

The Accident
Investigation Act (SFS 1990:712)

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The Accident Investigation Act (1990:712)

Introductory provision

Section 1 This Act contains provisions concerning investigations of the safety aspects of accidents and incidents.

Accidents to be investigated

Section 2 (1) Accidents shall be investigated pursuant to this Act if they are of a serious nature as defined below, i.e.:

1. aviation accidents: accidents associated with the operation of aircraft as a result of which:

- a) a person is fatally or seriously injured;
- b) the aircraft, or property that is not transported in the aircraft, is substantially damaged, or extensive environmental damage is caused; or
- c) the aircraft is inaccessible or disappears in flight and has not been located;

2. maritime accidents: accidents associated with the operation of merchant ships, fishing vessels or government ships as a result of which:

- a) several persons are fatally or seriously injured;
- b) the ship or property that is not transported in the ship is extensively damaged, or extensive environmental damage is caused; or
- c) the ship disappears or is abandoned at sea;

3. rail accidents: accidents in connection with the operation of rail, underground or tram services as a result of which:

- a) several persons are fatally or seriously injured; or
- b) rail vehicles, track facilities or property that is not transported in the rail vehicle are extensively damaged, or extensive environmental damage is caused;

4. other serious accidents: accidents other than those referred to in points 1 to 3 as a result of which:

- a) several persons are fatally or seriously injured; or
- b) extensive damage is caused to property or the environment.

(2) An incident that could have developed into an accident referred to in subsection (1) shall be investigated in accordance with this Act where there was a serious risk of an accident occurring or where it indicates the existence of a significant defect in the aircraft, ship, rail vehicle or track facilities or other significant defects from the point of view of safety.

(3) Accidents referred to in subsection (1), point 4, and incidents that could have developed into such accidents shall be investigated only if an investigation would be useful from the point of view of safety.

Section 3 The Government may stipulate or, in individual cases, order that an investigation pursuant to this Act shall be carried out even where the nature of an accident or incident is not as serious as that defined in section 2 but an investigation is nevertheless necessary for safety reasons.

Section 4 (1) Investigations pursuant to this Act shall be conducted in the case of accidents and incidents that occur in Sweden. However, if a foreign ship is involved in such an accident or incident, an investigation pursuant to this Act may only be conducted if special reasons exist and if the ship is in Swedish territorial waters.

(2) Investigations pursuant to this Act of accidents and incidents involving a Swedish ship or aircraft shall be conducted even if the accident or incident occurs abroad, unless this is contrary to an international agreement to which Sweden is a party.

Section 4 A (1) Notwithstanding the provisions of section 4, an investigation pursuant to this Act shall be undertaken where a foreign ro-ro ferry or high-speed passenger craft in regular service is involved in a maritime accident or incident, and the accident or incident:

- a) occurs in Sweden's territorial waters; or
- b) occurs in other waters and the ship's last port of call was in Sweden.

(2) Once an investigation has been opened, it shall continue until the states concerned agree on which state shall be responsible for it.

(3) The terms "ro-ro ferry", "high-speed passenger craft" and "regular

service” shall have the same meaning as in Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services¹.

Act (2001:877)

The investigating authority

Section 5 (1) Investigations pursuant to this Act shall be conducted by the authority appointed by the Government.

(2) The Government may authorize the authority to delegate the conduct of the investigation to another.

Purpose of investigations

Section 6 The purpose of an investigation pursuant to this Act shall be to:

1. establish, as far as possible, the course of events, the cause of the accident or incident and any damage and other consequences;
2. provide a basis for decisions on measures calculated to prevent recurrence of the accident or incident or to limit the consequences of similar events;
3. provide a basis for an assessment of the public emergency services' response to the accident or incident and, if necessary, for improvements of such emergency services.

Conduct of investigations

Section 7 (1) The authority that conducts an investigation pursuant to this Act shall, where practicable, inform persons who may be affected by the accident or incident and give them an opportunity to comment. They shall have the right to be present at the inspection at the site of the accident and at the investigation itself, provided that this can be arranged without detriment to the investigation.

(2) However, the application of subsection (1) shall be subject to compliance with the provisions concerning participation in investigations contained in international agreements to which Sweden is a party.

Section 8 (1) An investigation pursuant to this Act shall be conducted in consultation with the person who is in charge of the preliminary investigation of the occurrence pursuant to chapter 23 of the Code of Judicial Procedure.

(2) Pending commencement of the investigation, the police authority or other authority appointed by the Government may close off areas, take charge of property or take similar measures, where this is necessary in order to secure the investigation and the measures cannot be postponed.

Section 9 (1) The authority that conducts an investigation pursuant to this Act may question persons who may be in a position to supply information that is relevant to the investigation. The authority may also examine any documents or objects that may be relevant in this connection.

(2) If the investigation cannot be pursued by other means, the authority conducting the investigation may request that the police authority render any assistance that may be necessary for the purposes of the investigation. The provisions of chapter 23 of the Code of Judicial Procedure concerning preliminary investigations shall, where relevant, be applicable to the police authority's investigation.

(3) The investigating authority shall have right of access to the site of the accident or incident. If access is refused, the police authority may render any assistance necessary.

Section 10 The authority that conducts the investigation may request that witnesses or experts be heard in court or that a person be ordered to supply documents or objects. Such a request shall be made to the district court in whose district the accident or incident occurred or the person concerned resides. The court shall hold a hearing or issue an order, unless there is a legal impediment. The provisions concerning the hearing of evidence outside trial proceedings shall be applicable in such cases.

Prohibition against disturbing property

Section 11 (1) If an accident or other occurrence is to be investigated pursuant to this Act, property that is likely to be relevant to the

investigation must not be disturbed without the permission of the police authority or the investigating authority.

(2) This shall not apply where the property is disturbed in order to save lives or under exceptional circumstances in other cases.

Recovered property

Section 12 Persons who recover property referred to in section 11 (1) shall notify the police authority or the investigating authority thereof without delay. The same shall apply to persons who, after an aviation, shipping or rail accident or incident that is to be investigated pursuant to this Act, recover property transported by the aircraft, ship or rail vehicle involved in the accident or incident or property belonging to the aircraft, ship, rail vehicle or track facilities involved. If necessary, the authority may take charge of the property.

Liability etc.

Section 13 The penalty for failure to comply with the provisions of section 11 or 12, whether deliberately or through negligence, shall be a fine, unless the act is punishable pursuant to the Penal Code. No penalty shall be imposed for minor offences.

Section 14 (1) Appeals against decisions taken pursuant to section 8 (2), 11 or 12 may be lodged with an ordinary administrative court.

(2) Leave to appeal shall be obtained for appeals to an administrative court of appeal.

Act (1995:77).

Section 15 The Government may, with respect to local emergency services, require the local authority to inform the authority referred to in section 5 (1) of an accident or incident that is to be investigated pursuant to this Act.

This Act enters into force on July 1 1990.

The Accident Investigation Ordinance (1990:717)

Investigating authority etc.

Section 1 Investigations of accidents and incidents referred to in section 2 of the Accident Investigation Act (1990:712) shall be conducted by the Board of Accident Investigation.

Section 2 (1) The Board of Accident Investigation may delegate the conduct of an investigation to another. Such delegation may be made with respect to a particular event or a certain type of event.

(2) However, an investigation must not be delegated if the fact that it is not conducted by the Board of Accident Investigation would undermine confidence in its objectivity, or if there are other special reasons why the investigation should be conducted by the Board.

Section 3 (1) Accidents and incidents other than those defined in section 2 of the Accident Investigation Act (1990:712) shall be investigated pursuant to the Act if an investigation is appropriate for safety reasons.

(2) The investigation shall be conducted by:

1. the Civil Aviation Administration in the case of accidents and incidents involving aviation other than military aviation;
2. the Swedish Maritime Administration in the case of accidents and incidents involving shipping other than military shipping;
3. the Armed Forces in the case of accidents and incidents involving military aviation or shipping;
4. the National Rail Administration in the case of accidents and incidents involving rail, underground or tram transport;

5. The Board of Accident Investigation in the case of accidents and incidents not involving aviation, shipping or rail transport.

(3) Where special reasons exist, the Board of Accident Investigation shall have the right to investigate accidents and incidents referred to in subsection (2), points 1 to 4.

Ordinance (1994:180)

Section 4 The authorities mentioned in section 3 (2), points 1 to 4, may delegate the conduct of an investigation to another.

Ordinance (1994:180)

Section 5 (1) The provisions of this Ordinance concerning supervisory authorities relate to the authorities mentioned in section 3 (2), points 1 to 4.

(2) The provisions of sections 6 to 8, 10, 11, 13 to 15 and 17 to 19 shall, where relevant, be applicable to the delegation of an investigation to an authority in accordance with section 2 or to the conduct of an investigation by an authority in accordance with section 3 (2), points 1 to 4, or section 4. The provisions relating to the Board of Accident Investigation shall in such cases relate instead to the authority that conducts the investigation.

Ordinance (1994:180)

Assistance rendered by the supervisory authority

Section 6 (1) Provided that this does not affect the authority's capacity for discharging other important tasks, the supervisory authority shall place experts at the disposal of the Board of Accident Investigation for the purposes of investigations of accidents and incidents related to the authority's area of responsibility.

(2) The supervisory authority and the Swedish Rescue Services Agency shall have the right to be informed about investigations conducted by the Board that are related to the authorities' areas of responsibility.

Information about the investigation etc.

Section 7 (1) The Board of Accident Investigation shall, where this is practicable, see to it that those whose rights may be affected by the

investigation receive information about it without delay. Information shall in the first place be sent to:

1. persons who have been injured in the accident;
2. survivors of persons who have died in the accident;
3. in the case of an aviation, maritime or rail accident, third parties whose property has been damaged as a result of the accident and the owners, possessors and insurers of the aircraft or ship or rail vehicle and track facilities;
4. in the case of other serious accidents, the owners or possessors of property that has been damaged as a result of the accident.

(2) The county administrative board shall be informed if an accident causes extensive environmental damage.

(3) Persons who are to be informed about the investigation shall be notified without delay of when they can be present at the investigation.

Section 8 (1) In connection with communications to foreign authorities and international organizations about the investigation of an accident or incident involving an aircraft and about the participation of such authorities and organizations in the investigation, the Board of Accident Investigation shall comply with section 15 and the provisions of the 1944 Chicago Convention on International Civil Aviation that are binding upon Sweden and, unless this is contrary to the law or is otherwise inappropriate, with other provisions of the Convention as well.

(2) If an accident or incident involving a ship is to be investigated pursuant to the Accident Investigation Act (1990:712), the Board of Accident Investigation shall, in its cooperation with foreign authorities, comply with Resolution A.849(20) (Code for the Investigation of Marine Casualties and Incidents) adopted by the International Maritime Organization on November 27 1997, unless this is contrary to the law or is otherwise inappropriate.

Ordinance (2001:879)

Preparatory measures

Section 9 With respect to aviation, shipping or rail accidents and incidents, measures referred to in section 8 (2) of the Accident Investigation Act (1990:712) may be taken not only by the police authority, but also by the supervisory authority.

Compensation for participation in hearings

Section 10 The Compensation in Connection with Preliminary Investigations in Criminal Proceedings Ordinance (1969:590) shall be applicable to the right to compensation out of public funds for persons heard by the Board of Accident Investigation. However, the provisions relating to the investigator shall instead be applicable to the Board.

Assistance from Swedish diplomatic and consular missions abroad

Section 11 (1) The Board of Accident Investigation may request assistance from the Ministry for Foreign Affairs in obtaining information for the purposes of an investigation pursuant to the Accident Investigation Act (1990:712).

(2) Reports on information obtained from persons residing abroad and on other measures taken in response to the Board's request shall be submitted to the Board as soon as possible.

Investigations abroad

Section 12 (1) If a Swedish authority is asked to conduct or participate in an investigation of an aviation accident in a foreign state, the Board of Accident Investigation shall represent Sweden at the investigation. The Board shall, in consultation with the Civil Aviation Administration, appoint persons to participate in the investigation on its behalf.

(2) The Board shall inform the Minister for Transport and Communications without delay of its participation in an investigation referred to in subsection (1).

Investigation reports

Section 13 (1) The Board of Accident Investigation shall conclude the investigation as soon as possible, preferably within twelve months of the accident or incident, and write a report on the investigation, including an

opinion on the matters mentioned in section 6 of the Accident Investigation Act (1990:712).

(2) The names of the persons involved shall not be mentioned in reports relating to incidents.

Ordinance (1996:642)

Section 14 (1) The Board of Accident Investigation shall submit a report to the supervisory authority or, in cases other than those referred to in section 3 (2), points 1 to 4, the authority to whose area of responsibility the accident or incident is relevant.

(2) Reports on accidents and incidents involving military aviation or shipping shall also be submitted to the supervisory authority for the corresponding civilian sector.

Ordinance (1994:180)

Section 15 (1) Unless it is contrary to the law, a copy of the report shall be sent to the authorities and organizations that have been given the opportunity under section 8 (1) to be present at the investigation and to the Commission of the European Communities. If the submission of such a copy is contrary to the law, another report excluding the information that must not be disclosed shall be prepared and sent to the Commission of the European Communities.

(2) If the investigation relates to an accident or incident involving a Danish, Finnish or Norwegian ship or aircraft, a copy of the report shall be sent to the competent safety authority in the other state.

(3) If the investigation relates to an accident or incident involving a ship registered in a state other than those referred to in subsection (2), and if the investigation has been requested by an authority in the other state, the report shall be submitted to that authority through the Ministry for Foreign Affairs.

Ordinance (1996:642)

Reporting to international organizations

Section 16 (1) The Civil Aviation Administration shall discharge its reporting obligations in relation to the International Civil Aviation Organization in accordance with Annex 13 to the Chicago Convention.

(2) The Swedish Maritime Administration shall discharge its reporting obligations in relation to the International Maritime Organization in accordance with the provisions relating to accident investigation in international agreements to which Sweden is a party.

Proposals for measures

Section 17 (1) If it is necessary in order to prevent accidents and incidents similar to those that are the subject of the investigation or to limit the consequences of such events, the Board of Accident Investigation shall, before the investigation is concluded and the report is finalized, notify the authority referred to in section 14 (1). Such notification shall be mentioned in the report.

(2) If, in a report or notification referred to in subsection (1), the Board proposes that measures be taken to prevent accidents and incidents similar to those that are the subject of the investigation or to limit the consequences of such events, the authority shall inform the Board of its views on the proposed measures.

(3) A safety recommendation shall be formulated in such a way as to avoid conjecture about who is to blame or is responsible for an accident or incident.

Ordinance (1996:642)

Reopening of an investigation

Section 18 (1) An investigation that has been concluded may be reopened if new circumstances come to light that may be relevant to its outcome.

(2) A report on an investigation that is reopened may be restricted to an account of any circumstances that have come to light after the first investigation and of any consequent alterations of a previous opinion.

Foreign ships

Section 19 If an investigation of an accident or incident involving a foreign ship is required pursuant to the Accident Investigation Act (1990:712), the Board of Accident Investigation may request the Swedish Maritime Administration and the Swedish Customs in the place where the ship is located not to take any measures to facilitate the departure of the ship before the investigation is concluded.

Ordinance (1999:509)

Reporting of accidents etc.

Section 20 (1) Reports prepared pursuant to chapter 5, section 8 (1) or (2) of the Aviation Act (1957:297) or to chapter 6, section 14 (1) or (2) of the Maritime Act (1994:1009) shall be submitted immediately to the supervisory authority. The same shall apply to operators with respect to accidents and incidents associated with the operation of rail, underground or tram services that are referred to in section 2 (1), point 3, of the Accident Investigation Act (1990:712). A verbal report shall be followed up by a written report as soon as possible.

(2) Captains of Swedish aircraft, merchant ships, fishing vessels and government ships and operators of rail, underground and tram services shall, at the request of the supervisory authority, also report any actual or presumed incidents in cases other than those referred to in subsection (1) that may have a bearing on aviation, maritime or rail vehicle safety.

(3) Detailed rules concerning reports pursuant to subsection (1) or (2) may be adopted by the supervisory authority after consultation with the Board of Accident Investigation.

Ordinance (1995:177)

Information about accidents etc.

Section 21 (1) If a police authority receives information about the occurrence of an accident referred to in section 2 (1) of the Accident Investigation Act (1990:712), it shall immediately inform the supervisory authority, or, in cases mentioned in section 2 (1), point 4, of the Act, the Board of Accident Investigation.

(2) If a police authority receives information about the occurrence of an accident involving a pleasure craft, it shall immediately inform the Swedish Maritime Administration if anyone is fatally or seriously injured.

(3) In the case of shipping accidents, the provisions of subsections (1) and (2) relating to police authorities shall also apply to the Swedish Customs and the Swedish Coast Guard.

Ordinance (1999:509)

Section 22 If an accident or incident referred to in section 21 (1) occurs in connection with the operation of a Swedish military aircraft in the territory of another state, the Armed Forces shall immediately inform the Minister for Defence.

Ordinance (1994:180)

Section 23 (1) If an accident or incident referred to in section 21 (1) occurs in connection with the operation of a Swedish ship abroad, a Swedish diplomatic or consular career mission shall, if possible, inform the supervisory authority as soon as it becomes aware of the fact.

(2) If a ship belonging to a foreign state is lost, runs aground or otherwise meets with an accident in Swedish territorial waters, the Swedish Maritime Administration shall inform the consulate of the foreign state that is nearest the site of the accident without delay. If the foreign state does not have a consulate in Sweden, its diplomatic mission shall be informed instead.

Section 24 In the event of an accident or incident referred to in section 2 (1), points 1 to 3, of the Accident Investigation Act (1990:712), the supervisory authority shall make sure that the police authority is informed about it. The supervisory authority shall also see to it that the police authority is informed of the designated investigating authority.

Section 25 The supervisory authority shall immediately inform the Board of Accident Investigation about any accident or incident referred to in section 24. The authority shall also, if the Board so decides, inform the Board about any other events that may be relevant to aviation, maritime or rail vehicle safety.

Section 26 Local authorities shall, to the extent and in the manner required by the Board of Accident Investigation, inform the Board through their emergency services of accidents and incidents that should be investigated pursuant to the Accident Investigation Act (1990:712).

Liability

Section 27 The penalty for failure to comply with the provisions of section 20 (1) or (2) or with rules issued pursuant to section 20 (3), whether deliberately or through negligence, shall be a fine. No penalty shall be imposed for minor offences.

This Ordinance enters into force on July 1 1990, on which date the Investigation of Military Aviation Accidents Ordinance (1966:436) shall be repealed.

Investigations initiated by a supervisory authority or the Serious Accident Investigation Committee (Kn 1981:02) before June 30 1990 shall continue to be conducted by that body even after that date, unless the Board of Accident Investigation decides to take over the investigation.

¹ OJ L 138, 1.6.1999, p. 1 (Celex 31999L0035).

