

Act on investigations into military aviation accidents

Section 1

Scope of application

The provisions of this Act apply to safety investigation conducted on account of military aviation accidents.

Section 2

Purpose of safety investigation

The purpose of safety investigation is to promote general safety, the prevention of accidents and incidents, and the prevention of losses resulting from accidents.

Safety investigation is not conducted in order to allocate legal liability.

Section 3

Relationship to other legislation

The provisions of sections 3, 5-7, 12, 16-27, 29, 30, 37-44, section 45(2-3), and section 46 of the Safety Investigations Act (525/2011) apply to the investigation of military aviation accidents. When the military aviation authority referred to in section 2 of the Aviation Act (1194/2009) performs its duties under this Act, the provisions on the duties and powers laid down in the Safety Investigations Act (525/2011) apply to the Safety Investigation Authority in performing its duties.

Section 4

Military aviation accidents under investigation

The Military Aviation Authority shall conduct investigations into accidents and dangerous situations referred to in section 2(1)(2) of the Safety Investigations Act, which are applicable exclusively to military aviation as referred to in section 2 of the Aviation Act. If the victims are doing active military service referred to in the Conscription Act (1438/2007) or voluntary military

service referred to in the Act on Women's Voluntary Military Service (194/1995) the Safety Investigation Authority shall carry out an investigation as provided in the Safety Investigations Act.

The Military Aviation Authority may conduct investigations into accidents and dangerous situations on the conditions set out in section 17(2) of the Safety Investigations Act which are applicable exclusively to military aviation.

The Military Aviation Authority may conduct a joint investigation (*theme investigation*) covering several similar investigations into accidents and dangerous situations (*military aviation accident*) referred to in subsections 1 and 2.

Section 5

Team to investigate military aviation accidents

The Military Aviation Authority may appoint for one year at a time a team of investigators to investigate a military aviation accident. A separate team of investigators may also be appointed for a single investigation.

A team of investigators consists of an appropriate number of participants; they can be officials employed by the Defence Forces or some other authority or an experienced expert who has consented to the task. The Military Aviation Authority appoints a team member to lead the team. It can also change the composition of the investigation team if that is necessary to conduct an expert, independent and impartial investigation.

An official or expert working for another authority shall be appointed in writing to act as a member of the investigation team.

Provisions concerning criminal liability for duties laid down in this Act apply to the leader and other members of the investigation team. Provisions regarding liability for damages are laid down in the Tort Liability Act (412/1974).

Section 6

Qualification requirements applied to members of the investigation team

The leader of the team shall be fully familiar with military aviation and aviation accidents. Other members shall have sufficient level of expertise in areas that are central to the investigation.

Section 7

Processing a report

On the basis of the report on safety investigation and its recommendations, the Military Aviation Authority decides which measures shall be taken.

It submits the investigation material on the military aviation accident as referred to in section 4(1) and the information regarding the decisions it has made will be submitted to the committee of inquiry for investigating military aviation accidents.

Section 8

The committee of inquiry to inspect military aviation accidents

To improve the safety of military aviation, the Ministry of Defence appoints, for three years at a time, the committee of inquiry to inspect military aviation accidents. The committee consists of a chair, a deputy chair and four regular members as well as two deputies and a secretary.

Both the chair and the deputy chair shall hold a master's degree in law. Other members, deputies and the secretary shall have knowledge in law, aviation, military aviation or technical matters.

The provisions of section 5(4) on liability as a public official and the provisions of section 14 of the Safety Investigations Act apply to the committee's chair, deputy chair and other members as well as deputy members and the secretary regarding disqualification of persons involved in an investigation.

Section 9

Duties of the inspection committee for military aviation accidents

The inspection committee is tasked to submit a statement to the Military Aviation Authority on aviation accidents as referred to in section 4(1) on the causes of accident and the adequacy of measures launched.

Section 10

Remuneration and compensation

Remuneration is paid to a member of the investigation team who is not a person referred to in section 36 of the Act on the Defence Forces (551/2007). The provisions in section 45(1) of the Safety Investigations Act and the provisions and orders issued under it apply to the remuneration.

Remuneration is paid to the chair, deputy chair, other members, deputy members and secretary of the committee of inquiry for inspection of military aviation accidents. The calculation of remunerations is approved by the Ministry of Defence.

Travel expenses are reimbursed under the provisions of the collective agreement for public servants on the reimbursement of travel expenses to public servants.

Section 11

Powers to issue regulations

The Military Aviation Authority can issue orders on the technical conduct of investigation into military aviation accidents.

Section 12

Entry into force

This Act shall come into force on June 1, 2011.

Section 13

Transitional provisions

Matters that have become pending before the entry into force of this Act are considered in accordance with the previous provisions.

Appointed under the Government Decree (1243/2005) on military aviation, the commission of inquiry to investigate military aviation accidents acts as a team of investigators as referred to in this Decree until the end of its term of office.

Measures needed for the implementation of this Act can be taken before it enters into force.