



**CIVIL AVIATION SAFETY INVESTIGATION
AND ANALYSIS CENTER**



**PROSECUTOR'S OFFICE ATTACHED TO
THE HIGH COURT OF CASSATION AND
JUSTICE**

COOPERATION PROTOCOL

**on the coordination of civil aviation safety investigations,
to implement EU Regulation No.996 / 2010**

Art. 1 - Parties.

- (1)** The Civil Aviation Safety Investigation and Analysis Center (CIAS), with the headquarters in Bucharest, 38 Dinicu Golescu Blvd., District 1, represented by General Director – Nicolae Stoica.
- (2)** The Prosecutor's Office attached to the High Court of Cassation and Justice (PÎCCJ), with the headquarters in Bucharest, 12 Libertății Blvd., District 5, represented by General Prosecutor – Tiberiu Mihail Nițu.
- (3)** The internal structures within each party responsible with the immediate cooperation during safety investigations, as well as with the Protocol implementation are those provided in the Annex of this Protocol.

Art. 2 – Protocol purpose.

- (1)** The implementation of the requirement imposed by art. 12 (3) of the Regulation (EU) no. 996/2010 of the European Parliament and Council since October 20, 2010 on the investigation and prevention of civil aviation accidents and incidents and repealing Directive 94/56/CE.
- (2)** Cooperation in case of a civil aviation safety investigation, by providing mutual support so as to respect the independence and effectiveness of the safety investigation by CIAS, as required by the applicable legal framework.

Art. 3 – Protocol objective.

- (1)** Establishing a set of principles and the way of cooperation in case of civil aviation safety investigations, in accordance with the relevant legislation and regulations, ensuring the independence of the signatory parties and reiterating the role of CIAS in the field of civil aviation and in relation to the judicial bodies.
- (2)** The investigation activity of civil aviation accidents and serious incidents is performed by CIAS, regardless of any other investigation or inquiry, the investigators' status being the one stipulated in the Regulation (EU) no. 996/2010, the investigation commission completing the investigation by elaborating a final report that shall observe the provisions of the regulations in force and be used only for the purpose of ensuring civil aviation safety, because using it for other purposes could lead to misinterpretation.

(3) This Protocol respects the independence of CIAS and allows the technical investigation to be performed carefully and efficiently, under direction of the appointed investigator in charge, covering the following topics:

- (a)** access of the investigation commission appointed by CIAS to the incident or accident site;
- (b)** preservation and access to evidence;
- (c)** initial and ongoing information on the status of each procedure, safety investigation or judicial inquiry;
- (d)** exchange of information between the two parties;
- (e)** appropriate use of safety information.

Art. 4 - Obligations of the parties.

(1) In case of occurrence of a civil aviation accident/serious incident, CIAS shall transmit to PÎCCJ the name of the appointed investigator in charge and, when possible, the composition of the entire investigation commission, including the experts, consultants and accredited representatives, in order to collaborate as effectively as possible with the case prosecutor.

(2) When appointing by CIAS and without prejudice to any judicial inquiry, the appointed investigator in charge has the authority to take the necessary measures to meet the requirements of the safety investigation, according to the applicable legal framework.

(3) PÎCCJ shall immediately transmit to CIAS the name of the case prosecutor leading the judicial inquiry to be performed on the civil aviation occurrence. The information shall include all the contact data of the case prosecutor in order to collaborate as effectively as possible with the investigator in charge appointed by CIAS.

(4) The representative of the entity who first arrives at the serious incident or accident site has the responsibility to take all the measures to save human lives, to isolate the area and to preserve all evidence, to protect such evidence and to keep the aircraft in safe custody, but also its content and debris.

(5) Until the arrival of CIAS investigators, it is forbidden to any person to modify the situation at the accident site, to move or remove the aircraft, its content or debris or take samples from the aircraft, its content or debris, except the cases where such an action would be necessary for safety reasons or to offer assistance to the injured persons or with the express permission of the authorities having control over the accident site and, when possible, after consultation with the appointed investigator in charge.

(6) The appointed investigator in charge and the case prosecutor take all the necessary measures to preserve the documents, materials or recordings related to the occurrence, especially to prevent the erasure of recordings related to conversations and alarms after flight.

(7) The investigator in charge shall ensure the traceability and shall keep the aircraft wreckage and its debris in his custody, and also the flight recorders, with the consent of the case prosecutor.

(8) The completion of research on site shall be made through a Minute signed by the appointed representatives of the involved institutions.

(9) Upon request of the appointed investigator in charge, the case prosecutor shall provide the results of the biological and toxicological analyzes, forensic reports, or where appropriate, other evidence given in the criminal file.

(10) If during the safety investigation, it is found or suspected that an act of unlawful interference, other than provided in the national legislation applicable in the field of accident investigations, has taken place related to the civil aviation serious incident or accident, the investigator in charge appointed by CIAS immediately informs the competent authorities in this regard.

Art. 5 - Divergences settlement.

(1) Any divergences related solely to the implementation of the Protocol shall be settled amicably by the two parties.

Art. 6 - Final provisions.

- (1)** The parties shall ensure that all the personnel involved in safety investigations are aware of the Protocol and shall apply it whenever cooperation between the two institutions is required during civil aviation safety investigations.
- (2)** In particular, PÎCCJ shall transmit the Protocol to all the subordinated prosecution units in order to make it known among prosecutors.
- (3)** Each of the two parties can require the Protocol review whenever is necessary.
- (4)** The Protocol shall be communicated to the European Commission by CIAS, through the European Network of Civil Aviation Safety Investigation Authorities (ENCASIA), and it can be made public only in depersonalized form by both parties.
- (5)** This Protocol was signed today,, in 2 (two) original copies, one for each party.

CIAS

GENERAL DIRECTOR

Nicolae Octavian STOICA

PICCCJ

GENERAL PROSECUTOR

Tiberiu Mihail NIȚU