

Explanatory notes

Obligation to notify accidents and serious incidents in civil aviation in the territory of Austria in accordance with Art. 9(1) of REGULATION (EU) No 996/2010

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Foreword

In accordance with Art. 9(1) of REGULATION (EU) No 996/2010, any person involved who has knowledge of the occurrence of an accident or serious incident in civil aviation, which has occurred in the territory of the Member States to which the Treaties apply, shall notify without delay the competent civil aviation safety investigation authority ('*safety investigation authority*') of the State of Occurrence thereof.

Reports of accidents and serious incidents in civil aviation in the territory of Austria pursuant to Art. 9(1) of REGULATION (EU) No 996/2010 shall be submitted to Austro Control GmbH, Austrian Center for Accident and Incident reporting (§ 22(6) ACCIDENT INVESTIGATION ACT [*Unfalluntersuchungsgesetz – UUG 2005*] as amended), on the Internet at one of the following addresses:

- <https://www.austrocontrol.at/luftfahrtbehoerde/safety/meldewesen> (German);
- https://www.austrocontrol.at/en/aviation_agency/safety/reporting (English);
- <https://e2.aviationreporting.eu/reporting> (report to '*Austria (CAA)*').

By submitting the report of an accident or serious incident in civil aviation in the territory of Austria at the end of the dialog, the person involved has fulfilled the reporting obligation in accordance with Art. 9(1) of REGULATION (EU) No 996/2010, **if the data field¹ '*Occurrence class*' contains the information '*Accident*' or '*Serious incident*'**, as reports of accidents and serious incidents are forwarded directly to the Federal Safety Investigation Authority of Austria ('*Sicherheitsuntersuchungsstelle des Bundes*') in accordance with § 136(4) of the AVIATION ACT [*Luftfahrtgesetz – LFG*] as amended.

The Federal Safety Investigation Authority of Austria ('*Sicherheitsuntersuchungsstelle des Bundes*') is the competent safety investigation authority of Austria as the State of Occurrence.

The REGULATION (EU) No 996/2010 aims to improve aviation safety.

¹ Refer to the list of mandatory data fields laid down in Annex I to REGULATION (EU) No 376/2014

The sole objective of reporting accidents and serious incidents in civil aviation in accordance with Art. 9(1) of REGULATION (EU) No 996/2010 is the prevention of future accidents and incidents without apportioning blame or liability.

Note

Only reports of occurrences, which contain the information '*Accident*' or '*Serious incident*' in the data field '*Occurrence class*', are forwarded directly to the Federal Safety Investigation Authority of Austria ('*Sicherheitsuntersuchungsstelle des Bundes*') as the competent safety investigation authority of Austria as the State of Occurrence.

Which occurrences shall be notified?

Accidents and serious incidents in civil aviation according to Art. 2 of REGULATION (EU) No 996/2010 shall be notified to the competent safety investigation authority (Art. 9(1) of REGULATION (EU) No 996/2010).

- *'accident'* means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:
 - a) a person is fatally or seriously injured as a result of:
 - being in the aircraft, or,
 - direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or,
 - direct exposure to jet blast,except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or
 - b) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component, except for
 - engine failure or
 - damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windcreens, the aircraft skin (such as small dents or puncture holes) or
 - minor damages to main rotor blades, tail rotor blades, landing gear, and
 - those resulting from hail or bird strike, (including holes in the radome); or
 - c) the aircraft is missing or is completely inaccessible;

- *'fatal injury'* means an injury which is sustained by a person in an accident and which results in his or her death within 30 days of the date of the accident;
- *'serious injury'* means an injury which is sustained by a person in an accident and which involves one of the following:
 - a) hospitalisation for more than 48 hours, commencing within 7 days from the date the injury was received;
 - b) a fracture of any bone (except simple fractures of fingers, toes, or nose);
 - c) lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
 - d) injury to any internal organ;
 - e) second or third degree burns, or any burns affecting more than 5 % of the body surface;
 - f) verified exposure to infectious substances or harmful radiation;
- *'incident'* means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;
- *'serious incident'* means an incident involving circumstances indicating that there was a high probability of an accident and is associated with the operation of an aircraft, which in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down.

Lists of examples of serious incidents are set out in the Annex to REGULATION (EU) No 996/2010 and in ANNEX 13 to the CONVENTION ON INTERNATIONAL CIVIL AVIATION (Chicago Convention). The incidents listed are typical examples of incidents that are likely to be serious incidents. The lists are not exhaustive and only serve as guidance with respect to the definition of *'serious incident'*.

Examples of serious incidents

- a near collision requiring an avoidance manoeuvre to avoid a collision or an unsafe situation or when an avoidance action would have been appropriate,
- controlled flight into terrain only marginally avoided,

- aborted take-offs on a closed or engaged runway, on a taxiway, excluding authorised operations by helicopters, or from an unassigned runway,
- take-offs from a closed or engaged runway, from a taxiway, excluding authorised operations by helicopters, or from an unassigned runway,
- landings or attempted landings on a closed or engaged runway, on a taxiway, excluding authorised operations by helicopters, or from an unassigned runway,
- gross failures to achieve predicted performance during take-off or initial climb,
- fires and smoke in the passenger compartment, in cargo compartments or engine fires, even though such fires were extinguished by the use of extinguishing agents,
- events requiring the emergency use of oxygen by the flight crew,
- aircraft structural failure or engine disintegration, including uncontained turbine engine failures, not classified as an accident,
- multiple malfunctions of one or more aircraft systems seriously affecting the operation of the aircraft,
- flight crew incapacitation in flight,
- fuel quantity requiring the declaration of an emergency by the pilot,
- runway incursions classified with severity A according to the Manual on the Prevention of Runway Incursions (ICAO Doc 9870) which contains information on the severity classifications,
- take-off or landing incidents. Incidents such as undershooting, overrunning or running off the side of runways,
- system failures, weather phenomena, operation outside the approved flight envelope or other occurrences which could have caused difficulties controlling the aircraft,
- failure of more than one system in a redundancy system mandatory for flight guidance and navigation.
- The unintentional or, as an emergency measure, the intentional release of a slung load or any other load carried external to the aircraft.²

Note

Accidents and serious incidents in the territory of Austria which involve aircraft engaged in military, customs or police or similar purposes are not considered accidents and serious

² Example of a serious incident according to ANNEX 13 to the CONVENTION ON INTERNATIONAL CIVIL AVIATION (Chicago Convention)

incidents in civil aviation within the meaning of REGULATION (EU) No 996/2010 (Art. 3(3) of REGULATION (EU) No 996/2010).

Who has an obligation to notify accidents and serious incidents?

Any (natural) person involved in accordance with Art. 2 of REGULATION (EU) No 996/2010 who has knowledge of the occurrence of an accident or serious incident in civil aviation shall notify without delay the competent safety investigation authority thereof (Article 9(1) of REGULATION (EU) No 996/2010).

- *'person involved'* means the owner, a member of the crew, the operator of the aircraft involved in an accident or serious incident; any person involved in the maintenance, design, manufacture of that aircraft or in the training of its crew; any person involved in the provision of air traffic control, flight information or aerodrome services, who have provided services for the aircraft; staff of the national civil aviation authority; or staff of the European Union Aviation Safety Agency ('EASA').

To whom shall accidents and serious incidents be notified?

The occurrence of an accident or serious incident in civil aviation shall be notified to the competent safety investigation authority of the State of Occurrence in accordance with Article 9(1) of REGULATION (EU) No 996/2010.

Reports on accidents and serious incidents in the territory of Austria, which shall be notified to the Federal Safety Investigation Authority of Austria (*'Sicherheitsuntersuchungsstelle des Bundes'*) as the competent safety investigation authority of Austria as the State of Occurrence in accordance with Art. 9(1) of REGULATION (EU) No 996/2010, shall be submitted to Austro Control GmbH, Austrian Center for Accident and Incident Reporting (§ 22(6) of the ACCIDENT INVESTIGATION ACT [*Unfalluntersuchungsgesetz – UUG 2005*] as amended).

Austro Control GmbH shall forward reports of accidents and serious incidents it receives to the Federal Safety Investigation Authority of Austria (§ 136 (4) of the AVIATION ACT [*Luftfahrtgesetz – LFG*] as amended).

When shall accidents and serious incidents be notified?

Accident and serious incidents in civil aviation shall be notified without delay (Art. 9(1) of REGULATION (EU) No 996/2010).

List of Regulations

Federal Aviation Act of 2 December 1957 (**Aviation Act [Luftfahrtgesetz – LFG]**), Federal Law Gazette [BGBl. I] No. 253/1957 as amended by Federal Law Gazette [BGBl. I] No. 151/2021

Federal Act on the Independent Safety Investigation of Accidents and Incidents (**Accident Investigation Act [Unfalluntersuchungsgesetz – UUG 2005]**), Federal Law Gazette [BGBl. I] No. 123/2005 as amended by Federal Law Gazette [BGBl. I] No. 231/2021

Regulation (EU) No 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 the repeal of Directive 94/56/EC.

Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007

Abbreviations

ACG	Austro Control GmbH
Art.	Article
BGBI.	Bundesgesetzblatt
CAA	Civil Aviation Authority
CFIT	Controlled Flight Into Terrain
EASA	European Union Aviation Safety Agency
ECCAIRS	European Co-ordination Centre for Accident and Incident Reporting Systems
ICAO	International Civil Aviation Organization
SUB	Sicherheitsuntersuchungsstelle des Bundes

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