**RULES OF PROCEDURE on the activity, structure and organization of**

**the National Board for aircraft,**

**maritime and railway accident investigation**

**Chapter one**

**GENERAL PROVISIONS**

 **Article 1.** These Rules of Procedure set the activity, structure and organization of the National Board for aircraft, maritime and railway accident investigation, hereinafter referred to as “Board”.

 **Article 2.** The Board is an independent specialized state body of the Council of Ministers, a separate legal entity under Article 60 of the Act on the Administration, having its headquarters in the city of Sofia and a secondary budget authorizing administrator to the Minister of Transport, Information Technology and Communications.

**Chapter two**

**STRUCTURE AND FUNCTIONS OF THE BOARD**

 **Article 3.** (1) The Board is a permanently operating collegial body.

(2) The Board is managed by a Management Board comprising of three members, including a chairperson and two deputy chairpersons.

(3) The members of the Management Board have education, knowledge and professional experience respectively in air, maritime and railway transport.

 **Article 4.** The members of the Management Board are appointed by the Prime Minister.

 **Article 5.** (1) The Board carries out an investigation activity on:

1. aviation occurrences: aviation accidents, serious incidents and incidents involving civil aircraft within the territory of the Republic of Bulgaria, the territorial waters and the airspace serviced under the international commitments of the Republic of Bulgaria, regardless of the State of registration of the aircraft;

2. marine casualties and incidents within the maritime space of the Republic of Bulgaria, as well as accidents and incidents involving seagoing ships in the inland waterways of the Republic of Bulgaria, and inland-waterway vessels operating in the internal sea waters and in the territorial sea of the Republic of Bulgaria;

3. serious railway accidents, as well as at their own discretion – an investigation of accidents and incidents, which in different circumstances could have led to the effects of serious railway accidents, and of accidents and incidents beyond the indicated.

(2) In carrying out the activity under Paragraph 1 and in accordance with Article 16g of the Civil Aviation Act, Article 79 of the Merchant Shipping Code and Article 115i and Article 115k of the Railway Transport Act, the Board:

 1. carries out coordination between the departments and the legal entities, involved in investigation of aviation occurrences, investigation of marine casualties and incidents within the maritime space of the Republic of Bulgaria, as well as accidents and incidents involving seagoing ships in the inland waterways of the Republic of Bulgaria, and inland-waterway vessels operating in the internal sea waters and in the territorial sea of the Republic of Bulgaria, and investigation of accidents and incidents in railway transport;

 2. organizes and participates in international meetings relating to investigation of aviation occurrences, investigation of marine casualties and incidents within the maritime space of the Republic of Bulgaria, as well as accidents and incidents involving seagoing ships in the inland waterways of the Republic of Bulgaria, and inland-waterway vessels operating in the internal sea waters and in the territorial sea of the Republic of Bulgaria, and investigation of accidents and incidents in railway transport;

 3. maintains contact with authorities for investigation of accidents and incidents of foreign countries as to involve experts in the event of a serious accident.

 **Article 6.** (1) The Chairperson of the Management Board:

 1. represents the Board;

 2. convenes and chairs the meetings of the Board;

 3. approves the structure and the job descriptions concerning the inspectors of the Board;

 4. appoints and discharges inspectors of the Board;

 5. organizes the enforcement of the decisions of the Board and monitors the compliance with these decisions;

 6. approves the Internal Rules for Work;

 7. validates the procedure for document administering within the Board, as well as the workflow concerning the documents;

 8. issues orders to set up committees on aircraft, maritime and railway accident investigation, on the suggestion of the member of the Management Board with competence in the relevant transport mode;

9. provides activities in the sphere of international cooperation related to investigations with reference to safety as regards air, maritime and railway transport.

 (2) In his or her absence the powers of the Chairperson of the Management Board are assumed by a Deputy Chairperson for which an order is issued on a case-by-case basis. In the absence of the Deputy Chairpersons, the Chairperson authorizes other person from the structure of the Board.

**Article 7.** The Deputy Chairpersons of the Management Board:

1. assist the Chairperson in exercising his powers;

 2. replace the Chairperson in his absence;

 3. may represent the Board to the national and international institutions, in cases when they are authorized by an order of the Chairperson of the Board.

 **Article 8.** The members of the Management Board:

 1. are equal when carrying out the activity of the Board;

 2. carry out the activity of the Board in accordance with the provisions of the Civil Aviation Act, the Railway Transport Act, the Merchant Shipping Code, the Rules of Procedure on the activity, structure and organization of the Board, as well as with the other applicable legal acts of the Bulgarian legislation and the European Union law;

3. may participate in the committees for investigation of accidents, incidents and occurrences in accordance with their respective competences in one of the modes of transport.

 **Article 9.** The members of the Management Board have the right to:

 1. make reasoned proposals for the recruitment and termination of labor or service contracts of inspectors, as well as for application of administrative penalties;

 2. make proposals for amending of these Rules, as well as for creating, amending and supplementing of internal rules for work;

 3. make proposals for optimizing the work of the Board;

 4. make proposals for financial provision of the activity of the Board;

5. organize the support and the advancement of the qualifications of inspectors of the relevant transport modes.

**Chapter three**

**STRUCTURE AND FUNCTIONS OF THE BOARD**

**Article 10.** (1) The Board has a total number of 11 full-time staff, including the Chair, 2 Vice-chairs and 8 inspectors carrying out accident investigation activities in the air, maritime and rail transport sectors.

(2) In the field of investigation of aviation events following receipt of an event notification, the Board member with competence for safety investigation shall analyse the information and classify the event for subsequent action.

(3) In the field of investigation of aviation events, inspectors shall:

 1. perform safety investigation functions, report and publish the results of the investigation with a view to their subsequent prevention;

 2. operate a safety reporting system for aviation events, aviation accidents and incidents;

3. participate in the work of the established investigation committees;

4. compile an electronic database of aviation events;

5. prepare and disseminate information on the investigated aviation events;

6. analyse the activities of natural and legal persons in the field of aviation and the operation of aircraft, facilities and equipment associated with the occurred event;

7. shall have the right of access to all aircraft, airports, airfields, airport service equipment, air navigation and other equipment related to the event under investigation in the territory of the country, irrespective of ownership;

8. require explanations from crew members, from all persons from administrations, aviation operators, airports, air traffic management, and from maintenance organisations, and analyse the performance of aircraft, equipment, facilities and associated flight recorder and service staff;

9. analyse the information collected on the basis of the occurrences investigated by issuing written prescriptions to ensure flight safety;

10. keep archive of the investigations carried out.

(4) Following receipt of information for an aviation event on the territory, airspace or territorial waters of the Republic of Bulgaria, inspectors shall, as soon as possible, be appointed by the Chairperson of the Board to investigate the event, pending the establishment of a commission for the investigation of the event.

(5) In the field of the investigation of marine casualties and incidents in the sea areas of the Republic of Bulgaria, as well as of accidents and incidents involving seagoing ships operating in the inland waterways of the Republic of Bulgaria and inland waterway vessels operating in the internal sea waters of the Republic of Bulgaria and in the territorial sea of the Republic of Bulgaria, upon receipt of a notification of a marine casualty or incident, the Board member with competence to investigate marine casualties and incidents shall analyse the information and classify the event for subsequent actions.

(6) In the field of the investigation of marine casualties and incidents in the maritime spaces of the Republic of Bulgaria, as well as of accidents and incidents involving seagoing ships in the inland waterways of the Republic of Bulgaria and inland waterway vessels operating in the internal sea waters of the Republic of Bulgaria, the inspectors shall:

1. conduct an accident and incident investigation by participating in an appointed Commission for investigation;

2. apply an accident and incident reporting system;

3. prepare and disseminate information on accidents and incidents occurring in the sea areas of the Republic of Bulgaria and of accidents and incidents involving seagoing ships in the inland waterways of the Republic of Bulgaria and inland waterway vessels operating in the internal sea waters of the Republic of Bulgaria and in the territorial sea of the Republic of Bulgaria;

4. analyse the activities of natural and legal persons and the operation of the vessels and equipment involved in the occurrence of an accident or incident;

5. contact with the relevant authorities of the Member States of the European Union or of countries outside the European Union with regard to the investigation and ensure interaction with the relevant authorities of the Member States;

6. be guided by the recommendations of the International Maritime Organisation and of the European Union set out in their respective acts related to the investigation of marine casualties and incidents;

7. notify the International Maritime Organisation and the European Maritime Safety Agency of the incidents and incidents involved;

8. shall have full access to all data and information related to the accident or incident under investigation, including information from affected shipowners, operators, in relation to the accident or incident under investigation and shall request and analyse explanations from crew members involved in the accident or incident;

9. in the final investigation report, make recommendations on the safety of navigation resulting from the findings of the investigation of the accident or incident;

10. maintain records of accidents and incidents incurred and investigations carried out.

(7) In the field of railway accident and incident investigation following receipt of a notification of a railway accident or incident on the railway infrastructure of the Republic of Bulgaria, the Board member with competence to investigate railway accidents shall analyze the information and classify the event for further action.

(8) The inspectors of the investigation of railway accidents and incidents shall:

1. conduct investigation of accidents and incidents in rail transport by participating in an appointed Commission for investigation;

2. apply an accident and incident reporting system;

3. shall notify the European Railway Agency of any railway accident or incident which is being investigated;

4. have immediate access to the site of the accident, as well as to the rolling stock involved, the railway infrastructure, the safety equipment, the documents and the control devices for objective control;

5. shall have the right to access to use the data from the recording devices of the vehicles and the record for registering of the functional status of the signaling and traffic control system;

6. shall have the right to access to all evidence relevant to the investigation as well as access to the statements of staff and expert reports of victims, for which they receive assistance from the public authorities whose functions of competence are related to the accident;

7. analyse the activities of individuals and legal persons in the field of rail transport and the operation of rolling stock, the objects and the infrastructure facilities related to the accident or incident;

8. require and analyze explanations by the participants in accident or incident, from eyewitnesses and other persons associated with the accident or incident;

9. make contact with the railway accident investigation authorities of other states for the participation of experts in the case of a serious railway accident, where necessary;

10. in the final report of the accident or incident under investigation, make safety recommendations, resulting from the identified causes of the accident or incident under investigation;

11. create an electronic database of railway accidents and incidents;

12. keep records of the investigations that have been carried out.

**Article 11.**The administrative, technical and financial service of the Board shall be carried out by the administration of the Ministry of Transport, Information Technology and Communications pursuant to an agreement concluded between the Minister of Transport, Information Technology and Communications and the Chairperson of the Board.

**Chapter Four**

**WORK ORGANISATION**

**Article 12.**The rights and duties of the members of the Board, as well as the requirements for taking up their duties, shall be laid down in the job descriptions to be laid down by the Chairman of the Board.

**Article 13.**(1) The working time of the employees shall be 8 hours per day and 40 hours per week at a 5-day working week.

(2)The working time referred to in paragraph (1) shall be from 7,30 to 18,30 hrs, with a mandatory presence period from 10,00 to 16,00 hours, with the mandatory working of the normal working day (8-hour working day) and with 30 minutes rest period, which may be taken between 12,00 and 14,00 h.

**Article 14.**(1) To carry out certain tasks relating to the activity of the Board, may be involved non-permanent assistants in their capacity as experts.

(2)The rights and obligations of the persons referred to in paragraph 1 shall be laid down in the order and in the contract concluded with them by the Chairperson.

**Article 15.** The access control, the document turnover, the fire security and other specific provisions relating to the organization of work in the Board shall be governed by internal rules and orders of the Chairperson.

**Article 16.**The officers of the Board shall hold inspector cards issued by the Chairperson of the Board, in accordance with a model approved by the Board of directors.

Total number of staff in **the organisation chart of the National Board for Aircraft, Maritime and Railway Accident Investigation** — 11 positions

Management Board 3

including Chairperson 1

Deputy Chairpersons 2

Investigation inspectors 8