



Information for VICTIMS AND FAMILIES in the event of Commercial Civil Aviation accidents

If you are a victim -or a family member- of a commercial aviation accident, this brochure issued by the Ministry of Transport and Public Works intends to give you information about the assistance you are entitled to, and answer some of the frequent questions that arise when you are involved in an aviation accident.

A **victim** of an aviation accident is anybody, whether on board the aircraft or not, directly affected by it.

People regarded as **family members** of a victim are his/her husband/wife or civil partner, ascendants and descendants, by relationship or consanguinity, and relatives related collaterally up to the second degree.

The Spanish system for the assistance of victims of civil aviation accidents and their families is regulated by Royal Decree 632/2013 of 2 August, and Resolution of the Ministry of Home Affairs of 14 May 2014, approving the Coordination Protocol for this assistance.

The **assistance for victims** of aviation accidents in Spain is based on a close coordination among the actors involved:

- **Ministry of Transport and Public Works**
- **Ministry of Home Affairs**
- **Ministry of Justice**
- **Ministry of Foreign Affairs and Cooperation**
- **Autonomous Communities Civil Protection authorities**
- **City Councils**
- **EU Air Carriers(*)**
- **Spanish Airports**
- **Associations of Victims of civil aviation accidents, which may have agreements with the appropriate public bodies to cooperate in the assistance.**

ASSISTANCE DURING THE EMERGENCY

(*) Non-EU air carriers are not required to have assistance plans for victims, and they have individual insurance and compensation regimes according to the existing international regulations.

After a commercial civil aviation accident, Civil Protection authorities and the airport managing body activate a specific emergency plan, where the emergency and health services have the main role in rescuing and giving urgent assistance to the victims, and evacuating wounded people to hospitals.

Immediately and in coordination with that, the air carrier starts its Plan for Assistance to the Victims and their Families, in which **the first measure will be to activate a contact phone number –Call Center–**, toll-free for national calls and answering calls in English and Spanish, in order to contact the families of the passengers on board and give them information and customized assistance at a **Family Assistance Center (FAC)**.

If you are a family member of a person on board, call the phone numbers that will be made publicly available after the accident, and you will be given the first indications on what to do.

In addition, EU Regulation No. 996/2010 **obliges the air carrier** to provide **the passenger list** within a maximum period of 2 hours after the accident. The air carrier will take actions by other means at its reach to locate any family members of victims with regard to whom nobody has shown concern. It will also deal with calls and queries about the accident victims, gathering all possible information about their families.

The assistance for victims of aviation accidents in Spain is based on a close coordination among the actors involved:

The Contact Person

The Contact Person, located at the FAC, will perform the following functions:

- He/she will inform the victims and their families about questions related to the accident, the air carrier responsibilities, their rights and the scope of the assistance.
- He/she will act as a liaison between the families and the air carrier operating the crashed aircraft, as well as between them and other assistance services acting.
- He/she will help the families to locate and track the victims, wounded and hospital inpatients, and provide information about their condition. He/she will also assist in carrying out the necessary formalities.
- He/she will coordinate with representatives of other countries to assist the victims and families of other nationalities.
- He/she will inform about the procedures established to give back the victims' luggage and personal belongings.

The Contact Person, acting as regulated in Royal Decree 632/2013 and the Coordination Protocol for assistance of the victims of civil aviation accidents and their families activated due to the accident, will count on the necessary help of the **Representatives assigned by the Air Carrier**, and on the **cooperation of the airport managing body** in order to perform his/her duties. He/She can also request, as needed, help and collaboration from the **Civil Protection authorities** and the Public Administrations.

State Support Committee (SSC)

This body, created by Royal Decree 632/2013, will be in charge of coordinating the action of the different bodies of the State Administration in the activities envisaged in the **Coordination Protocol**, and its activation will be in line with the requirements of the accident.

The Family Assistance Center (FAC)

In the moments after the accident, **the air carrier**, in **cooperation with the airport managing body** will provide, at the airports of the flight origin, stopover, and destination, adequate meeting places where, paying appropriate attention to privacy, family members are gathered and assisted. In addition, a **Family Assistance Center (FAC)** will be established as soon as possible, located at an easily accessible place near the accident site, where the **Contact Person** can provide assistance and information to the families of the victims and to those people having escaped unharmed.

The FAC will have communication facilities at their disposal.

At the CAF there will be specialized staff to provide psychological support to survivors and families, and law enforcement officers in order to avoid visits, unwanted by the families, i.e. from media representatives, intermediary agents, lawyers, etc.

In 48 hours, the families, and where appropriate, the victims association that may be founded will receive factual information about the accident before it is made public.

Immediate and long-term psychological assistance

In addition to the psychological assistance provided at the FAC, EU air carriers will provide the objectively necessary psychological assistance to help close the grieving process, according to their Plans for Assistance to the Victims of Civil Aviation Accidents and their Families, which are audited by the Spanish Aviation Safety State Agency (AESA).

Transport, board and lodging costs for families and survivors

The air carrier will provide transport for families and unharmed people to the site of the accident and back, as well as board and lodging costs for the necessary time, assuming these costs when its operating license is issued by an EU Member State.

The number of family members that may benefit from this measure is established in each air carrier assistance plan for civil aviation accident victims and their families. Royal Decree 632/2013 regulates that air carriers with a Spanish operating license will provide this assistance to at least 5 family members of each one of the passengers on board the crashed aircraft.

Intimacy and privacy at victim identification

The information on physical descriptions of the victims for their identification shall be provided by the families in reserved spaces with the adequate privacy.

Spanish nationality victims in accidents abroad

In the case of an aircraft accident of either a Spanish air carrier or a foreign air carrier abroad with a significant number of Spanish victims, the Ministry of Transport and Public Works will assign a Contact Person to collaborate with the Spanish Embassy and the Consular Services involved in order to help in assisting the nationals directly affected and their families.

An expert may also be designated to collaborate with the local foreign authorities and visit the crash site, receive the factual information as it is made available, be informed about the advances in the investigation, receive a copy of the final report, and assist in the identification of the victims as well as in meetings with the survivors.

Both in this case and in the event of victims of other nationalities in aviation accidents in Spain, the Spanish authorities will facilitate the procedures and provision of the documents required for the movement and repatriation of the victims.

Foreign victims in aviation accidents in Spain

The Contact Person, through the SSC, will provide information on the accident to the Foreign Embassies and Consular Offices in Spain whose nationals are involved in the accident in order to speed up the finding of their families to provide them with the necessary information and assistance.

As stated in the second paragraph of the foregoing section, the visit to the accident site and access to the aforementioned information and activities will be facilitated to the experts designated by the other countries with foreign victims involved.

Immediate financial help

In case of a passenger death or injuries, EU air carriers will pay, within 15 days from the identification of the person entitled to compensation, an advance payment to cover the immediate basic needs. In case of death, this advance payment may not be less than **16,000 Special Drawing Rights (SDR)*, according to the aforementioned European Regulation.**

Furthermore, the community air carrier having suffered the accident shall provide information about the immediate financial help to be given to the families and survivors, about their rights to compensation, and details related to the insurance arrangements and the relevant advance payments.

Compensations for death or injuries caused by aviation accidents

Compensations for death or injuries caused by air transport accidents are laid down in different national and international regulations that will be applicable in function of the concurrence of criteria such as the nationality of the air carrier operating the crashed aircraft, the territory of origin and destination of the flight and other considerations.

In the case of compensations for death or injuries caused by air transport operations performed by air carriers of the European Union Member States, the air carrier liability is governed by **EU Regulation**

(*) Unit of account of the International Monetary Fund, equivalent to €1,235 on the date of publication of this brochure.

No. 2027/97, of 9 October, amended by EU Regulation No. 889/2002, of 13 May, and by the application of the Montreal Protocol, of 28 May 1999 (published in the Spanish Official Bulletin of 20 May 2004).

There is not any fixed economic limit for liability in case of a passenger death or injuries. Without prejudice to the criminal liability, if any, in the event of compensations due to **strict liability** for death or injuries, **the air carrier may not exclude or limit its liability for a confirmed damage to less than 113,100SDR.**

Air carriers insurance in respect of liability for passengers

EU Regulation No. 785/2004, of 21 April, on insurance requirements for air carriers and aircraft operators establishes in Article 6 the air carrier obligation to take out an insurance policy with a minimum insurance cover in respect of liability for passengers that shall be **250,000SDR per passenger.**

OFFICIAL INVESTIGATION OF THE ACCIDENT

The Commission of Investigation of Civil Aviation Accidents and Incidents (CIAIAC) is an official organization responsible for investigating civil aviation accidents and incidents occurring in the Spanish territory, and its ultimate aim is to prevent future accidents and incidents, without determining blames or responsibilities.

The CIAIAC technical investigation results are published in a public report analyzing the facts and drawing up conclusions and recommendations in the safety area.

Victims and family members will receive factual information on the investigation before making it public within 48 hours after the accident and throughout the investigation.

www.fomento.gob.es/CIAIAC/

OFFICE OF ASSISTANCE TO VICTIMS (OAV)

The Ministry of Transport and Public Works has an Office of Assistance to Victims of Civil Aviation Accidents (OAV) and its aim is to provide any possible information, advice, and support to the victims and their family members after the end of the emergency situation caused by the accident.

This Office provides a webpage on the Internet website of the Ministry of Transport and Public Works, where it is possible to view the necessary information about assistance, applicable regulations, frequent asked questions, web links, contact forms, etc.

In case of accident, this webpage will show any public relevant information as soon as it is available and can be provided by the air operator to the Contact Person, and it will be updated when new data can be known.

www.fomento.gob.es/OAV/



VICTIMS ASSOCIATIONS

To date there are two associations of victims of commercial aviation accidents in Spain:

Association of Affected by Flight JK5022, declared as a public utility association in March 2013.
www.avjk5022.com



Association of Affected by Flight GWI9525 in the Alps, established after the tragedy of the Germanwings flight in March 2015.
www.asociaciongwi9525.org



WEB LINKS

Ministry of Transport and Public Works:
Ministerio de Fomento: www.fomento.gob.es



AESA (Spanish Aviation Safety State Agency):
www.seguridadaaerea.gob.es



AENA S.A.
www.aena.es



CIAIAC (The Commission of Investigation of Civil Aviation Accidents):
www.fomento.gob.es/CIAIAC/



Ministry of Home Affairs:
www.interior.gob.es



Directorate of Civil Protection and Emergencies:
www.proteccioncivil.es



Ministry of Foreign Affairs and Cooperation:
www.exteriores.gob.es

