

MEMORANDUM OF COOPERATION

between the

Ministry of Justice, Transparency and Human Rights

and the

Air Accident Investigation and Aviation Safety Board (AAIASB)

on the

**“Cooperation in Communication and Investigation of Aviation
Accidents and Serious Incidents”**

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ARTICLE 1

PURPOSE

In Athens, today the 20th April 2015, the Ministry of Justice, Transparency and Human Rights (MJTHR) and the Air Accident Investigation and Aviation Safety Board (AAIASB), hereinafter referred to as ‘the parties’, as they mutually recognise the need to sign this Memorandum of Cooperation for ‘Cooperation in Communication and Investigation of Aviation Accidents and Serious Incidents’, agree to work together on a common framework for action and they mutually accept the following:

1. The purpose of this Memorandum of Cooperation is to create an institutional framework between the Ministry of Justice, Transparency and Human Rights and the Air Accident Investigation and Aviation Safety Board (AAIASB) to strengthen cooperation, and share knowledge and mutual services between the contracting parties in investigating air accidents and serious incidents.
2. Implementation of the Memorandum of Cooperation will ensure that:
 - (a) the parties can cope effectively with the demands created by dealing with an air accident or a serious incident, and can act in parallel and independently with mutual respect towards their respective responsibilities and the objectives set by the regulatory framework;
 - (b) the procedures for cooperation and sharing of information between the parties’ relevant departments, which are vital in the investigation of an air accident or serious incident, are formalised;
 - (c) our country complies with the provisions of Regulation (EU) No 996/2010 and in particular Article 12 (3).
3. It is expressly agreed that the parties accept the principles of Regulation (EU) No 996/2010 and in particular:
 - the independent status of air safety investigations;
 - free access of the competent authority (AAIASB) which is responsible for the safety investigations, to all available information;
 - protection of evidence;
 - finding the right balance between preventing future accidents and the administration of justice in the light of ensuring the general public interest.
4. It covers issues such as:
 - access to the accident site;
 - protection of evidence and access to it;
 - initial and further updates on every stage of the progress of each process;
 - exchange of information;

- appropriate treatment of information regarding safety.

ARTICLE 2 DEFINITIONS

For the purpose of this Memorandum of Cooperation, the following definitions apply:

1. 'AAIASB' means the Independent Authority 'Air Accident Investigation and Aviation Safety Board'.
2. 'Chairman' means the Chairman of the Air Accident Investigation and Aviation Safety Board (AAIASB).
3. 'MJTHR' means the Ministry of Justice, Transparency and Human Rights.
4. 'Minister' means the Minister for Justice, Transparency and Human Rights.
5. 'Public Prosecutor of the Court of First Instance' means the Public Prosecutor of the Court of First Instance of the place where the accident or the serious incident occurred.
6. 'Forensic Service' means the Forensic Service in the territorial jurisdiction in which the accident or the serious incident occurred.
7. 'Chief Public Prosecutor of the Court of First Instance' means the Chief public prosecutor of the Court of First Instance of the place where the accident or the serious incident occurred.
8. 'Chief of Forensic Service' means the Chief of the Athens Forensic Service.
9. 'ICAO' means the International Civil Aviation Organisation.
10. 'Chief Investigator' means a person appointed by the AAIASB on the grounds of merit, responsible for organising, carrying out and controlling the investigation.

Definitions of working conditions are those referred to in the Annexes to the Chicago Convention¹ and in particular in Annex 12 'Search and Rescue' Annex 13 'Aircraft Accident and Incident Investigation' and Regulation (EU) No 996/2010.

ARTICLE 3 GENERAL

1. The AAIASB was established by law 2912/2001, to adapt to the provisions of Directive 94/56/EC of the European Council establishing principles governing the investigation of accidents and serious incidents of Civil Aviation, which was subsequently replaced by Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010.
2. The Board is an independent authority, has administrative autonomy and is supervised by the Minister for Economy, Infrastructure, Shipping and Tourism.
3. The main purpose of the AAIASB is the investigation of accidents and serious incidents involving Civil Aviation aircraft which occur:
 - (a) Within the Athens Flight Information Region (ATHINAI F.I.R.).

¹ Law 211/1947 on ratification of the International Civil Aviation Convention (Government Gazette, Series I, No 35, 28.02.47)

- (b) Outside the Athens Flight Information Region, and if the investigation is not conducted by another State, in the following cases:
- (1) when an aircraft registered in Greece is concerned;
 - (2) when an aircraft operated by a company established in Greece is concerned.
4. The AAIASB operation complies with Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010.
 5. Investigations are conducted in accordance with Annex 13 of the International Civil Aviation Organisation, the relevant manuals and guidance material.
 6. The Prosecution Service of the Court of First Instance shall be governed in its operation and organisation by the provisions of the Organisation of the Courts and List of Judicial Functionaries Code which was ratified by Article 1 of Law 1756/1988 (Government Gazette, Series I, 35).
 7. The Forensic Service shall be governed in its operation by the provisions of Law 3772/2009 (Government Gazette, Series I, 112).

ARTICLE 4

LEGAL FRAMEWORK - INSTITUTIONAL TEXTS

The legislative framework and the institutional texts governing this cooperation are as follows:

1. ICAO, Annex on 'Investigation of Accidents and Serious Incidents'.
2. Regulation (EU) No 996/2010 of 20 October 2010 on the investigation and prevention of accidents and incidents in Civil Aviation and repealing Directive 94/56/EC.
3. Regulation (EU) No 216/2008 of the European Parliament and of the Council of 20 February 2008 establishing common rules in the field of Civil Aviation and establishing a European Aviation Safety Agency and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/30/EC and Regulations deriving from them.
4. 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.
5. Law 2912/2001 (Adaptation of the provisions of Council Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and serious incidents - Strengthening state supervision of safety standards, regulating related organisational issues of the CAA and other provisions), as amended and in force.
6. AAIASB, Aircraft Accident Investigation Policy & Procedures Manual.
7. Manuals and guidance material of the ICAO:
 - (i) Doc 9756 - Manual of Aircraft Accident and Incident Investigation
 - Part I - Organization and Planning
 - Part II - Procedures and Checklists

Part III - Investigation

Part IV - Reporting.

- ii. Doc 9962 - Manual on Accident and Incident Investigation Policies and Procedures
- iii. Doc 9973 - Manual on Assistance to Aircraft Accident Victims and their Families.
- iv. Cir 315- Hazards at Aircraft Accident Sites.

ARTICLE 5

SCOPE OF COOPERATION

1. The parties will develop cooperation which may include, but is not limited to the following areas:
 - (a) provision of information in the event of an accident or serious incident;
 - (b) mutual cooperation and the exchange of information required for the investigation of accidents and serious incidents;
 - (c) mutual exchange of information on international developments relating to aviation safety.

It should be noted that the two bodies undertake that the exchange of information between them during the investigation is confidential and is covered by Article 14 of Regulation (EU) No 996/2010.

ARTICLE 6

INSTITUTIONS

To implement the provisions of the Memorandum of Cooperation between the parties and for any suggestions to amend it, a Permanent Cooperation Group (PCG) will be established, consisting of:

1. on behalf of the Ministry of Justice, Transparency and Human Rights:
 - (a) the Head of Directorate-General for Administration of Justice, Transparency and Human Rights;
 - (b) the Head of Directorate-General for Administration of Financial Services, Administrative Support and eGovernment Services;
 - (c) the Head of Directorate of Strategic Planning of Organisation and Operation of Justice.
2. On behalf of Prosecuting Authorities:
 - (a) the Head of Prosecution service of the Athens Court of Appeals;
 - (b) the Head of Prosecution service of the Court of First Instance of Athens.
3. On behalf of the State Forensic Service, the Chief of the Athens Forensic Service.
4. On behalf of AAIASB:
 - (a) The President of the AAIASB;

- (b) The Director of the AAIASB Unit

The Permanent Cooperation Group (PCG):

- (a) examines the existing cooperation framework and suggests the adoption of procedures by the relevant stakeholders to improve their cooperation;
- (b) suggests new areas/levels of mutual cooperation after receiving the agreement of all stakeholders;
- (c) examines the effective cooperation between the parties, resolving problems or difficulties that may arise;
- (d) suggests the revision and amendment of the terms of this Memorandum of Cooperation.

The Permanent Cooperation Group will meet following consultation with the stakeholders, when issues arise that need to be resolved, and to discuss and find solutions to the issues under consideration.

ARTICLE 7 PROVISION OF SUPPORT SERVICES

1. The AAIASB informs the competent prosecutor of the region where an accident or a serious incident occurs and the prosecuting authorities inform the AAIASB respectively, if it has not been informed.
2. The principal investigator who is designated at any time by the AAIASB has free access to the site of the accident or serious incident and performs his duties with complete independence and freedom.
3. Responsibility for the accident or serious incident site once the investigation and rescue process is completed is assumed by the AAIASB which has the overall responsibility of protecting the aircraft debris and evidence used in the investigation of the accident or serious incident. The protection of the site of the accident or serious incident is undertaken by local police authorities who may seek assistance from other public authorities (Fire Service, Special Disaster Response Unit, Ministry of National Defence, Coast Guard etc.).
4. In compliance with Article 13 of Regulation (EU) No 996/2010, from the time an accident or a serious incident occurs and pending the arrival of safety investigators, no person may alter the state of the site of the accident, take any samples from the aircraft, its contents or its wreckage, move or remove the aircraft, except where such action may be required for safety reasons or to provide assistance to injured persons, or under the express permission of the authorities in control of the site and, when possible, in consultation with the AAIASB.
5. It is agreed that representatives of the judiciary authorities can start recording the findings, without having to wait for the competent investigators to arrive, by informing the AAIASB and following its advice and recommendations. Until the arrival of the AAIASB, the state of the accident site may not be altered, no samples may be taken from it, no samples may be

taken from the aircraft, its content or its wreckage and the aircraft must not be moved or removed.

6. The competent investigators are entitled to request forensic exams and have immediate access to the results of the examinations and tests carried out on the samples taken. Additionally, they may request tests for the presence of alcohol or psychotropic substances (legal or illegal) in those involved in the operation of the aircraft in the accident or serious incident. In performing forensic and toxicological examination, the considerations specified in Chapter 18, Part III, 'Investigation' of Doc 9756 of ICAO are taken into account.
7. If, during a safety investigation by the AAIASB, it becomes known or there is any suspicion that the accident or serious incident is related to an unlawful act, the AAIASB immediately informs the judicial authorities in accordance with the provisions of Article 12(2) of Regulation (EU) No 996/2010.
8. The use of the sensitive information listed in Article 14 of Regulation (EU) No 996/2010 for legal purposes is possible only on decision of the competent judicial or other authority and taking into account the consequences that such use could have on the proper functioning of a safety investigation in the future.
Similarly, notification to the judicial authority of sensitive information coming from another state in the context of an investigation is subject to the conditions laid down in Article 14(3)(b) of Regulation (EU) No 996/2010. In both the above cases it is recommended that the considerations laid down in Annex 13 to the Chicago Convention be taken into account.
9. Upon completion of the accident investigation and issue of the conclusion report, the AAIASB submits a copy of the report to the judicial authorities. The Judicial Authority undertakes to inform the AAIASB of the completion of the legal proceedings.
10. After completion of the accident investigation by the AAIASB, all the wreckage of the aircraft used in the investigation of the accident or serious incident is handed over to the judicial authorities or is kept by the AAIASB upon request of the judicial authorities until the end of the criminal proceedings. They are then delivered to their rightful owner.
11. The staff of the Central Office of the Ministry of Justice, Transparency and Human Rights, of representatives of judicial authorities and the forensic service is allowed to participate in training, briefings and seminars on accident investigation, organised by the AAIASB and vice versa.

ARTICLE 8

FINAL PROVISIONS

1. Any changes to this Memorandum of Cooperation may be made by the Permanent Cooperation Group upon written proposal by stakeholders and the approval of their hierarchy.
2. The validity of the Memorandum of Cooperation commences upon its signing by both parties, and is subject to revision if so requested by the PCG.

3. Any resulting differences, which cannot be resolved by the Permanent Cooperation Group, are resolved by the heads of the parties.

The above parties or their legal representatives sign this Memorandum as follows:

The Minister for
Justice, Transparency and Human Rights

Nikolaos Paraskevopoulos

The Chairman of
AAIASB

Athanasios Binis

Annexes:

- (a) Useful telephone numbers - Contact points

ANNEX I
TELEPHONE NUMBERS - CONTACT POINTS

S/N	BODY / SERVICE	LAND LINE	MOBILE	E-MAIL	FAX
1.	MJTHR	+30 210 7767309		marvaniti@justice.gov.gr	
2.	MJTHR	+30 210 7767137		kiki_nikolopoulou@justice.gov.gr	
3.	MJTHR	+30 210 7767209		varvanitopoulou@justice.gov.gr	+30 210 7767388
4.	Prosecution Service of the Court of First Instance of Athens	+30 210 8827657			
5	the Prosecution Service of the Athens Court of Appeals	+30 210 6404173			+30 210 6404589
6.	Forensic Service of Athens	+30 210 9244900 +30 210 9219002			+30 210 9219100
7.	AAIASB	+30 210 9608080 +30 210 9608090		monada@aaiasb.gr	+30 210 9617137
8.	AAIASB/PRESIDENT	+30 210 9608081	+30 6981 000578	a.binis@aaiasb.gr	+30 210 9617137
9.	AAIASB/UNIT DIRECTOR	+30 210 9608080	+30 6973 430406	npouliezos@aaiasb.gr	+30 210 9617137