accidents other than those referred to in points 1-3 and the first paragraph of § 2a if they have resulted in

- a) several fatalities or serious injuries, or
- b) significant damage to property or the environment.

Incidents as referred to in paragraph 1, points 1, 3, and 4, shall be investigated under this Act if the incident involved a serious risk of an accident or if the incident suggests a significant fault in the aircraft, rail vehicle, or track system or other significant faults in terms of safety.

Accidents as referred to in point 1 of the first paragraph and which concern aircraft with a total weight not exceeding 2 250 kg which do not require a certificate of airworthiness, and accidents and incidents as referred to in point 4 of the first paragraph shall be investigated only if it is of importance from a safety perspective. *Amending Act (2011:548).*

§ 2a Marine accidents other than those specified in § 2(1), point 2, may be investigated under this Act if they constitute a serious marine accident or other marine accident. If the

case of a serious marine accident, the authority which is to conduct an investigation under this Act shall first make a preliminary assessment in order to determine whether or not to launch an investigation.

Marine incidents shall be investigated under this Act if the incident could have led to a very serious marine accident or an accident on par with such. Marine incidents may be investigated if the incident could have led to a serious marine accident or other marine accident.

Preliminary assessments of serious marine accidents or to determine whether or not to launch an investigation of an 'other' marine accident or marine incident, the authority shall take into account the seriousness of the accident or incident, the kind of ship and cargo involved, and the extent to which the investigation findings may prevent future accidents or incidents. *Amending Act (2011:548)*.

§ 2b The expression 'marine accidents and incidents' in this Act refers to accidents and incidents that result from an event or series of events that occur in direct connection to the operation of merchant ships, fishing vessels, or government vessels. *Amending Act (2011:548)*.

§ 2c This Act uses the following definitions of marine accidents and incidents.

1. Very serious marine accident: an accident where

- the vessel has disappeared,
- one or more persons have died, or
- there has been serious damage to the environment.

2. Serious marine accident: an accident that does not constitute an accident as defined in point 1 above and where an event such as fire, explosion, collision, grounding, damage owing to severe weather or ice, or actual or suspected damage to the hull means that

- the vessel is in a condition that does not meet the applicable safety requirements, which means there is a risk of damage to the vessel or injury to persons on board, or it poses an excessive risk to the environment,
- there has been damage to the environment, or
- the vessel has experienced a breakdown which resulted in a need to be towed or assisted from land.

3. Other marine accident: a less serious marine accident that does not constitute an accident as defined in point 1 or 2.

4. Marine incident: an event or series of events that does not constitute an accident as defined in point 1-3 but where events have posed or, if not remedied, could have posed a risk to the vessel, persons on board or outside the vessel, or the environment.

The following shall be equated with a very serious marine accident

- accidents in which several persons have been seriously injured,
- accidents in which the vessel or property not transported on the vessel has been extensively damaged, or
- accidents in which the vessel has been abandoned at sea.

The disappearance of one or more persons from a vessel shall also be considered a serious marine accident. *Amending Act (2011:548)*.

§ 2d The provisions of §§ 2b and 2c shall apply only if the event(s) that caused the accident or incident was/were not caused by a deliberate act or failure intended to impair the safety of the vessel, injure persons on board or outside the ship, or damage the environment. *Amending Act (2011:548)*.

§ 3 The government may also prescribe, or decide in individual cases, that an investigation under this Act shall be conducted when an accident or incident is of a less serious nature than those indicated in § 2, but for which an investigation is still warranted from a safety perspective.

§ 4 An investigation under this Act shall be conducted in the case of accidents and incidents that occur in Sweden, unless the accident or incident involves a foreign government vessel.

An investigation under this Act of a marine accident or incident abroad shall be conducted when the accident or incident involves a vessel flying the Swedish flag or when the vessel is of vital interest to Sweden for other reasons.

An investigation under this Act of an accident or incident that involves a Swedish aircraft shall be conducted even if the accident or incident occurs abroad, subject to international agreements to which Sweden has acceded. If the accident or incident concerns an aircraft with a total weight not exceeding 2 250 kg, and which does not require a certificate of airworthiness, an investigation shall be conducted only if it is of particular importance from a safety perspective and if an investigation is not conducted in the State in whose territory the accident or incident occurred.

If an accident or incident occurs which involves rail vehicles in international traffic on or near the Swedish border, the authority that is responsible for the investigation under § 5 shall reach an agreement with the corresponding authority of the other State concerned as regards which of them will conduct the investigation or whether they will conduct a joint investigation. *Amending Act (2011:548)*.

§ 4a By way of derogation from the requirements set out in § 4, an investigation under this Act shall be launched when a foreign ro-ro passenger ship or high-speed passenger craft in regular service has been involved in a marine accident or incident and

- a) the accident or incident occurred in Swedish territorial waters, or
- b) the accident or incident occurred in other waters and the vessel's last port of call was Sweden.

A launched investigation shall continue until all States concerned have come to an agreement on which State will be responsible for it.

Ro-ro ferries, high-speed passenger craft, and regular service shall be defined as in Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services. *Amending Act (2001:877)*.

§ 4b 'Vital interest for other reasons' in § 4, second paragraph, means

- that a marine accident or incident results in serious damage to the Swedish environment,
- that a marine accident or incident causes or threatens to cause serious damage to Sweden as a State, including artificial islands, installations, and structures under Swedish

jurisdiction,

- that a marine accident resulted in the death of or serious injuries to Swedish citizens, or
- that a marine accident or incident is otherwise deemed to be of a substantial interest to Sweden. *Amending Act (2011:548)*.

Who should conduct the investigation

§ 5 Investigations under this Act shall be conducted by the authority appointed by the government.

The government may provide that the authority may assign the investigation to a third party.

The Swedish investigating authority may assign administrative tasks for the investigation of a marine accident or incident to a foreign body which fulfils the investigative obligation under Directive 2009/18/EC of the European Parliament and of the council 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council or under Resolution MSC.255(84) adopted by the International Maritime Organization on 16 May 2008. *Amending Act (2011:548)*.

Purpose of the investigation

§ 6 The purpose of an investigation under this Act shall be to

1. insofar as possible, clarify the course of events and causes of the accident or incident as well as damages and effects in general,
2. provide a basis for decisions on measures intended to prevent a recurrence of the accident or incident or at limiting the effects of such accidents or incidents,
3. provide a basis for an assessment of emergency services' actions in connection with the accident or incident and, where necessary, for improvements to emergency services. *Amending Act (2007:493)*.

Conducting the investigation

§ 7 The authority that conducts an investigation under this Act shall, to the extent practicable, inform parties that may be affected by the accident or incident and give them the opportunity to comment. These parties have the right to be present during the investigation at the accident site and during investigation efforts in general, if such is possible without detriment to the investigation.

In application of the first paragraph, however, the provisions on investigation participation contained in international agreements to which Sweden has acceded shall always be observed.

The European Union common methodology for investigating marine accidents and incidents shall be followed when investigating marine accidents and incidents. *Amending Act (2011:548)*.

§ 8 An investigation under this Act shall be conducted in consultation with the party that, under Chapter 23 of the Code of Judicial Procedure, leads the preliminary investigation of the event.

Pending the launch of the investigation, the police or other government-designated authority may cordon off the area, take charge of property, or take other such measures if necessary to ensure the investigation can be conducted and if the measures cannot be postponed.

§ 9 The authority that conducts an investigation under this Act may hold hearings with parties assumed able to provide information of importance to the investigation. The authority may also confiscate and inspect documents and objects assumed relevant.

If the investigation cannot be completed otherwise, the investigating authority may request from the police the assistance necessary for the investigation. The police investigation shall be subject to the relevant provisions on preliminary investigations in Chapter 23 of the Code of Judicial Procedure.

The investigating authority is entitled to have access to the site of the accident or incident. Where access is denied, the police may provide the necessary assistance. *Amending Act (2011:548)*.

§ 10 The investigating authority may request that a witness or expert be heard in court or that a party be required to provide documents or objects. Such a request shall be filed with the district/city court that has jurisdiction over the accident or incident site or the location of the person concerned. The court shall hold hearings or issue an injunction if there are no legal impediments. The provisions on the taking of evidence outside the main hearing shall apply in such cases. *Amending Act (2007:493)*.

Prohibition on interfering with property

§ 11 Property assumed to be relevant to the investigation of an accident or an incident under this Act may not be interfered with without permission of the police or the investigating authority.

This does not apply if the property is interfered with in order to save human life or if there are other exceptional reasons for doing so. *Amending Act (2007:493)*.

Found property

§ 12 Any person who finds property as specified in § 11, first paragraph, shall report it immediately to the police or investigating authority. The same applies to anyone who, after an aviation, maritime, or rail traffic accident or incident that is under investigation under this Act has found property that was carried on the aircraft, vessel, or rail vehicles involved in the accident or incident or property that belongs to the aircraft, vessel, rail vehicle, or track system concerned. If necessary, the authority may take charge of the property. *Amending Act (2007:493)*.

§ 12a The provisions of §§ 7-12 shall also apply in a preliminary assessment of a serious marine accident under §2a(1). *Amending Act (2011:548)*.

Liability, etc.

§ 13 Intentional or negligent violation of § 11 or § 12 shall be subject to a fine unless the deed is punishable under the *Penal Code*. However, no penalty shall arise in the event of minor cases.

§ 14 Decisions under § 8, second paragraph, § 11 or § 12 may be appealed before the general administrative court. Leave to appeal is required for an appeal to the administrative court of appeal. *Amending Act (1995:77)*.

§ 15 Where municipal emergency services are involved, the government may direct the municipality to notify the authority referred to in § 5, first paragraph of an accident or incident that is to be investigated under this Act. *Amending Act (2007:493)*.

Transitional rules

Transitional provisions

1995:77

This Act shall enter into force on 1 April 1995. Decisions communicated prior this date may continue to be appealed in accordance with older provisions.

2006:20

This Act shall enter into force on 1 April 2006. It may be applied to events that occurred before its entry into force. *2007:493*

1. This Act shall enter into force on 1 July 2007.

2. Older regulations shall apply to accidents and incidents that occurred prior to its entry into force.