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Ordinance on the Safety Investigation of Transport Incidents (OSITI)

of 17 December 2014 (Status as of 1 January 2025)

The Swiss Federal Council,

on the basis of Articles 15a paragraph 1, 15b paragraph 6, 15c paragraph 2 and 95 of the Railways Act of 20 December 1957¹ (RailA),
on Article 14 paragraph 3 of the Goods Carriage Act of 25 September 2015²,
on Article 5 paragraphs 1 and 2 of the Navigation Act of 23 September 1953³
and on Articles 25 paragraphs 1 and 4, 26 paragraph 6 and 26a paragraph 1
of the Civil Aviation Act of 21 December 1948⁴ (CAA),
in implementation of Regulation (EU) No 996/2010⁵ Regulation (EU) 2018/1139⁶
and Directive (EU) 2016/798⁷,⁸

ordains:

AS 2015 2115

¹ SR 742.101

² SR 742.41

³ SR 747.30

⁴ SR 748.0

- ⁵ Regulation (EU) Nr. 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC, OJ L 295 of 12.11.2010, p. 35–50.
- ⁶ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91, in the version binding on Switzerland in accordance with Clause 3 of the Annex to the Agreement of 21 June 1999 between the Swiss Confederation and the European Community on Air Transport (SR 0.748.127.192.68).
- ⁷ Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (Recast), in the version binding on Switzerland in accordance with the Annex 1 to the Agreement of 21 June 1999 between the Swiss Confederation and the European Community on the Carriage of Goods and Passengers by Rail and Road (SR 0.740.72).
- ⁸ Amended by No I of the O of 10 April 2024, in force since 1 July 2024 (AS 2024 182).

Section 1 General Provisions

Art. 1 Subject matter

¹ This Ordinance regulates the reporting and safety investigation of incidents:⁹

- a. involving railway undertakings and federally-licensed cableway, automobile, trolleybus and shipping undertakings, and on private sidings (public transport);
- b. in civil aviation within Switzerland and involving Swiss aircraft abroad;
- c. in maritime navigation involving maritime vessels entered in the Swiss Maritime Shipping Register.

² It regulates the organisation and tasks of the Swiss Transportation Safety Investigation Board (STSB).

Art. 2 Purpose and subject matter of safety investigations¹⁰

¹ Safety investigations serve to prevent further incidents.¹¹

² The subject of safety investigations are the technical, operational, human, organisational and systemic causes and circumstances that led to the incident.

Art. 3 Incidents

Incidents are defined as follows:

- a. in public transport: events set out in Articles 15 and 16;
- b.¹² in civil aviation: accidents and serious incidents as defined in Article 2 of Regulation (EU) No 996/2010;
- c. in maritime navigation: events that require a Flag State to hold an investigation under Article 94 number 7 of the United Nations Convention on the Law of the Sea of 10 December 1982¹³.

Art. 4 Public transport: special terms

In public transport:

- a. *accident* means any event resulting in a fatal or serious injury, considerable property damage or a major accident as defined in the Major Accidents Ordinance of 27 February 1991¹⁴;
- b. *serious incident* means any event that would have led to an accident had it not been prevented by automatic safety precautions;

⁹ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024 511**).

¹⁰ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024 511**).

¹¹ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024 511**).

¹² Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024 511**).

¹³ SR **0.747.305.15**

¹⁴ SR **814.012**

- c. *fatal injury* means any injury sustained by a person in an accident which results in his or her death within 30 days of the date of the accident;
- d. *serious injury* means any injury sustained by a person in an accident the treatment of which necessitates hospitalisation for more than 24 hours;
- e. *minor injury* means any injury that necessitates out-patient treatment;
- f.¹⁵ *considerable property damage* means property damage that is a direct consequence of an accident, the value of which exceeds 50,000 francs in the case of cableways or 150,000 francs in the case of all other forms of transport;
- g. *substantial incident* means any incident that interrupts the operation of a line for at least six hours;
- h. *exceptional event* means any event due to the technical failure of safety-related installations or to inadequate or defective safety measures or to safety-related human error;
- i. *dangerous goods event* means any event under Section 1.8.5 of the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID)¹⁶, Annex C to the Convention of 9 May 1980¹⁷ concerning International Carriage by Rail (COTIF) in the version of the Protocol of Modification of 3 June 1999¹⁸;
- j. *signalling incident* means any event in which part of a train or a shunting operation travels beyond the permitted endpoint of the journey.

Art. 5¹⁹ Civil aviation and rail transport: Equivalence of terms

For the correct interpretation of Regulation (EU) No 996/2010 and Directive (EU) 2016/798, which are referred to in this Ordinance, the following terminological equivalences apply:

| Term in Regulation (EU) No 996/2010 and Directive (EU) 2016/798 | Term in this Ordinance |
|---|--|
| witnesses | persons who can provide useful information |

¹⁵ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).
¹⁶ The RID is not published in the AS or in the SR. A separate publication including amendments may be obtained from the Bundesamt für Bauten und Logistik, Verkauf Bundespublikationen, 3003 Bern, or directly from the Intergovernmental Organisation for International Carriage by Rail (OTIF), www.otif.org.
¹⁷ SR **0.742.403.1**
¹⁸ SR **0.742.403.12**
¹⁹ This Article is only of relevance to the Swiss language versions. Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

Section 2 Organisation and Tasks of the STSB

Art. 6 Status

The STSB is an extra-parliamentary committee under Articles 57a-57g of the Government and Administration Organisation Act of 21 March 1997²⁰.

Art. 7 Composition

The STSB comprises three to five independent specialists from the relevant transport sectors.

Art. 8 Investigation Bureau

The STSB has a specialist secretariat (the Investigation Bureau).

Art. 9 Independence

¹ The STSB and its members act in accordance with directives.

² The STSB shall take the organisational measures required to safeguard its interests and prevent conflicts of interest.

Art. 10 Tasks of the STSB

The STSB has the following tasks:

- a. it investigates transport incidents.
- b. it organises itself and the Investigation Bureau, unless such organisation is regulated by this Ordinance or the order constituting the STSB;
- c. it determines the goals and priorities for its activities;
- d. it appoints the Director of the Investigation Bureau and its other staff;
- e. it designates the reporting office;
- f.²¹ it ensures that the chief investigators and specialists required for the safety investigation are made available;
- g. it supervises the Investigation Bureau;
- h.²² it approves the intermediate report (Art. 44) and the final report (Art. 47) if they contain safety recommendations or safety advice;
- i.²³ it decides on objections to rulings issued in safety investigations (Art. 15b para. 4 RailA, Art. 26 para. 4 CAA);
- j. it ensures an effective quality assurance system;

²⁰ SR 172.010

²¹ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

²² Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

²³ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

- k. it prepares an annual report on its activities for each financial year, in particular on the achievement of goals, submits the same to the Federal Council for information and publishes the same thereafter.

Art. 11 Tasks of the Director of the Investigation Bureau

The Director of the Investigation Bureau has the following tasks:

- a. he or she draws up the principles for the STSB's decisions and reports to the STSB regularly on the activities of the Investigation Bureau, and immediately in the event of special circumstances;
- b. he or she carries out the tasks not assigned to another body.

Art. 12 Tasks of the reporting office

¹ The reporting office accepts reports of incidents at all times.

² It forwards the reports immediately to the Investigation Bureau.

Art. 13²⁴ Staff of the Investigation Bureau

¹ The staff of the Investigation Bureau, including the Director, are governed by the law on federal personnel.

² The members of the STSB and the staff of the Investigation Bureau shall be released from their disclosure duty.

³ They may file a report to the prosecution authorities if the severity of the potential offence seems to require this.

Art. 14 Official secrecy

¹ The members of the STSB, the staff of the Investigation Bureau and external experts shall preserve official secrecy.

² For members of the STSB, the Federal Department of the Environment, Transport, Energy and Communications (DETEC) is the superior authority responsible for an exemption from the requirements of official secrecy (Art. 320 Sec. 2 of the Criminal Code²⁵).

Section 3 Reporting Obligations

Art. 15 Public Transport: Reports to the reporting office

¹ Public transport undertakings shall report the following immediately to the reporting office immediately:

- a. accidents;

²⁴ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024 511**).
²⁵ SR **311.0**

- b. serious incidents;
- c. exceptional events;
- d.²⁶ ...
- e. fires in vehicles;
- f.²⁷ ...

² Obvious suicides and attempted suicides, and incidents on public roads that due to a violation of road traffic regulations need not be reported.

³ Rail transport undertakings involved in an incident on the network of an infrastructure operator shall report this incident to the infrastructure operator concerned, which shall forward the report immediately to the reporting office.

Art. 16 Public transport: Reports to the FOT

¹ The public transport undertakings shall report the following to the Federal Office of Transport (FOT):

- a. events under Article 15 paragraph 1;
- b. events resulting in minor injuries;
- c. events with property damage valued at over 100 000 francs;
- d. serious disruption;
- e. dangerous goods events;
- f. larger explosions and fires in safety-related installations;
- g. suicides, and attempted suicides that result at least in a minor injury;
- h.²⁸ suspected or proven sabotage.

² The following events must also be reported to the FOT:

- a. by railway undertakings:
 1. derailments during train or shunting movements,
 2. collisions with other vehicles or obstacles during train or shunting movements,
 3. runaway rail vehicles,
 4. non-observation of signals;
- b. by cableway undertakings:
 1. cable breaks and derailments,
 2. vehicles falling or being derailed from the cable,
 3. collisions with other vehicles, with the infrastructure or with external obstacles,
 4. damage as a result of exceeding profile limits,

²⁶ Repealed by No I of the O of 13 Sept. 2024, with effect from 1 Jan. 2025 (AS 2024 511).

²⁷ Repealed by No I of the O of 13 Sept. 2024, with effect from 1 Jan. 2025 (AS 2024 511).

²⁸ Inserted by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

5. failure of acceleration or deceleration devices on entering and leaving stations, and of brakes and clamps,
 6. persons falling from vehicles;
- c.²⁹ by shipping undertakings: collisions that result in damage and occur between ships, between ships and infrastructure facilities, or between ships and persons.

³ The events must be reported within 30 days.

Art. 17 Civil aviation: Reports to the reporting office³⁰

¹ Civil aviation incidents must be reported to the reporting office immediately by the following persons or bodies involved:

- a. the owners of the aircraft;
- b. the proprietors of the aircraft;
- c. the airlines;
- d. the flight crew;
- e. the air traffic control;
- f. the aerodrome operators;
- g. the police forces;
- h. the customs authorities;
- i. the Federal Office of Civil Aviation.

² Incidents involving micro-light aircraft, uncertified unmanned aircraft, hang gliders, parachutes, manned kites, paragliders and tethered balloons need not be reported.³¹

Art. 18 Maritime navigation: Reports to the reporting office³²

The Swiss Maritime Navigation Office, the ship's command, the Swiss Shipowners' Association and the classification societies recognised by Switzerland shall report incidents under Article 3 letter c immediately to the reporting office.

Art. 19³³ Report to foreign authorities

¹ The Investigation Bureau shall report incidents on Swiss sovereign territory involving foreign undertakings to the competent authorities in the states in which such undertakings are registered.³⁴

²⁹ Inserted by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

³⁰ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

³¹ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

³² Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

³³ Amended by Annex 2 No II 81 of the Data Ordinance of 31 Aug. 2022, in force since 1 Sept. 2023 (AS 2022 568).

³⁴ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

² The report must not include sensitive personal data under Article 5 letter c of the Data Protection Act of 25 September 2020³⁵.

Section 4 Investigations

Art. 20 Subject of the investigation

¹ The STSB shall investigate the incidents that must be reported to the reporting office, provided the investigation may serve to prevent further incidents or there is an obligation to do so under international agreements.³⁶

^{1bis} It shall decide immediately, but at the latest within two months of receiving the report of an incident, on whether to open an investigation, provided the required information is available.³⁷

² It investigates incidents that occur abroad only if:

- a.³⁸ an investigation into an incident in a foreign state is assigned to the Swiss authorities;
- b. the incident occurs outside the sovereign territory of any state; or
- c. no foreign investigating authority is prepared to conduct the investigation.

^{2bis} It does not investigate incidents involving aircraft in accordance with Annex 1 of Regulation (EU) 2018/1139. It may investigate these incidents if it is suspected that an investigation may provide important findings that could prevent further incidents or if there is significant public interest.³⁹

³ It investigates incidents involving aircraft used by the customs or police authorities only if it is expected that the investigation may bring findings that will be important in preventing further incidents.

⁴ It may investigate other incidents if it is expected that the investigation may bring findings that will be important in preventing further incidents.

Art. 21⁴⁰ Opening and discontinuing the safety investigation

¹ The Investigation Bureau opens a preliminary investigation.

² The preliminary investigation determines whether an investigation could help to prevent further incidents or whether a reporting duty applies under international agreements.

³ If an investigation is opened, the Investigation Bureau appoints the person responsible for leading the investigation. It may assign other staff or appoint external specialists to assist this person.

³⁵ SR 235.1

³⁶ Amended by No I of the O of 10 April 2024, in force since 1 July 2024 (AS 2024 182).

³⁷ Inserted by No I of the O of 10 April 2024, in force since 1 July 2024 (AS 2024 182).

³⁸ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

³⁹ Inserted by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

⁴⁰ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

⁴ If the Investigation Bureau determines during the investigation that the investigation cannot prevent further incidents and that no reporting duty applies under international agreements, it shall discontinue the investigation. It shall document and publish the reasons for the discontinuation.

Art. 22 Recusal

¹ Persons assigned to work on the safety investigation shall recuse themselves if they:⁴¹

- a. have a personal interest in the matter;
- b. are employed by an undertaking involved, are a member of its management bodies or are entrusted with its audit;
- c. are related in direct or collateral line or by marriage, engagement or adoption to:
 1. an owner, proprietor, or operator of a means of transport or of transport infrastructure that is involved in or affected by the incident,
 2. a manager or a member of a management body of an undertaking involved,
 3. a person involved in or affected by the incident,
 4. any other person with an interest in the outcome of the investigation;
- d. may not be impartial for any other reason.

² If they have an interest in an undertaking that is involved, they must report this to the Director of the Investigation Bureau.

³ If there is any dispute over recusal, the STSB decides.

Art. 23 Coordination with prosecution and administrative authorities

¹ The safety investigation is conducted irrespective of any criminal or administrative proceedings.⁴²

² The prosecution and administrative authorities and the STSB shall coordinate their activities.

³ They shall provide each other with investigation documents, assessments and records free of charge.

Art. 24 Use of information in criminal proceedings

The information that any person provides in terms of a safety investigation may only be used in criminal proceedings with that person's consent.

⁴¹ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁴² Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

Art. 25 Civil aviation: coordination with military courts

If Swiss military aircraft are involved in an incident, the person leading the investigation and the competent military courts shall coordinate their activities.

Art. 26 Recording personal details

The prosecution authorities and the persons responsible for the undertaking involved and, if applicable, the aerodrome management shall record the names and addresses of persons who could provide useful information.

Art. 27 Security measures and duty to guard the site

¹ The Investigation Bureau shall order the required security measures, in particular the guarding of the accident site, and shall decide on when to revoke such measures relating to the accident site. Measures by the prosecution authorities are reserved.

² The prosecution authorities and the persons responsible for security and rescue operations shall ensure that no changes are made to accident site other than those required for the security and rescue operations.

³ Dead bodies may only be removed with the consent of the Investigation Bureau and the prosecution authority. In clear cases of suicide affecting public transport undertakings only, the consent of the Investigation Bureau is not required.

⁴ Any changes made to the accident site must be documented.

⁵ Image recordings, sound recordings, functional statuses of safety devices and other data that could assist in establishing the causes and circumstances of the incident must be secured immediately.

Art. 28 Access to the accident site

¹ Until the Investigation Bureau begins its activities, the prosecution authority decides who has access to the accident site. Thereafter the Investigation Bureau decides in consultation with the prosecution authority.

² The persons responsible for the security and rescue operations and the prosecution authorities shall have unlimited access.

³ The representatives of the competent federal authorities, authorised persons from a foreign state and other persons who can establish a *prima facie* legal interest in the outcome of the safety investigation shall be granted access provided the safety investigation activities are not disrupted thereby.⁴³

Art. 29 Investigation activities

¹ The Investigation Bureau shall carry out the required investigation activities. It may dispense with certain investigation activities if unreasonably high costs would be incurred in order to carry out such activities when compared with the expected results.

⁴³ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

² It may instruct external specialists to deal with special technical issues.

³ It may require the undertakings involved or the air traffic control bodies to provide electronic records in a form that can be read without taking special technical measures.

⁴ The originals of the records must be held in safekeeping. They may only be deleted with the authorisation of the Investigation Bureau and the competent law enforcement authority.

Art. 30 Public transport: Duty of undertakings to provide support⁴⁴

¹ The undertakings involved must, insofar as it is necessary and possible, organise the transport of Investigation Bureau members and other persons involved in the safety investigation from the nearest accessible station to the accident site.⁴⁵

² They must provide the Investigation Bureau free of charge with the personnel and technical aids that are immediately required for the investigation activities at the accident site.

³ They must provide free of charge the vehicles, infrastructure, personnel, technical aids and required documents that are required for follow-up investigations and trial runs.⁴⁶

Art. 31 Summons

¹ The Investigation Bureau may summon persons who can provide the useful information. The form and content of the summons are governed by Article 201 of the Criminal Procedure Code⁴⁷ (CrimPC).

² The summons shall be served at least three days prior to the date fixed. When determining the date, appropriate account shall be taken of the availability of the person being summoned.

³ In cases of urgency or with the consent of the person being summoned, the requirements relating to form and deadlines may be waived.

Art. 32 Searches

¹ The Investigation Bureau may search items of property, records, buildings, dwellings and other not generally accessible areas.

² It may only conduct a search with the consent of the authorised proprietor; the foregoing does not apply to records.

³ The consent of the authorised proprietor is not required if there is reason to believe that important information relating to the cause of the incident is being withheld from the Investigation Bureau.

⁴⁴ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁴⁵ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁴⁶ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁴⁷ SR **312.0**

⁴ Searches are governed by Articles 245–247 and 248 paragraphs 1, 2 and 4 CrimPC⁴⁸.

⁵ The Federal Administrative Court shall decide within one month on any request for the removal of seals filed by the Investigation Bureau. The decision is final.

Art. 33 Seizure

¹ The Investigation Bureau may seize incident-related items of property, their constituent parts and any other useful items.

² Seizure is governed by Articles 264 paragraphs 1 and 3, 265 paragraphs 1, 2 and 4, 266 paragraphs 1 and 2 and 267 paragraphs 5 and 6 CrimPC⁴⁹.

Art. 34 Medical investigations

¹ The Investigation Bureau may require persons involved in the operation of a means of transport to undergo a medical examination of their physical or mental condition.

² Intervention in a person's physical integrity may be ordered provided it does not cause particular pain or any risk to health.

³ Examinations are governed by Article 252 CrimPC⁵⁰.

Art. 35 Autopsies

¹ The Investigation Bureau shall arrange for a forensic medicine institute to conduct an autopsy if persons concerned in the operation of a means of transport involved are killed in an accident or die later as the consequence of the accident.

² It may the order an autopsy for other persons who have died as a result of the accident.

³ It shall inform the competent law enforcement authority before releasing the body.

Art. 36 Obtaining expert opinions

¹ The Investigation Bureau may obtain expert opinions.

² The procedure is governed by Articles 182, 183 paragraph 1, 184 with the exception of paragraph 2 letter f, paragraph 3 and paragraph 7, 185 with the exception of an appearance enforced by the police in paragraph 4, 187, 189 and 190 CrimPC^{51,52}.

⁴⁸ SR 312.0

⁴⁹ SR 312.0

⁵⁰ SR 312.0

⁵¹ SR 312.0

⁵² Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

Art. 37⁵³ Maritime navigation: Compulsory measures

The compulsory measures provided for in this Ordinance (Art. 31–35) only apply in the case of maritime navigation to the extent that they have a basis in the Navigation Act of 23 September 1953⁵⁴.

Art. 38 Release of accident-related items of property

The Investigation Bureau decides on the release of accident-related items of property or their component parts. Orders issued by the law enforcement authorities are reserved.

Art. 39 Investigation activities ordered by interested parties

¹ Interested parties may propose that the Investigation Bureau carry out specific investigation activities.

² There is no right to have specific investigation activities carried out.

Art. 40⁵⁵**Art. 41** Transcript

¹ A summary transcript shall be made of interviews with persons who can provide useful information. The interviewer and interviewee shall both sign the transcript. If an interviewee does not sign, the reason must be stated in the transcript.

² Instead of a summary transcript, an audio recording may be made of the interview. A transcript may be made of recorded interview if this is required for the investigation.

³ The place, date, start and end times of the interview must be noted in the transcript or stated on the recording.

Art. 42 Investigation notes

¹ The examination of incident-related items of property, inspections, measures to reconstruct the events of the incident, witness interviews and further investigation activities shall be recorded in investigation notes.

² The investigation notes must be dated and signed by the person leading the investigation or the authorised investigator.

Art. 43⁵⁶ Preliminary report

¹ If an investigation is opened, the Investigation Bureau shall issue a preliminary report. This shall as a minimum contain particulars of the persons and means of transport involved, the course of events and the person leading the investigation.

⁵³ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁵⁴ SR **747.30**

⁵⁵ Repealed by No I of the O of 13 Sept. 2024, with effect from 1 Jan. 2025 (AS **2024** 511).

⁵⁶ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

² The preliminary report shall be sent for information purposes to the personnel, proprietors, owners and operators of the means of transport involved and the body responsible for supervision. If the supervisory body is a federal authority, the preliminary report shall also be sent to the competent department. The disclosure of names is governed by Article 54.

³ The provision of information to the competent foreign authorities and organisations is governed by international agreements.

Art. 44⁵⁷ Interim report

¹ The Investigation Bureau shall immediately compile an interim report containing the essential results of the investigation that are relevant for the prevention of further incidents and which may require immediate measures, as well as corresponding safety deficits and recommendations.

² The Investigation Bureau shall send the draft of the interim report for comment to the supervisory bodies and the parties directly affected by implementation of the safety recommendation. If the supervisory body is a federal authority, the Investigation Bureau shall also send the interim report to the competent department.

³ The Investigation Bureau shall send the draft of the interim report to the competent foreign authorities and bodies for comment if this is required by international agreements.

⁴ It shall set a deadline for responses that is appropriate to the urgency of the situation.

⁵ It shall revise the interim report after appropriate assessment of the responses.

⁶ It shall immediately send the interim report to the persons and bodies who have already received the draft version.

Art. 45 and 46⁵⁸

Art. 47 Final report

¹ The Investigation Bureau shall summarise the results of the investigation in a final report.

² The final report incorporates the content and structure of the relevant international law and, as a minimum, provides information on:⁵⁹

- a. the persons, undertakings, means of transport and transport infrastructure involved and concerned;
- b. the events of the incident and their causes and circumstances;
- c. the extent of the injuries to persons and damage to property;
- d. the results of the investigations and expert opinions.

⁵⁷ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

⁵⁸ Repealed by No I of the O of 13 Sept. 2024, with effect from 1 Jan. 2025 (AS 2024 511).

⁵⁹ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

³ If safety deficits have been established, the final report shall contain related safety recommendations. In the final reports, the STSB may issue safety recommendations to the companies and organisations connected to the mode of transport.⁶⁰

⁴ The Investigation Bureau shall send a draft of the final report for comment to the parties that are directly concerned and involved. If the supervisory body is a federal authority, the Investigation Bureau shall also send the draft to the competent department.⁶¹

^{4bis} It shall submit the draft of the final report to the competent foreign authorities and other persons and organisations for comment if this is required by international agreements.⁶²

⁵ Responses may be submitted within 30 days of receipt of the draft of the final report.⁶³

⁶ The Investigation Bureau shall revise the final report after appropriate assessment of the responses.⁶⁴

⁷ It shall send the final report to the persons and bodies that have already received a draft of the final report.

Art. 48 Safety recommendations

¹ The STSB shall submit the safety recommendations to the competent supervisory body. If the supervisory body is a federal authority, the STSB shall also notify the competent department. In the case of urgent safety issues, it shall notify the competent department immediately.⁶⁵

^{1bis} It shall submit safety recommendations to foreign authorities if this is required by international agreements.⁶⁶

² The recipients of the safety recommendations shall report to the STSB periodically on the implementation of the recommendations or on the reasons why they have decided not to take measures.⁶⁷

^{2bis} If the recipient is a federal authority, it shall also report to the competent department.⁶⁸

^{2ter} The STSB shall respond to the federal offices' implementation reports. It may respond to the federal authorities' implementation reports for the attention of the competent department.⁶⁹

⁶⁰ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

⁶¹ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

⁶² Inserted by No I of the O of 10 April 2024, in force since 1 July 2024 (AS 2024 182).

⁶³ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

⁶⁴ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

⁶⁵ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

⁶⁶ Inserted by No I of the O of 10 April 2024, in force since 1 July 2024 (AS 2024 182).

⁶⁷ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

⁶⁸ Inserted by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

⁶⁹ Inserted by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

³ The competent department may instruct the competent federal office to implement recommendations.

Art. 49 Reopening the investigation

If important new matters come to light within ten years of approval of the final report, the Investigation Bureau shall reopen the investigation on its own initiative or on request.

Art. 50 Costs of the safety investigation⁷⁰

¹ The persons who caused the incident may be required to pay the following shares of the investigation costs:

- a. in the case of wilful conduct: 50–75 per cent;
- b. in the case of grossly negligent conduct: 25–50 per cent.

² The costs of policing duties in connection with an incident are not investigation costs, unless the Investigation Bureau has expressly assigned investigation duties to the police.

³ The costs of recovering and disposing of aircraft shall be borne by the proprietors, regardless of whether the recovery is ordered for the purposes of the safety investigation. The recovery costs shall also include transport from the incident location to the STSB's storage location and removal or disposal after the wreckage is released.⁷¹

Art. 51 Inspection of files

¹ If an investigation is conducted, the following persons may file a request to inspect the case files:⁷²

- a. persons directly concerned by the investigation;
- b.⁷³ the competent federal authorities or bodies responsible for supervision;
- c.⁷⁴ the prosecution authorities;
- d. the persons involved in the investigation who represent a foreign state.

² Unless otherwise provided for by law, the right to inspect files may be limited, refused or postponed if the interests of the investigation under this Ordinance or of another ongoing investigation so require.⁷⁵

³ If the investigation has been concluded, the Investigation Bureau shall make the files available on request to the competent investigating, court and administrative authorities for the purposes of their proceedings, subject to Article 24.⁷⁶

⁷⁰ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁷¹ Inserted by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁷² Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁷³ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁷⁴ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁷⁵ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁷⁶ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

Art. 52 **Deadlines**

¹ Safety investigations into incidents must be concluded within 12 months.⁷⁷

² In the case of incidents involving large aircraft or maritime vessels, a deadline of 18 months applies. A large aircraft is an aircraft with a maximum permissible take-off weight of at least 5700 kg that is classified in the airworthiness category Standard, subcategory Transport or has more than ten seats for passengers and crew.

³ If the deadline cannot be met, the person leading the investigation shall notify the Director of the Investigation Bureau and explain the delay. The Director of the Investigation Bureau shall allow an appropriate additional period.

⁴ If an additional period is granted, the Investigation Bureau shall decide whether to publish a report on the status and progress of the investigation and on any safety issues on the anniversary of the incident. In doing so, it shall take account of the provisions of international law and the seriousness of the incident.⁷⁸

Section 5 **Publications****Art. 53** **STSB reports and summaries**

¹ The STSB shall publish the preliminary, interim and final reports.

² ...⁷⁹

³ It shall publish a summary of the safety recommendations and advice at least once a year. It shall also report on progress with implementation of the safety recommendations.⁸⁰

⁴ It shall publish its reports and summaries online.

⁵ It shall send its reports and summaries in the various sectors to the following persons and bodies ex officio online, provided they have registered in advance:⁸¹

- a. public transport undertakings and related maintenance organisations;
- b. in relation to civil aviation:
 1. the airlines,
 2. the flying schools,
 3. the maintenance organisations,
 4. the flying instructors,
 5. the air traffic control bodies,
 6. the aerodrome managements;

⁷⁷ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

⁷⁸ Inserted by No I of the O of 10 April 2024, in force since 1 July 2024 (AS 2024 182).

⁷⁹ Repealed by No I of the O of 13 Sept. 2024, with effect from 1 Jan. 2025 (AS 2024 511).

⁸⁰ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

⁸¹ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS 2024 511).

- c.⁸² in relation to maritime navigation: shipping companies that operate under the Swiss flag;
- d. other persons and organisations concerned with flight or transport safety;
- e. the competent federal and cantonal authorities.

Art. 54 Data protection

¹ No persons may be named in STSB reports and summaries.

² Exempted from the foregoing are the names of the undertakings, flying schools, servicing and maintenance organisations involved and the manufacturers of the means of transport involved and of its component parts, the safety equipment and the infrastructures and their component parts.

Art. 54a⁸³ Freedom of Information Act

The STSB and the Investigation Bureau shall be exempted from the scope of the Freedom of Information Act of 17 December 2004⁸⁴ when processing data relating to natural persons and legal entities.

Art. 55 Statistics

¹ The STSB shall publish annual statistics on incidents for which it receives reports.⁸⁵

² It shall send information on investigated incidents:⁸⁶

- a. related to civil aviation to the International Civil Aviation Organization (ICAO), the European Civil Aviation Conference (ECAC) and the European Aviation Safety Agency (EASA);
- b. related to maritime navigation to the International Maritime Organization (IMO).
- c.⁸⁷ related to rail transport to the European Union Agency for Railways (ERA).

Art. 56⁸⁸ Information on incident prevention

The STSB may compile and publish general information on incident prevention.

Art. 57 Foreign reports

¹ The STSB shall pass on foreign reports about incidents in which means of transport of Swiss undertakings are involved to the competent federal office and other

⁸² Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁸³ Inserted by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁸⁴ SR **152.3**

⁸⁵ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁸⁶ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁸⁷ Inserted by No I of the O of 10 April 2024, in force since 1 July 2024 (AS **2024** 182).

⁸⁸ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

competent federal authorities as well as to all undertakings and persons who demonstrate a prima facie interest therein.

² It shall publish the reports online.

Section 6 Criminal Liability for Failure to Report

Art. 58

¹ Any person who violates the reporting obligation under Article 15 paragraph 1 or 3 is liable to the penalties under Article 86 paragraph 3 RailA.⁸⁹

² Any person who violates the reporting obligation under Article 17 paragraph 1 is liable to the penalties under Article 91 paragraph 1 letter i CAA.

Section 7 Final Provisions

Art. 59 Repeal of other legislation

The following ordinances are repealed:

1. the STSB Organisation Ordinance of 23 March 2011⁹⁰;
2. the Accident Investigation Ordinance of 28 June 2000⁹¹;
3. Ordinance of 23 November 1994⁹² on the Investigation of Aviation Accidents and Serious Incidents.

Art. 60 Amendment of other legislation

The amendment of other legislation is regulated in the Annex.

Art. 60a⁹³ Transitional provision to the Amendment of 13 September 2024

Results of investigations into incidents that took place before the Amendment of 13 September 2024 came into force may be summarised and published in accordance with the reporting requirements in force when the incident occurred.

Art. 61 Commencement

This Ordinance comes into force on 1 February 2015.

⁸⁹ Amended by No I of the O of 13 Sept. 2024, in force since 1 Jan. 2025 (AS **2024** 511).

⁹⁰ [AS **2011** 4589, 4573 art. 2 let. a]

⁹¹ [AS **2000** 2103; **2006** 4705 n. II 68; **2011** 4573 art. 2 let. 6, 4575]

⁹² [AS **1994** 3037; **1999** 2495; **2011** 4573 art. 2 let. c, 4579]

⁹³ Inserted by No I of the O of 10 April 2024, in force since 1 July 2024 (AS **2024** 182).

Annex
(Art. 60)

Amendment of other legislation

The following Ordinances are amended as follows

...⁹⁴

⁹⁴ The amendments may be consulted under AS **2015** 215.