

## **Ordinance on the Safety Investigation of Transport Incidents (OSITI)**

of 17 December 2014 (Status as of 1 February 2015)

*The Swiss Federal Council,*

on the basis of Articles 15a paragraphs 1 and 5, 15b paragraph 6, 15c and 95 of the Railways Act from 20 December 1957<sup>1</sup> (RailA),  
on Article 12 paragraph 1 of the Federal Act of 5 October 1990<sup>2</sup> on Private Sidings,  
on Article 5 paragraph 2 of the Navigation Act of 23 September 1953<sup>3</sup>  
and on Articles 25 paragraphs 1 and 5, 26 paragraph 6 and 26a paragraph 1 of the Civil Aviation Act of 21 December 1948<sup>4</sup> (CAA),  
in implementation of Regulation (EU) No 996/2010<sup>5</sup> in the version binding on Switzerland in accordance with number 3 of the Annex to the Agreement of 21 June 1999<sup>6</sup> between the Swiss Confederation and the European Union on Air Transport and Directive 2004/49/EC<sup>7</sup> in the version currently binding on Switzerland in accordance with Annex 1 to the Agreement of 21 June 1999<sup>8</sup> between the Swiss Confederation and the European Union on the carriage of goods and passengers by rail and road,  
*ordains:*

### **Section 1: General Provisions**

#### **Art. 1** Subject matter

<sup>1</sup> This Ordinance regulates the reporting and investigation of incidents:

- a. involving federally-licensed railway, cableway, automobile, trolleybus and shipping undertakings, and on private sidings (public transport);
- b. in civil aviation within Switzerland and involving Swiss aircraft abroad;
- c. in maritime navigation involving maritime vessels entered in the Swiss Maritime Shipping Register.

<sup>2</sup> It regulates the organisation and tasks of the Swiss Transportation Safety Investigation Board (STSB).

#### **Art. 2** Purpose and subject matter of the investigation

<sup>1</sup> The investigation serves to prevent further incidents.

<sup>2</sup> The subjects of the investigation are the technical, operational, human, organisational and systemic causes and circumstances that led to the incident.

#### **Art. 3** Incidents

Incidents are defined as follows:

- a. in public transport: events set out in Articles 15 and 16;
- b. in civil aviation: accidents and incidents as defined in Article 2 of Regulation (EU) No 996/2010;
- c. in maritime navigation: events that require a Flag State to hold an investigation under Article 94 number 7 of the United Nations Convention on the Law of the Sea of 10 December 1982<sup>9</sup>.

<sup>1</sup> SR 742.101

<sup>2</sup> SR 742.141.5

<sup>3</sup> SR 747.30

<sup>4</sup> SR 748.0

<sup>5</sup> Regulation (EU) Nr. 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, OJ L 295 of 12.11.2010, p. 35–50.

<sup>6</sup> SR 0.748.127.192.68

<sup>7</sup> 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), OJ L 164 of 30.4.2004, p. 44; last amended by Directive 2009/149/EC, OJ L 313 of 28.11.2009, p. 65.

<sup>8</sup> SR 0.740.72

<sup>9</sup> SR 0.747.305.15

**Art. 4** Public transport: special terms

In public transport:

- a. *accident* means any event resulting in a fatal or serious injury, considerable property damage or a major accident as defined in the Major Accidents Ordinance of 27 February 1991<sup>10</sup>;
- b. *serious incident* means any event that would have led to an accident had it not been prevented by automatic safety precautions;
- c. *fatal injury* means any injury sustained by a person in an accident which results in his or her death within 30 days of the date of the accident;
- d. *serious injury* means any injury sustained by a person in an accident the treatment of which necessitates hospitalisation for more than 24 hours;
- e. *minor injury* means any injury that necessitates out-patient treatment;
- f. *considerable property damage* means property damage that is a direct consequence of an accident, the value of which exceeds 50 000 francs in the case of cableways or 180 000 francs in the case of all other forms of transport;
- g. *substantial incident* means any incident that interrupts the operation of a line for at least six hours;
- h. *exceptional event* means any event due to the technical failure of safety-related installations or to inadequate or defective safety measures or to safety-related human error;
- i. *dangerous goods event* means any event under Section 1.8.5 of the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID)<sup>11</sup>, Annex C to the Convention of 9 May 1980<sup>12</sup> concerning International Carriage by Rail (COTIF) in the version of the Protocol of Modification of 3 June 1999<sup>13</sup>;
- j. *signal case* means any event in which part of a train or a shunting operation travels beyond the permitted endpoint of the journey.

**Art. 5** Civil aviation: Equivalence of terms

For the correct interpretation of Regulation (EU) No 996/2010, which is referred to in this Ordinance, the following terminological equivalences apply:

Term in Regulation (EU) No 996/2010	Term in this Ordinance
<i>Abschlussbericht</i> (final report)	<i>Schlussbericht</i> (final report)
<i>Schwere Störung</i> (serious incident)	<i>Schwerer Vorfall</i> (serious incident)
witnesses	individuals who can provide relevant information

**Section 2: Organisation and Tasks of the STSB****Art. 6** Status

The Swiss Transportation Safety Investigation Board (STSB) is an extra-parliamentary committee under Articles 57a-57g of the Government and Administration Organisation Act of 21 March 1997<sup>14</sup>.

**Art. 7** Composition

The STSB comprises three to five independent specialists from the relevant transport sectors.

**Art. 8** Investigation Bureau

The STSB has a technical secretariat (Investigation Bureau).

**Art. 9** Independence

<sup>1</sup> The STSB and its members act in accordance with directives.

<sup>2</sup> The STSB shall take the organisational measures required to safeguard its interests and prevent conflicts of interest.

**Art. 10** Tasks of the STSB

The STSB has the following tasks:

<sup>10</sup> SR 814.012

<sup>11</sup> The RID will neither be published in the AS nor in the SR. Separate publication including revisions can be ordered by the „Bundesamt für Bauten und Logistik, Verkauf Bundespublikationen, 3003 Bern“, or directly by the Intergovernmental Organisations for the International Carriage by Rail (OTIF), www.otif.org.

<sup>12</sup> SR 0.742.403.1

<sup>13</sup> SR 0.742.403.12

<sup>14</sup> SR 172.010

- a. it investigates transport incidents;
- b. it organises itself and the Investigation Bureau, unless such organisation is regulated by this Ordinance or the order of appointment;
- c. it determines the goals and priorities for its activities;
- d. it appoints the Director of the Investigation Bureau and its other staff;
- e. it designates the reporting office;
- f. it ensures that the chief investigators and specialists required for the investigations are made available;
- g. it supervises the Investigation Bureau;
- h. it approves the final report (Art. 47);
- i. it decides on objections to rulings issued in investigations (Art. 15b para. 4 RailA, Art. 26 para. 4 CAA);
- j. it ensures an effective quality assurance system;
- k. it prepares an annual report on its activities for each financial year, in particular on the achievement of goals, submits the same to the Federal Council for information and publishes the same thereafter.

**Art. 11** Tasks of the Director of the Investigation Bureau

The Director of the Investigation Bureau has the following tasks:

- a. draws up the principles for the STSB's decisions and reports to the STSB regularly on the activities of the Investigation Bureau, and immediately in the event of special circumstances;
- b. carries out all tasks not assigned to another body.

**Art. 12** Tasks of the reporting office

<sup>1</sup> The reporting office accepts reports of incidents at all times.

<sup>2</sup> It forwards the reports immediately to the Investigation Bureau.

**Art. 13** Staff of the Investigation Bureau

The staff of the Investigation Bureau, including the Director, are governed by the law on federal personnel.

**Art. 14** Official secret

<sup>1</sup> The members of the STSB, the staff of the Investigation Bureau and external experts shall preserve the official secret.

<sup>2</sup> For members of the STSB, the Federal Department of the Environment, Transport, Energy and Communications (DETEC) is the superior authority responsible for an exemption from the requirements of the official secret (Art. 320 Sec. 2 of the Criminal Code<sup>15</sup>).

### Section 3: Reporting Obligations

**Art. 15** Public Transport: Reports to the reporting office

<sup>1</sup> Public transport undertakings shall report the following to the reporting office immediately:

- a. accidents;
- b. serious incidents;
- c. exceptional events;
- d. suspected or proven sabotage;
- e. fires in vehicles;
- f. sinking, collision and grounding of ships.

<sup>2</sup> Obvious suicides and attempted suicides, and incidents on public roads due to a violation of road traffic regulations need not be reported.

<sup>3</sup> Rail transport undertakings involved in an incident on the network of an infrastructure operator shall report this incident to the infrastructure operator concerned, which shall forward the report immediately to the reporting office.

**Art. 16** Public transport: Reports to the FOT

<sup>1</sup> The public transport undertakings shall report the following to the Federal Office of Transport (FOT):

- a. events under Article 15 paragraph 1;
- b. events resulting in minor injuries;
- c. events with property damage valued at over 100 000 francs;
- d. serious disruption;

- e. dangerous goods events;
- f. larger explosions and fires in safety-related installations;
- g. suicides, and attempted suicides that result at least in a minor injury.

<sup>2</sup> The following events must also be reported to the FOT:

- a. by railway undertakings:
  1. derailments during train or shunting movements,
  2. collisions with other vehicles or obstacles during train or shunting movements,
  3. runaway rail vehicles,
  4. signal cases;
- b. by cableway undertakings:
  1. cable breaks and derailments,
  2. vehicles falling or being derailed from the cable,
  3. collisions with other vehicles, with the infrastructure or with external obstacles,
  4. damage as a result of exceeding profile limits,
  5. failure of acceleration or deceleration devices on entering and leaving stations, and of brakes and clamps,
  6. persons falling from vehicles.

<sup>3</sup> The events must be reported within 30 days.

#### **Art. 17** Civil aviation: Reporting obligation

<sup>1</sup> Civil aviation incidents must be reported to the reporting office immediately by the following persons or bodies involved:

- a. the owners of the aircraft;
- b. the operator of the aircraft;
- c. the airlines;
- d. the aviation personnel;
- e. the air traffic control bodies;
- f. the aerodrome operators;
- g. the police stations;
- h. the customs authorities;
- i. the Federal Office of Civil Aviation.

<sup>2</sup> Incidents involving micro-light aircraft, hang gliders, parachutes, kites, paragliders and tethered balloons need not be reported.

#### **Art. 18** Maritime navigation: Reporting obligation

The Swiss Maritime Navigation Office, the ship's command, the Swiss Shipowners' Association and the classification societies recognised by Switzerland shall report incidents under Article 3 letter c immediately to the reporting office.

#### **Art. 19** Report to foreign authorities

<sup>1</sup> The STSB shall report incidents on Swiss sovereign territory involving foreign undertakings to the competent authorities in the states in which such undertakings are registered.

<sup>2</sup> The report must not include sensitive personal data under Article 3 of the Federal Act of 19 June 1992<sup>16</sup> on Data Protection.

### **Section 4: Investigation procedures**

#### **Art. 20** Subject of the investigation

<sup>1</sup> The STSB shall investigate the incidents that must be reported to the reporting office.

<sup>2</sup> It investigates incidents that occur abroad only if:

- a. an investigation relating to an incident in a foreign state involving a Swiss aircraft or an aircraft manufactured in Switzerland is assigned to the Swiss authorities;
- b. the incident occurs outside the sovereign territory of any state; or
- c. no foreign investigating authority is prepared to conduct the investigation.

<sup>3</sup> It investigates incidents involving aircraft used by the customs or police authorities only if it is expected that the investigation may bring results that will be important in preventing further incidents.

<sup>4</sup> It may investigate other incidents if it is expected that the investigation may bring results that will be important in preventing further incidents.

<sup>16</sup> SR 235.1

**Art. 21** Opening the investigation

<sup>1</sup> The Investigation Bureau opens the investigation.

<sup>2</sup> It appoints the person responsible for leading the investigation. It may assign other staff or appoint external specialists to assist this person.

**Art. 22** Recusal

<sup>1</sup> Persons assigned to work on the investigation shall recuse themselves if they:

- a. have a personal interest in the matter;
- b. are employed by an undertaking involved, are a member of its management bodies or are entrusted with its audit;
- c. are related in direct or collateral line or by marriage, engagement or adoption to:
  1. an owner, proprietor, or operator of a means of transport or of transport infrastructure that is involved in or affected by the incident,
  2. a manager or a member of a management body of an undertaking involved,
  3. a person involved in or affected by the incident,
  4. any other person with an interest in the outcome of the investigation;
- d. may not be impartial for any other reason.

<sup>2</sup> If they have an interest in an undertaking that is involved, they must report this to the Director of the Investigation Bureau.

<sup>3</sup> If there is any dispute over recusal, the STSB decides.

**Art. 23** Coordination with prosecution and administrative authorities

<sup>1</sup> The investigation is conducted irrespective of any criminal or administrative proceedings.

<sup>2</sup> The prosecution and administrative authorities and the STSB shall coordinate their activities.

<sup>3</sup> They shall provide each other with investigation documents, assessments and records free of charge.

**Art. 24** Use of information in criminal proceedings

The information that any person provides in terms of a safety investigation may only be used in criminal proceedings with that person's consent.

**Art. 25** Civil aviation: coordination with military courts

If Swiss military aircraft are involved in an incident, the person leading the investigation and the competent military courts shall coordinate their activities.

**Art. 26** Recording personal details

The prosecution authorities and the persons responsible for the undertaking involved and, if applicable, the aerodrome management shall record the names and addresses of persons who could provide useful information.

**Art. 27** Security measures and duty to guard the site

<sup>1</sup> The Investigation Bureau shall order the required security measures, in particular the guarding of the accident site, and shall decide on when to revoke such measures relating to the accident site. Measures by the prosecution authorities are reserved.

<sup>2</sup> The prosecution authorities and the persons responsible for security and rescue operations shall ensure that no changes are made to accident site other than those required for the security and rescue operations.

<sup>3</sup> Dead bodies may only be removed with the consent of the Investigation Bureau and the prosecution authority. In clear cases of suicide affecting public transport undertakings only, the consent of the Investigation Bureau is not required.

<sup>4</sup> Changes made to the accident site must be documented.

<sup>5</sup> Image recordings, sound recordings, functional statuses of safety devices and other data that could assist in establishing the causes and circumstances of the incident must be secured immediately.

**Art. 28** Access to the accident site

<sup>1</sup> Until the Investigation Bureau begins its activities, the prosecution authority decides who has access to the accident site. Thereafter the Investigation Bureau decides in consultation with the prosecution authority.

<sup>2</sup> The persons responsible for the security and rescue operations and the prosecution authorities shall have unlimited access.

<sup>3</sup> The representatives of the competent federal authorities, authorised persons from a foreign state and other persons who can establish a prima facie legal interest in the outcome of the investigation shall be granted access provided the investigation activities is not disrupted thereby.

**Art. 29** Investigation activities

<sup>1</sup> The Investigation Bureau shall carry out the required investigation activities. It may dispense with certain investigation activities if unreasonably high costs would be incurred in order to carry out such activities when compared with the expected results.

<sup>2</sup> It may instruct external specialists to deal with special technical issues.

<sup>3</sup> It may require the undertakings involved or the air traffic control bodies to provide electronic records in a form that can be read without taking special technical measures.

<sup>4</sup> The originals of the records must be held in safekeeping. They may only be deleted with the authorisation of the Investigation Bureau and the competent law enforcement authority.

**Art. 30** Public transport: Duty of railway undertakings to provide support

<sup>1</sup> The railway undertakings involved must, insofar as it is necessary and possible, organise the transport of Investigation Bureau members and other persons involved in the investigation from the nearest accessible station to the accident site.

<sup>2</sup> They must provide the Investigation Bureau free of charge with the personnel and technical aids that are immediately required for the investigation activities at the accident site.

<sup>3</sup> They must provide free of charge the infrastructure, personnel, technical aids and required documents that are required for follow-up investigations and trial runs.

**Art. 31** Summons

<sup>1</sup> The Investigation Bureau may summon persons who can provide relevant information. The form and content of the summons are governed by Article 201 of the Criminal Procedure Code<sup>17</sup> (CrimPC).

<sup>2</sup> The summons shall be served at least three days prior to the date fixed. When determining the date, appropriate account shall be taken of the availability of the person being summoned.

<sup>3</sup> In cases of urgency or with the consent of the person being summoned, the requirements relating to form and deadlines may be waived.

**Art. 32** Searches

<sup>1</sup> The Investigation Bureau may search items of property, records, buildings, dwellings and other not generally accessible areas.

<sup>2</sup> It may only conduct a search with the consent of the authorised proprietor; the foregoing does not apply to records.

<sup>3</sup> The consent of the authorised proprietor is not required if there is reason to believe that important information relating to the cause of the incident is being withheld from the Investigation Bureau.

<sup>4</sup> Searches are governed by Articles 245–247 and 248 paragraphs 1, 2 and 4 CrimPC<sup>18</sup>.

<sup>5</sup> The Federal Administrative Court shall decide within one month on any request for the removal of seals filed by the Investigation Bureau. The decision is final.

**Art. 33** Seizure

<sup>1</sup> The Investigation Bureau may seize incident-related items of property, their constituent parts and any other useful items.

<sup>2</sup> Seizure is governed by Articles 264 paragraphs 1 and 3, 265 paragraphs 1, 2 and 4, 266 paragraphs 1 and 2 and 267 paragraphs 5 and 6 CrimPC<sup>19</sup>.

**Art. 34** Medical investigations

<sup>1</sup> The Investigation Bureau may require persons involved in the operation of a means of transport to undergo a medical examination of their physical or mental condition.

<sup>2</sup> Intervention in a person's physical integrity may be ordered provided it does not cause particular pain or any risk to health.

<sup>3</sup> Examinations are governed by Article 252 CrimPC<sup>20</sup>.

**Art. 35** Autopsies

<sup>1</sup> The Investigation Bureau shall arrange for a forensic medicine institute to conduct an autopsy if persons concerned in the operation of a means of transport involved are killed in an accident or die later as the consequence of the accident.

<sup>2</sup> It may order an autopsy for other persons who have died as a result of the accident.

<sup>3</sup> It shall inform the competent law enforcement authority before releasing the body.

**Art. 36** Obtaining expert opinions

<sup>1</sup> The Investigation Bureau may obtain expert opinions.

<sup>2</sup> The procedure is governed by Articles 182, 183 paragraph 1, 184 with the exception of paragraph 2 letter f and paragraph 7, 185 with the exception of an appearance enforced by the police in paragraph 4, 187, 189 and 190 CrimPC<sup>21</sup>.

<sup>17</sup> SR 312.0

<sup>18</sup> SR 312.0

<sup>19</sup> SR 312.0

<sup>20</sup> SR 312.0

<sup>21</sup> SR 312.0

**Art. 37** Maritime navigation: Compulsory measures

The compulsory measures provided for in this Ordinance (Art. 31–36) only apply in the case of maritime navigation to the extent that they have a basis in the Navigation Act, dated 23 September 1953.

**Art. 38** Release of accident-related items of property

The Investigation Bureau decides on the release of accident-related items of property or their component parts. Orders issued by the law enforcement authorities are reserved.

**Art. 39** Investigation activities proposed by interested parties

<sup>1</sup> Interested parties may propose that the Investigation Bureau carry out specific investigation activities.

<sup>2</sup> There is no right to have specific investigation activities carried out.

**Art. 40** Right to refuse to testify

The Investigation Bureau shall advise witnesses, who can provide relevant information, of their right to refuse to testify.

**Art. 41** Protocol

<sup>1</sup> A summary protocol shall be made of interviews with witnesses who can provide relevant information. The interviewer and interviewee shall both sign the protocol. If an interviewee does not sign, the reason must be stated in the protocol.

<sup>2</sup> Instead of a summary protocol, an audio recording may be made of the interview. A transcript may be made of recorded interview if this is required for the investigation.

<sup>3</sup> The place, date, start and end times of the interview must be noted in the protocol or stated on the recording.

**Art. 42** Investigation notes

<sup>1</sup> The examination of incident-related items of property, inspections, measures to reconstruct the events of the incident, witness interviews and further investigation activities shall be recorded in investigation notes.

<sup>2</sup> The investigation notes must be dated and signed by the person leading the investigation or the authorised investigator.

**Art. 43** Preliminary report

<sup>1</sup> As soon as the events of an incident are established in their essential respects, the Investigation Bureau shall issue a preliminary report. This shall as a minimum contain particulars of the persons and means of transport involved, the course of events and the person leading the investigation.

<sup>2</sup> The preliminary report shall be sent for information purposes to the personnel, proprietors, owners and operators of the means of transport involved, the competent department, federal office and prosecution authority. The disclosure of names is governed by Article 54.

<sup>3</sup> The provision of information to the competent foreign authorities and organisations is governed by international law.

**Art. 44** Interim report

The Investigation Bureau shall immediately issue an interim report with corresponding recommendations to the competent department and the federal office in order to notify them of the essential results of the investigation that are relevant for the prevention of further incidents and which may require immediate measures to be taken.

**Art. 45** Summary investigation and summary report: General

<sup>1</sup> The Investigation Bureau may conclude an investigation if it is established as a result of the initial investigation activities that further investigation activities will not provide any useful findings.

<sup>2</sup> It may limit itself in a summary investigation to interviewing the persons involved and other persons concerned.

<sup>3</sup> It shall issue a summary report. This shall provide information on the persons and means of transport involved and the events of the incident.

<sup>4</sup> It shall publish the report online.

**Art. 46** Summary investigation and summary report:  
Civil aviation

<sup>1</sup> Incidents involving aircraft with a maximum permissible take-off weight not exceeding 2250 kg shall only be subject to a summary investigation.

<sup>2</sup> A full investigation shall however be carried out if:

- a. any person suffers a fatal or serious injury;
- b. it is suspected that the incident was due to the aircraft being insufficiently airworthy, provided the insufficiency does not relate exclusively to the landing gear;
- c. the incident occurred during a commercial flight or training flight and the aircraft was seriously damaged;
- d. the Investigation Bureau takes the view that a full investigation of the incident would be especially useful;

e. in an incident involving a foreign aircraft, the foreign investigating authority requests a full investigation.

<sup>3</sup> Incidents involving motor gliders, gliders, free balloons and special category self-construction aircraft are subject only to a summary investigation except if a person has suffered a fatal or serious injury. The Investigation Bureau may order a full investigation if it takes the view that it would be especially useful in order to prevent accidents.

**Art. 47** Final report

<sup>1</sup> The Investigation Bureau shall compile the results of the investigation in a final report.

<sup>2</sup> The final report provides information on:

- a. the persons, undertakings, means of transport and transport infrastructure involved and concerned;
- b. the events of the incident and their causes and circumstances;
- c. the extent of the injuries to persons and damage to property;
- d. the results of the investigations and expert opinions.

<sup>3</sup> If safety defects have been established, the final report shall contain related safety recommendations.

<sup>4</sup> The Investigation Bureau shall send a draft of the final report for comment to the parties directly concerned by and involved in the investigation and to the competent department and the federal office.

<sup>5</sup> Responses may be submitted within 60 days of receipt of the draft of the final report.

<sup>6</sup> The Investigation Bureau shall revise the final report to take account of the comments and submit the revised report to the STSB for approval.

<sup>7</sup> It shall send the final report to the persons and bodies that have already received a draft of the final report.

**Art. 48** Safety recommendations

<sup>1</sup> The STSB shall submit the safety recommendations to the competent federal office and notify the competent department of the recommendations. In the case of urgent safety issues, it shall notify the competent department immediately. It may send comments to the competent department on the implementation reports issued by the federal office.

<sup>2</sup> The federal offices shall report to the STSB and the competent department periodically on the implementation of the recommendations or on the reasons why they have decided not to take measures.

<sup>3</sup> The competent department may apply to the competent federal office to implement recommendations.

**Art. 49** Reopening the investigation

If important new matters come to light within ten years of approval of the final report, the Investigation Bureau shall reopen the investigation on its own initiative or on request.

**Art. 50** Costs of the investigation

<sup>1</sup> The persons who caused the incident may be required to pay the following shares of the investigation costs:

- a. in the case of wilful conduct: 50–75 per cent;
- b. in the case of grossly negligent conduct: 25–50 per cent.

<sup>2</sup> The costs of policing duties in connection with an incident are not investigation costs, unless the Investigation Bureau has expressly assigned investigation duties to the police.

**Art. 51** Inspection of files

<sup>1</sup> The following persons may file a request to inspect the case files:

- a. persons directly concerned by the investigation;
- b. the competent federal office;
- c. the cantonal prosecution authorities;
- d. the persons involved in the investigation who represent a foreign state.

<sup>2</sup> The right to inspect files may be limited, refused or postponed if the interests of the investigation under this Ordinance or of another ongoing investigation so require.

<sup>3</sup> If the investigation has been concluded, the Investigation Bureau shall make the files available on request to the competent investigating, court and administrative authorities for the purposes of their proceedings.

**Art. 52** Deadlines

<sup>1</sup> Investigations of incidents must be concluded within 12 months.

<sup>2</sup> In the case of incidents involving large aircraft or maritime vessels, a deadline of 18 months applies. A large aircraft is an aircraft with a maximum permissible take-off weight of at least 5700 kg that is classified in the airworthiness category Standard, subcategory Transport or has more than ten seats for passengers and crew.

<sup>3</sup> If the deadline cannot be met, the person leading the investigation shall notify the Director of the Investigation Bureau and explain the delay. The Director of the Investigation Bureau shall allow an appropriate additional period.



## Section 5: Publications

### Art. 53 STSB reports and summaries

- <sup>1</sup> The STSB shall publish the preliminary, interim and final reports.
- <sup>2</sup> It shall publish a compendium of the summary reports periodically, i.e. at least once a year.
- <sup>3</sup> It shall publish a summary of the safety recommendations at least once a year. It shall also report on progress with implementation therein.
- <sup>4</sup> It shall publish its reports and summaries online.
- <sup>5</sup> It shall send its reports and summaries in the various sectors ex officio to the following persons and bodies:
  - a. public transport undertakings and related maintenance organisations;
  - b. in relation to civil aviation:
    1. the airlines,
    2. the flying schools,
    3. the maintenance organisations,
    4. the flying instructors,
    5. the air traffic control bodies,
    6. the aerodrome managements;
  - c. in relation to maritime navigation: the Swiss Shipowners' Association;
  - d. other persons and organisations concerned with flight or transport safety;
  - e. the competent federal and cantonal authorities.

### Art. 54 Data protection

- <sup>1</sup> No persons may be named in STSB reports and summaries.
- <sup>2</sup> Exempted from the foregoing are the names of the undertakings, flying schools, servicing and maintenance organisations involved and the manufacturers of the means of transport involved and of its component parts, the safety equipment and the infrastructures and their component parts.

### Art. 55 Statistics

- <sup>1</sup> The STSB shall publish annual statistics on incidents.
- <sup>2</sup> It shall send the information on incidents:
  - a. related to civil aviation to the International Civil Aviation Organization (ICAO), the European Civil Aviation Conference (ECAC) and the European Aviation Safety Agency (EASA);
  - b. related to maritime navigation to the International Maritime Organization (IMO).

### Art. 56 Information on accident prevention

The STSB may prepare and publish general information on accident prevention.

### Art. 57 Foreign reports

- <sup>1</sup> The STSB shall pass on foreign reports about incidents in which means of transport of Swiss undertakings are involved to the competent federal office and other competent federal authorities as well as to all undertakings and persons who demonstrate a prima facie interest therein.
- <sup>2</sup> It shall publish the reports online.

## Section 6: Criminal Liability for Failure to Report

### Art. 58

- <sup>1</sup> Any person who violates the reporting obligation under Article 15 paragraph 1 or 3 is liable to the penalties under Article 86a paragraph 1 letter e RailA.
- <sup>2</sup> Any person who violates the reporting obligation under Article 17 paragraph 1 is liable to the penalties under Article 91 paragraph 1 letter i CAA.

## Section 7: Final Provisions

### Art. 59 Repeal of other legislation

The following ordinances are repealed:

1. the STSB Organisation Ordinance of 23 March 2011<sup>22</sup>;
2. the Accident Investigation Ordinance of 28 June 2000<sup>23</sup>;
3. Ordinance of 23 November 1994<sup>24</sup> on the Investigation of Aviation Accidents and Serious Incidents.

**Art. 60** Amendment of other legislation

The amendment of other legislation is regulated in the Annex.

**Art. 61** Commencement

This Ordinance comes into force on 1 February 2015.

17 December 2014

On behalf of the Swiss Federal Council

Federal President: Didier Burkhalter

Federal Chancellor: Corina Casanova

<sup>22</sup> AS 2011 4589

<sup>23</sup> AS 2000 2103, 2006 4705, 2011 4573 4575

<sup>24</sup> AS 1994 3037, 1999 2495, 2011 4573 4579

**Amendment of other legislation**

The following Ordinances are amended as follows

...<sup>25</sup>

<sup>25</sup> The amendments may be consulted under AS 2015.