

This document is a translation of the original assessment in Swedish by SHK of the response to the recommendation. In case of discrepancies between this translation and the Swedish original text, the Swedish text shall prevail in the interpretation of the assessment.

The Government Offices of Sweden
Ministry of Infrastructure

SHK's assessment of response to recommendations from the Government and the Government Offices

On 29 January 2019, the Swedish Accident Investigation Authority (SHK) published its final report (RO 2019:01) regarding rescue operations involving the Swedish Maritime Administration's helicopters. In the report, SHK issued three safety recommendations to the Government and one to the Government Offices (then the Department of Enterprise and Innovation – now the Department of Infrastructure).

The safety recommendations referred to the need for regulations regarding maritime rescue services, the need to review the level of privacy protection regarding CVR and FDR data within state aviation, the need to review the dimensioning of the Swedish Maritime Administration's helicopter activities and the need to take measures to improve the analysis of EU instruments in the aviation area.

The Government Offices (Ministry of Infrastructure) has responded to all of the safety recommendations mentioned above and has indicated that these will form the basis of continued consideration within the Government Offices.

SHK has an obligation to follow up on the responses given to the agency's safety recommendations. Within aviation, it is explicitly stated in the Regulation (EU) No 996/2010 of the European Parliament and of the Council on the investigation and prevention of accidents and incidents in civil aviation that SHK must inform the recipient of a safety recommendation of whether their response is satisfactory.

One of the purposes of SHK's safety recommendations is that they are to form the basis for further considerations from the recipient. The recommendations are not binding, but aim to bring attention to safety issues that SHK believes should be addressed in order to increase safety within the area concerned. It is up to the recipient of the safety recommendations to make the more detailed considerations necessary to decide which measures are most suitable to achieve the desired safety improvement.

SHK's interpretation of the regulations on follow-up of safety recommendations is that for a response to a recommendation to be considered satisfactory, the response should be adequate in relation to the concerned recommendation, and it should indicate possible measures that have been taken or which are planned.

When it comes to future measures, which may require careful consideration or weighing of other interests, the response to the recommendation should at least include some form of intention.

The Government is a political body. The Government Offices can be considered both a government agency and a preparatory body for the Government, and it is politically governed. The special conditions that apply, for example in regard to the processes for case preparation and decision-making, entail that the same requirements for detailed responses regarding future measures in reply to SHK's safety recommendations cannot be imposed in the same way as with other administrative authorities. For SHK to consider a response to recommendations to be satisfactory, the response should at least provide an idea of whether the recipient of the recommendation agrees with the problem description in the final report that constitutes the basis for the recommendation in question.

SHK has noted that the Ministry of Infrastructure has referenced a request made by the Swedish Transport Agency regarding an amendment of the Aviation Act (2010:500), the Aviation Ordinance (2010:770) and the Public Access to Information and Secrecy Act (I2019/00525/TM). The memorandum proposes, among other things, increased security for audio recorders in civil aviation. Even if no legislative change has yet been made in this respect, it can be considered satisfactory, against this backdrop, that work with such measures as referred to in SHK's safety recommendation has been initiated. In this part (RO 2019:01 R2), the response to the recommendation is therefore considered satisfactory. (Closed – satisfactory response)

In regard to the other safety recommendations, SHK notes that the Government Offices has stated that these will provide the basis for further considerations. This in itself means that the recommendations can be considered partially implemented. However, the response gives no other indication of how or when these considerations will be made or if the recipient fundamentally agrees with the problem description presented in the final report. SHK is therefore unable to consider the recommendations fully implemented. SHK closes the matter and makes the assessment that the safety recommendations RO 2019:01 R1, R3 and R4 have been partially implemented. (Closed – partially satisfactory response)

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