

*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 Investigations Ordinance (1990:717)**

### **Investigation authority, etc.**

**§ 1** Investigations of accidents and incidents under §§ 2 and 2a of the Accident Investigation Act (1990:712) are carried out by the Swedish Accident Investigation Authority. *Amending Ordinance (2011:551).*

**§ 1a** An investigation of a marine accident or incident under the Accident Investigation Act (1990:712) and this Ordinance constitutes a safety investigation as referred to in Directive 2009/18/EC of the European Parliament and of the Council of 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. *Amending Ordinance (2011:551).*

**§ 2** The Swedish Accident Investigation Authority may, unless otherwise specifically prescribed, assign an investigation to another entity. The assignment may concern a single accident or incident or a particular type of accident or incident.

However, an investigation may not be assigned to another entity if confidence in the objectivity of the investigation would be reduced by the fact that it is not carried out by the Swedish Accident Investigation Authority or if there are other specific reasons for the investigation to be carried out by the Authority. *Amending Ordinance (2007:491).*

**§ 2a** The Swedish Accident Investigation Authority may not assign investigations of railway accidents and incidents to other entities. *Amending Ordinance (2007:491).*

**§ 2b** The Swedish Accident Investigation Authority may not assign investigations of marine accidents or marine incidents to other Swedish Authorities. The same applies to preliminary/other assessments to initiate an investigation as referred to in § 2a of the Accident Investigation Act (1990:712).

The first paragraph does not apply to military operations. *Amending Ordinance (2011:551).*

**§ 3** Accidents and incidents not of the nature referred to in §§ 2 and 2a of the Accident Investigation Act (1990:712) shall nevertheless be investigated in accordance with the Act if so warranted from a safety point of view.

The investigation is carried out by

1. the Swedish Transport Agency in cases of accidents and incidents that involve road traffic or civil aviation,
2. the Swedish Armed Forces in cases of accidents and incidents that involve military aviation or naval operations,
3. the Swedish Accident Investigation Authority in cases of accidents and incidents that do not involve road traffic or civil aviation.

The Swedish Accident Investigation Authority has the right to investigate accidents and incidents as referred to in points 1 and 2 of the second paragraph if there are special reasons for doing so. *Amending Ordinance (2011:551).*

§ 3a In addition to that which is stated in these articles, the Swedish Accident Investigation Authority shall observe the following in its determination of whether to investigate a railway incident under § 2, first paragraph, point 2 of the Accident Investigation Act (1990:712) or an accident or incident under § 3, second paragraph, point 3 of this Ordinance:

- 1 the scale of the accident or incident;
- 2 whether the accident or incident is one of a series of accidents or incidents significant to the system as a whole;
- 3 the impact of the accident or incident on railway safety in the European Economic Area (EEA) and Switzerland; and
- 4 reports from infrastructure managers (track owners), railway undertakings, the Swedish Transport Agency, or another EEA Member State or Switzerland. *Amending Ordinance (2008:1157).*

§ 4 The Swedish Transport Agency and the Swedish Armed Forces may assign to other entities the investigations specified above in § 3, second paragraph, points 1 and 2. *Amending Ordinance (2008:1157).*

§ 5 The term ‘supervisory body’ in this Ordinance refers to the authorities specified above in § 3, first paragraph, points 1 and 2.

If an investigation has been assigned to an authority under § 2 or if the investigation is carried out by an authority under § 3, second paragraph, points 1 or 2, or § 4, the provisions in §§ 6-8, 10, 11, 13-15, and 17-19 shall apply *mutatis mutandis*. *Amending Ordinance (2008:1157).*

### **Involvement of the supervisory body**

§ 6 The Swedish Armed Forces and the Swedish Transport Agency shall provide experts to the Swedish Accident Investigation Authority for investigations of accidents or incidents that involve the authorities' areas of responsibility, unless doing so compromises said authorities' ability to perform other urgent tasks.

The supervisory bodies and the Swedish Civil Contingencies Agency have the right of insight into Swedish Accident Investigation Authority investigations if an investigation concerns the area of responsibility of these authorities. *Amending Ordinance (2008:1157).*

### **Notifications of investigation, etc.**

§ 7 The Swedish Accident Investigation Authority shall, to the extent practicable, ensure that notification of the investigation is sent as soon as possible to those whose rights may be dependent upon the investigation. Notifications are sent primarily to

1. any person(s) injured in the accident;
2. any survivors of those killed in the accident or as a result thereof;
3. in the case of an aviation or marine accident, any third parties whose property was damaged by the accident as well as the aircraft or vessel owner, keeper, and insurer;
4. in the case of a railway accident, any third parties whose property was damaged by the accident, the rail vehicle or track system owner, keeper, insurer, and manufacturer(s), the municipal emergency services organisation, as well as representatives for personnel and users;
5. in the case of other serious accidents, the owner or keeper of any property that has been damaged by accident.

The county administrative board shall be informed if the accident resulted in significant damage to the environment.

Parties that are to be notified of the investigation shall be informed as soon as possible as to when they may first be present at the investigation. *Amending Ordinance (2007:491)*.

**§ 7a** In the case of railway accidents, parties under § 7 that are entitled to receive notification of the investigation shall also regularly receive information on its progress and, as far as practicable, be given an opportunity to present their views. *Amending Ordinance (2007:491)*.

**§ 8** In the case of notification to foreign authorities and international organisations regarding the investigation of an accident or incident that involves an aircraft as well as the involvement of such authorities and organisations in investigations, the Swedish Accident Investigation Authority shall observe the provisions of the 1944 Chicago Convention on Civil Aviation that bind Sweden as well as other provisions of the Convention, unless they contravene the law or are otherwise in appropriate. *Amending Ordinance (2011:551)*.

**§ 8a** The Swedish Accident Investigation Authority shall notify the European Railway Agency that an investigation of a railway accident or incident has commenced within one week of reaching the decision to launch said investigation. The notification shall include the date, time, and place of the accident or incident and the type of accident or incident as well as its consequences in terms of fatalities, injuries, and property damage. *Amending Ordinance (2007:491)*.

**§ 8b** If deemed necessary for the investigation of railway accidents and incidents, the Swedish Accident Investigation Authority may ask for support from their counterparts in other EEA Member States or Switzerland or the European Railway Agency in terms of expertise, inspections, analyses, or evaluations.

The Swedish Accident Investigation Authority shall exchange views and experiences with the authorities referred to in the previous paragraph in order to develop common investigatory methods and draw up common principles for the follow-up to safety recommendations. *Amending Ordinance (2007:491)*.

### **Cooperation in the event of marine accidents, etc.**

**§ 8c** If an accident or incident that involves a vessel is to be investigated under the Accident Investigation Act (1990:712), the Swedish Accident Investigation Authority shall, as regards cooperation with foreign authorities, observe Resolution MSC.255(84) (IMO Casualty Investigation Code) adopted by the International Maritime Organization on 16 May 2008, unless it contravenes the law or is otherwise inappropriate. *Amending Ordinance (2011:551)*.

**§ 8d** As a general rule, a marine accident or incident shall be subject to only one accident investigation carried out by a Member State of the European Union.

Pursuant to § 5, third paragraph of the Accident Investigation Act (1990:712) and § 1 of this Ordinance, the Swedish Accident Investigation 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 or under the IMO Casualty Investigation Code. Pursuant to the provisions, the Swedish Accident Investigation Authority may assign

specific tasks or management of an investigation to another Member State.

Pursuant to § 5, third paragraph of the Accident Investigation Act (1990:712) and § 1 of this Ordinance, the Swedish Accident Investigation Authority may not assign administrative tasks related to Swedish government vessels or administrative tasks that involve the exercise of official authority. *Amending Ordinance (2011:551)*.

**§ 8e** When the Swedish Accident Investigation Authority leads an investigation of a marine accident or incident that does not involve a Swedish government vessel, any Member States of the European Union with vital interest in the accident or incident shall have access to testimonies and evidence in the same way as the Accident Investigation Authority and shall have the right to have their points of view noted by the Authority. *Amending Ordinance (2011:551)*.

**§ 8f** Pursuant to § 5, third paragraph of the Accident Investigation Act (1990:712) and § 1 of this Ordinance, a third country with a vital interest in a marine accident or incident may participate in the investigation after assignment by the Swedish Accident Investigation Authority.

Cooperation with a third country with a vital interest in a marine accident or incident must not affect execution and compliance of the Swedish Accident Investigation Authority's reporting under §§ 13 and 13b.

Pursuant to § 5, third paragraph of the Accident Investigation Act (1990:712) and § 1 of this Ordinance, if a third country with a vital interest in a marine accident or incident leads an investigation that involves Swedish interests, the Swedish Accident Investigation Authority can decide not to conduct a parallel investigation, provided that the investigation led by the third country is conducted in accordance with the IMO Casualty Investigation Code. *Amending Ordinance (2011:551)*.

**§ 8g** The Swedish Accident Investigation Authority shall participate in the permanent cooperation framework set out in Article 10 of Directive 2009/18/EC of the European Parliament and of the Council. *Amending Ordinance (2011:551)*.

**§ 8h** The Swedish Accident Investigation Authority shall bear its own expenses for the investigation of marine accidents and incidents that involve more than one Member State of the European Union. If assistance is requested by a Member State that is not involved in the investigation, the Swedish Accident Investigation Authority shall reach an agreement with the Member States which are involved on the allocation of costs thus entailed. *Amending Ordinance (2011:551)*.

**§ 8i** In the event of cooperation with another country in an investigation of a marine accident or incident, the Swedish Accident Investigation Authority may conclude an agreement with the competent authority in said country regarding terms for the handling of investigation material and other information submitted by the Accident Investigation Authority to the competent authority. *Amending Ordinance (2011:551)*.

## **Preparatory measures**

**§ 9** In the case of accidents and incidents that involve aviation, maritime traffic, or rail transport, measures as referred to in § 8 of the Accident Investigation Act (1990:712) may be taken by the police as well as the supervisory body. *Amending Ordinance (2007:491)*.

## **Compensation for attendance at hearings**

§ 10 The Notice (1969:590) on compensation for attendance at the preliminary investigation of a criminal case [*kungörelsen (1969:590) om ersättning vid förundersökning i brottmål*] shall apply to the entitlement to compensation from public funds for those who have been heard by the Swedish Accident Investigation Authority. However, the provisions regarding the Leading Investigator shall apply instead to the Accident Investigation Authority. *Amending Ordinance (2007:491)*.

### **Participation of foreign authorities**

§ 11 The Swedish Accident Investigation Authority may request assistance from the Government Offices (the Ministry for Foreign Affairs) in obtaining information which is of importance for an investigation under the Accident Investigation Act (1990:712).

A report on information obtained from persons abroad and on other measures taken at the request of the Accident Investigation Authority shall be sent as soon as possible to the Authority. *Amending Ordinance (2007:491)*.

### **Investigations abroad**

§ 12 If a case arises in which a Swedish authority is to conduct or participate in an investigation of an aviation accident in a foreign country, the Swedish Accident Investigation Authority shall represent Sweden in the investigation. The Accident Investigation Authority shall, after consultation with the Swedish Transport Agency, summon the persons who are to participate in the investigation on behalf of the Investigation Authority.

The Accident Investigation Authority shall notify the Government Offices (Ministry of Defence) as soon as possible of its participation in investigations as referred to in the previous paragraph. *Amending Ordinance (2008:1157)*.

§ 12a If an accident or incident occurs involving international rail transport on or near the Swedish border and the Swedish Accident Investigation Authority – under § 4, [fourth] paragraph of the Accident Investigation Act (1990:712) – reaches an agreement with the corresponding authority of the other State concerned that the Accident Investigation Authority should conduct the investigation, the other authority shall be invited to participate and have the right to access all findings.

If a railway undertaking that is established in Sweden and holds a permit to operate transport in Sweden is involved in a railway accident or incident in another EEA Member State or Switzerland, the Accident Investigation Authority may participate in the investigation of the event, if invited to do so by said Member State.

The Accident Investigation Authority determines whether there is reason to participate in such an investigation under the previous paragraph. *Amending Ordinance (2007:491)*.

§ 12b The body responsible for investigation of railway accidents and incidents in another EEA Member State or Switzerland shall be invited to participate in an investigation in Sweden if a railway undertaking that is established and holds a permit to conduct traffic in the foreign State is involved in an accident or incident in Sweden. *Amending Ordinance (2007:491)*.

§ 12c The Accident Investigation Authority shall notify the Government Offices (Ministry of Defence) as soon as possible of its participation in an investigation of a railway accident abroad and of cases where a foreign authority conducts or participates

in such an investigation on Swedish territory. *Amending Ordinance (2007:491)*.

## **Investigation reports and schedules**

**§ 13** The Swedish Accident Investigation Authority shall conclude investigations as soon as possible, where possible within twelve months from the date of the accident or incident. The Accident Investigation Authority shall prepare an investigation report and a statement of opinion in those respects specified in § 6 of the Accident Investigation Act if possible within the same timeframe (1990:712).

Incident reports shall not include the names of persons involved. *Amending Ordinance (2011:551)*.

**§ 13a** In the case of a marine accident or incident, the investigation shall be launched as soon as practicable after the accident or incident and never any later than two months after that date. *Amending Ordinance (2011:551)*.

**§ 13b** In the case of investigations of marine accidents and incidents that do not involve government vessels, the Swedish Accident Investigation Authority shall publish a report in accordance with an Authority template that contains the relevant sections of Annex I to Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 (final report).

Instead of a final report as described above, the Swedish Accident Investigation Authority may decide to publish a simplified report in cases where the investigation does not concern a very serious marine accident – or an event equivalent thereto – or a serious marine accident and where the investigation findings cannot help prevent future accidents and incidents.

The Swedish Accident Investigation Authority shall publish a final report within the timeframe specified in § 13, first paragraph. If such report is not completed within this timeframe, an interim report shall instead be published within said timeframe. *Amending Ordinance (2011:551)*.

**§ 13c** If, as a result of a preliminary assessment under § 2 of the Accident Investigation Act (1990:712), the Swedish Accident Investigation Authority decides not to conduct an investigation, the Authority shall provide reasons for its decision and notify the European Commission in accordance with Article 17(3) of Directive 2009/18/EC of the European Parliament and of the Council. In general, as regards marine accidents or incidents, the Swedish Accident Investigation Authority is also obliged to report such information to the Commission as required under the Directive.

The first paragraph shall not apply to cases that involve Swedish government vessels. *Amending Ordinance (2011:551)*.

**§ 13d** A report on a railway accident or incident shall be drawn up in a manner suitable to the type and scale of the accident or incident and the significance of the findings and, inasmuch as possible, be structured in accordance with the format of Annex V of Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive). The report shall, where appropriate, contain safety recommendations that are to be directed at the supervisory body and, if necessary, to other bodies, authorities, another EEA Member

State, or Switzerland. The supervisory body and parties that under § 7 shall be notified of a railway accident shall be given the opportunity to comment on the information in the draft report. *Amending Ordinance (2011:551)*.

**§ 14** The Swedish Accident Investigation Authority shall submit a report to the supervisory body or – in cases other than those referred to in § 3, second paragraph, points 1-3 – to the authority whose area of responsibility covers the accident or incident.

A report on an accident or incident that involves military aviation or naval operations shall also be submitted to the supervisory body for the corresponding civilian activities. *Amending Ordinance (2007:491)*.

**§ 15** A copy of the report shall be sent to the authorities and organisations that have been given the opportunity to be present at the investigation by virtue of § 8, unless this contravenes the law, and to the European Commission. Should transmission of such a copy contravene the law, an additional report shall instead be produced without the information that is not be transmitted and then sent to the European Commission.

If the investigation relates to a marine accident or incident that does not involve a Swedish government vessel, the Swedish Accident Investigation Authority shall send a copy of the final, simplified, or interim report under § 13b to the European Commission.

If the investigation relates to an accident or incident that involves a Danish, Finnish, or Norwegian vessel or aircraft, a copy of the report shall be sent to the national safety authority of that State.

If the investigation relates to an accident or incident that involves a vessel registered in a State not specified in the previous paragraph and the investigation has been requested by an authority in that other State, the report shall be provided to said authority by the Government Offices (the Ministry for Foreign Affairs). *Amending Ordinance (2011:551)*.

**§ 15a** If the investigation relates to an accident or incident that involves rail traffic, the report and safety recommendations, in addition to that which is specified in § 14, shall be sent to those who have been notified of the accident or incident under § 7 as well as the European Railway Agency and relevant bodies and parties in other EEA Member States or Switzerland. Should transmission of such a copy contravene the law, an additional report shall instead be produced without the information that is not be transmitted. *Amending Ordinance (2007:491)*.

**§ 15b** Authorities to which safety recommendations under [§ 13d] are directed shall report back to the Swedish Accident Investigation Authority on the measures taken or planned as a result of the recommendation.

The Accident Investigation Authority report and safety recommendation shall contain information on the obligation to report back as specified in the previous paragraph. *Amending Ordinance (2007:491)*.

## **Annual report on railway accidents**

**§ 15c** The Swedish Accident Investigation Authority shall annually, no later than 30 September, publish an annual report on accidents and incidents that involved rail traffic in the previous calendar year. The report shall contain information on investigations conducted, safety recommendations issued, and measures taken in response to previously issued recommendations. *Amending Ordinance (2007:491)*.

## **Reporting to international organisations**

**§ 16** The Swedish Transport Agency fulfils the reporting obligation to the International Civil Aviation Organization that follows from Annex 13 to the Chicago Convention.

The Swedish Transport Agency also fulfils the reporting obligation to the International Maritime Organization that follows from the provisions on the investigation of accidents contained in international agreements to which Sweden has acceded. *Amending Ordinance (2008:1157)*.

## **Proposed measures**

**§ 17** If necessary to avoid occurrences similar to that which the investigation concerns or in order to limit the impact of such accidents or incidents, the Swedish Accident Investigation Authority shall notify the authority indicated in the first paragraph of § 14 before the investigation is closed and the report is completed. Information on such a notification shall be included in the report.

If such a report or notification from the Accident Investigation Authority proposes measures to be taken to avoid accidents or incidents similar to that which the investigation concerns or in order to limit the impact of such accidents or incidents, the authority shall inform the Accident Investigation Authority of its position on the proposed measures.

A safety recommendation shall be drawn up in such a way that it does not create a presumption of blame or liability in connection with an accident or incident. *Amending Ordinance (2007:491)*.

**§ 17a** In the case of marine accidents and incidents that do not involve Swedish government vessels, and if deemed appropriate, the Swedish Accident Investigation Authority shall also provide notification as described in § 17 or submit a safety recommendation to foreign authorities and others that can best implement the recommendation in practice.

In the case of marine accidents and incidents that do not involve Swedish government vessels, the Swedish Accident Investigation Authority shall notify without delay the European Commission of the need for a forewarning if it believes urgent action is needed at the Community level to prevent further accidents. *Amending Ordinance (2011:551)*.

## **Reopening an investigation**

**§ 18** A closed investigation may be reopened if new circumstances arise that can be assumed relevant to the findings of the investigation.

The report on the reopened investigation may be limited to a statement of new circumstances that have arisen since the first investigation and the changes that they entail in relation to a previous statement of opinion.

## **Foreign vessels**

**§ 19** If an investigation under the Accident Investigation Act (1990:712) is to be conducted into an accident or incident that involves a foreign vessel, the Swedish Accident Investigation Authority may request that the Swedish Transport Agency and Customs at the vessel's location do not take any measures that facilitate the vessel's departure prior to the conclusion of the investigation. *Amending Ordinance (2008:1157)*.



## **Reporting of accidents, etc.**

§ 20 Reports in accordance with Chapter 5, § 8 of the Aviation Act (2010:500) [luftfartslagen] or Chapter 6, § 14, first or second paragraph of the Swedish Maritime Code (1994:1009) shall be made immediately to the supervisory body. The same applies to operators in the case of accidents and incidents as referred to in § 2, first paragraph, point 3 of the Accident Investigation Act (1990:712) in the operations of railways, metros, or tramways. An oral report shall be followed by a written report as soon as possible.

A captain of a Swedish aircraft, merchant ship, fishing vessel or government vessel and a captain of a foreign merchant ship or fishing vessel in Swedish waters and an entity that conducts operations by rail, metro, or tram shall, upon request from the supervisory body, also report cases other than those referred to in the previous paragraph if an accident or incident has occurred or is likely to have occurred which may be of importance to aviation, maritime, or rail traffic safety.

The supervisory body may lay down more detailed regulations on reporting under the first and second paragraphs. The supervisory body shall seek the opinion of the Swedish Accident Investigation Authority prior to issuing such regulations. *Amending Ordinance (2011:551)*.

## **Notification of accidents, etc.**

§ 21 If a police department is made aware that there has been an accident as specified in § 2, first paragraph of the Accident Investigation Act (1990:712), it shall immediately notify the supervisory body or – in the cases referred to in § 2, first paragraph 1 point 4 of the same Act – the Swedish Accident Investigation Authority.

If a police department is made aware that there has been an accident involving a recreational vessel, it shall immediately notify the Swedish Transport Agency, if the accident has resulted in a fatality or severe physical injury.

In the case of maritime accidents, the previous paragraphs shall also apply to Swedish Customs and the Coast Guard. *Amending Ordinance (2008:1157)*.

§ 22 The Swedish Armed Forces shall immediately inform the Minister of Defence if an accident or incident as referred to in § 21, first paragraph, occurs during use of a Swedish military aircraft within another State's territory. *Amending Ordinance (2007:491)*.

§ 23 If an accident or incident as referred to in § 21, first paragraph, occurs during use of a Swedish vessel abroad, the appropriate salaried Swedish mission shall inform the supervisory body as soon as it learns of the event.

If a foreign vessel has sunk, run aground, or otherwise suffered casualties within Swedish territorial waters, the Swedish Transport Agency shall without delay inform the consulate of the foreign State nearest to the accident site. If the foreign State does not have a consulate in Sweden, its embassy shall instead be informed. *Amending Ordinance (2008:1157)*.

§ 24 If an accident or incident as referred to in § 2 first paragraph points 1-2 of the Accident Investigation Act (1990:712) has occurred, the supervisory body shall make sure that the police are aware of the event. The supervisory body shall also ensure that the police are made aware of the investigating entity for the accident or incident. *Amending Ordinance (2007:491).*

§ 25 The supervisory body shall immediately inform the Swedish Accident Investigation Authority of accidents and incidents as referred to in § 24. If the Accident Investigation Authority so decides, the supervisory body shall also notify the Accident Investigation Authority of other accidents and incidents assumed to be of importance to aviation, maritime or rail traffic safety. *Amending Ordinance (2007:491).*

§ 26 Within the framework of the municipal emergency services and to the extent and in the manner determined by the Swedish Accident Investigation Authority, municipalities shall notify the Accident Investigation Authority of accidents and incidents that are to be investigated under the Accident Investigation Act (1990:712). *Amending Ordinance (2007:491).*

## **Liability**

§ 27 An entity that intentionally or through negligence violates § 20, first or second paragraph, or regulations that have been issued by virtue of § 20, third paragraph – in a manner other than as specified in Chapter 20, § 10, first paragraph, point 3 of the Swedish Maritime Code (1994:1009) – shall be liable to a fine. However, no penalty shall arise in the event of minor cases. *Amending Ordinance (2011:551).*

## **Transitional rules**

### **Transitional provisions**

*2007:491*

1. This Ordinance shall enter into force on 1 July 2007.
2. Previous regulations shall apply to events that occurred prior to entry into force of this Ordinance.