

*Note: The present document is the translation of the proper section of the law of the Czech Republic. Although efforts are made to translate it as accurate as possible, discrepancies may occur. In this case the Czech version is authentic.*

**ACT  
of the Czech Republic  
No. 49/1997 Coll.  
on civil aviation**

on amendment and supplement of Act No. 455/1991 Coll., on engaging in trade (The Trades Licensing Act), as subsequently amended, as amended by Act No. 189/1999 Coll., Act No. 146/2000 Coll., Act No. 258/2002, Act No. 309/2002 Coll., Act No. 167/2004 Coll. And Act No. 225/2006 Coll.

The Parliament has passed the Act of the Czech Republic as follows:

Air Accident Investigation Institute  
§ 55

(1) The Air Accident Investigation Institute (hereinafter referred to as the Institute) is hereby established. The Institute collects and analyzes information on air accidents and incidents including determination of their causes and draws up conclusions and safety recommendations to prevent them. In addition, the Institute gathers, works out, evaluates and saves details about the events reported. Assessment of facts and conclusions, safety recommendations or reports on events shall not deal with or evaluate guilty or responsibility.

(2) Inspectors of the Institute, who always are its employees, are authorized to:

- a) have free access to the accident site, to the aircraft, its contents and wreckage,
- b) secure immediate processing of an evidence list and check on wreckage removal for examination purposes,
- c) have immediate access to and the use of flight recorders and other records,
- d) have immediate access to the results of the victims' autopsy or tests done on the victims' bodies,
- e) have immediate access to the results of hearing of the air staff,
- f) have immediate access to the test results of tissue samples taken from the air staff,
- g) ask relevant persons for explanations,
- h) have free access to all the information concerning the accident or incident from the owner, operator or manufacturer of the aircraft, and from the bodies responsible for the operation of civil aviation or the airport.

(3) In performing their duties according to § 55 b para. 4 and § 55 c, the Institute's inspectors are also obliged to:

- a) prove their identity by an Inspector's identity card conforming to a Ministry of Transport regulation,

b) keep confidentiality on facts in connection with their duties stated at para 2 d).

(4) The Institute co-operates with permanent authorities established to coordinate units of the integrated rescue system in determining air accident causes and eliminating aftermath. At the scene of the accident, the Institute's inspectors collaborate with the Officer in charge at rescue and settling activities. In choosing tactical measures, the Officer in charge will take into consideration inspectors' suggestions to preserve evidence enabling further investigation.

(5) The Institute co-operates with the Ministry of Defence in looking into air accidents and incidents concerning civil and military aviation.

(6) The Institute co-operate with authorities or subjects from other E.U. Member States to provide help in

a) getting instruments and equipment for

1. technical examination of aircraft wreckage and parts important for investigation into the air accident or incident,
2. evaluating information from flight recorders,
3. memory records and evaluation of computer data on air accidents,

b) offering experts in professional investigation into air accidents and incidents in special cases where a very serious accident is involved.

(7) If stipulated by an international agreement, which is part of the rule of law, the Institute acts according to paragraphs 55 to 55c also beyond the territory of the Czech Republic at

- a) expert investigation into air accidents of aircraft listed in the air registry and if not carried out by another State,
- b) expert investigation into serious incidents of aircraft listed in the air registry which are registered or operated by a natural person with permanent residence in the Czech Republic or by a legal entity with its place of business in the Czech Republic and if not carried out by another State.

#### § 55b

(1) The Institute is headed by the Director, appointed and recalled by the Government on the motion of the Minister of Transport and Communications. Details on activities of the Institute and its organizational structure are set out by the statutes approved by the Government on the motion of the Minister of Transport and Communications.

(2) An irreproachable citizen of the Czech Republic may be appointed the Institute's Director. A citizen will be considered irreproachable if he has not been sentenced for a criminal offence committed intentionally, or if he is considered as not having been sentenced. The Director of the Institute and the inspectors of the Institute shall not do any activity associated with approval of product types, airworthiness of aircraft parts and aviation ground facilities, with granting licenses for air transport operation, air traffic control or airport operation control, and shall not act as an advisor in or be a member of statutory bodies of subjects which could be in contradiction with actions of the Institute during the period of the appointment.

(3) The Institute is an organizational body of the State, its budget being part of a budget chapter of the Ministry of Transport and Communications.

(4) According to this Act, an inspector of the Institute shall make out a report without delay on any air accident or incident the causes of which have been investigated. The report must be published within 12 months of the date of the air accident or incident in a way enabling remote access.

#### § 55c

The reports and safety recommendations under § 55 para. 1 should be submitted to the Ministry of Transport, CAA, and to persons who may profit from their conclusions with respect to the safety of civil aviation. Copies of the reports will be also sent to the European Commission.

#### § 55d

(1) The aircraft operator or pilot, or the operator of air services shall report without delay every air accident or incident to take place on the territory of the Czech Republic to the Institute and CAA.

(2) Persons who are obliged to report events to the Institute conforming to § 55 para. 6 are set in a legal implementing regulation.

(3) The Institute records the data submitted conforming to para. 2 in electronic format. The Institute will make the data available to the EU Member States and the European Commission. If need be, the Institute will report the data to the authorized body of an EU Member State on the territory of which the event occurred, where the aircraft is registered, where the aircraft has been manufactured, or which has issued the license to use the aircraft in commercial air transport.

(4) The Institute keeps the data submitted under para. 2 after the disposal of all personal information that relates to the reporting person, and after disposal of technical details that may refer to the identity of reporting person or third parties.

(5) Every year the Institute publishes a remotely available summary safety report containing data on events reported by the Institute over the previous year.