

- d) the promise to negotiate with the family of each passenger about the disposition of the remains and personal effects of the victims;
- e) the promise to train, where necessary, its personnel and agents to as to address the needs of the families of victims, survivors and missing persons involved in the accident;
- f) a compensation plan and procedures, and the procedures and organization for handling the funeral affairs of the victims; and
- g) the promise to commit sufficient resources to carry out this plan.

For any change to the family assistance plan, the public air transport enterprise shall report it to the CAAC for archival purposes within 10 days after the change.

Article 32 As soon as the public air transport enterprise learns of a civil aircraft flight accident, it shall activate the emergency plan immediately and shall report it to the CACC as soon as possible.

The accident reporting information of a public air transport enterprise shall not only comply with the requirements as mentioned in Article 11 of these Provisions, but also provide the following information:

- a) the emergency response measures taken after the occurrence of the accident;
- b) the main contact information, including the name and contact information of the general director for the onsite handling of the accident; the name, telephone number and location of the designated hotels for providing assistance to the families; the name and contact information of the persons who are responsible for notifying the families; and
- c) other information relating to the accident.

Article 33 The public air transport enterprise shall immediately announce the telephone number available for the inquiries of the families of the victims, survivors and missing persons.

Article 34 The public air transport enterprise shall, as soon as possible, make initial notification to the family members of the victims, survivors and missing persons, and shall correct the information about the persons aboard the aircraft after verifying it against the boarding documents.

Article 35 A public air transport enterprise shall provide the accident coordinating team with a copy of the verified information about the persons aboard the aircraft, and shall make reports of further verified information.

Article 36 A public air transport enterprise shall provide assistance to the families of the victims, survivors and missing persons, which includes:

- a) providing transport support to family members to travel to and from site of the accident;
- b) providing necessary logistical support to other family members such as lodging, place of activities, etc.;
- c) assigning trained personnel to provide family members with mental conciliating;
- d) providing the victims, survivors and missing persons and their families with necessary medical health support;
- e) providing necessary funds to carry out the family assistance tasks; and
- f) providing other assistance relating to the civil aircraft flight accident.

The public air transport enterprise shall be responsible for the abovementioned assistance expenses.

Article 37 A public air transport enterprise shall publicize the progress of contacting the families so as to further contact the families of the victims, survivors and missing persons in a timely manner.

Article 38 Where any foreign passenger is involved in a civil aircraft flight accident, the public air transport enterprise shall timely report the necessary information about him to the accident coordinating team so as to enable the foreign affairs department to contact the relevant foreign embassy in a timely manner.

Article 39 After a civil aircraft flight accident occurs within a civil transport airport (hereinafter referred to as the airport) or its adjacent area, efforts shall be made to organize rescue work at the location of accident so as to avoid heavier losses.

Article 40 An airport shall make a rapid response to any civil aircraft flight accident that occurs in an airport or its adjacent area, take appropriate measures to avoid or reduce casualties as well as property losses, and shall provide necessary assistance for the public air transport enterprise to carry out rescue and assistance tasks. The term "in an airport or its adjacent area" refers to the area within the enclosure of the airport as well as the area within a distance of 8 kilometers from the benchmark location of the airport.

Article 41 The administrative department of an airport shall formulate an airport emergency rescue plan and shall be responsible for the overall coordination of the emergency rescue tasks for the civil aircraft flight accidents that occur within the airport and its adjacent area.

The emergency rescue plan of an airport shall, according to the relevant provisions, be reported to the CAAC or the RABCA for approval. Any modification to it shall be reported to the original approval organ for archival purposes.

Article 42 The administrative department of an airport shall regularly organize emergency drills, for which the concrete requirement shall comply with the relevant provisions.

Article 43 An airport shall establish an airport emergency rescue leading team, which shall be composed of the local people's government, the RABCA, administrative department of the airport, air traffic regulatory department, public air transport enterprise and other entities stationed in this airport, to be responsible for the organization and coordination of the emergency rescue tasks for the civil aircraft flight accidents that occur within the airport and its adjacent area.

Article 44 After a civil aircraft flight accident occurs within an airport or its adjacent area, the airport emergency rescue leading team shall organize and carry out rescue, and shall arrange rescue resources by coordinating the fire prevention, medical, public security and other departments of the airport.

Article 45 The administrative department of an airport shall help the public air transport enterprise in which a civil aircraft flight accident occurs to carry out the family assistance tasks, such as facilitating their transportation, lodging, etc.

Article 46 During the course of an emergency rescue, the entities participating in the emergency rescue shall protect the site of the accident and the relevant evidence. They shall avoid moving any aircraft wreckage, fallouts, and remains of the victims.

If it is necessary to move the site of accident to rescue persons, preventing the accident from worsening or for any other reason, the site shall be photographed, videotaped or marked, a sketch of the site shall be drawn and transcripts shall be made.

For any meters, operating parts, or injured and killed persons within the cabin of the aircraft, before it is moved, it (he) shall be photographed, a sketch shall be drawn and transcripts shall be made.

*Chapter VI Supplementary Provisions*

Article 47 These provisions shall come into force as of January 1, 2006.

Article 48 Other civil aircraft flight accidents which are not prescribed in these Provisions shall be governed by these Provisions.

Article 49 A public air transport enterprise which has obtained a business operation permit prior to the effectiveness of these Provisions shall submit a family assistance plan to the CAAC according to these Provisions within 180 days after these Provisions come into effect. Any application that files an application for a public air transport enterprise business operation permit after these provisions come into force shall submit such a plan when it submits the aforesaid application.

Article 50 Any matter which relates to the handling of civil aircraft flight accidents but is not specifically prescribed by these Provisions shall be addressed in pursuance of the pertinent provisions of the State.

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**EUROPEAN UNION**  
**REGULATION NO 996/2010 ON INVESTIGATION AND PREVENTION OF**  
**ACCIDENTS AND INCIDENTS IN CIVIL AVIATION**

**ARTICLES 15§4 AND 5, 20§1 AND 21 (20 OCTOBER 2010)**

Article 15

**Communication of information**

4. The safety investigation authority in charge shall be authorised to inform victims and their relatives or their associations or make public any information on the factual observations, the proceedings of the safety investigation, possibly preliminary reports or conclusions and/or safety recommendations, provided that it does not compromise the objectives of the safety investigation and fully complies with applicable legislation on the protection of personal data.

5. Before making public the information referred to in paragraph 4, the safety investigation authority in charge shall forward that information to the victims and their relatives or their associations in a way which does not compromise the objectives of the safety investigation.

Article 20

**Information on persons and dangerous goods on board**

1. Union airlines operating flights arriving to or departing from, and third country airlines operating flights departing from an airport located in the territories of the Member States to which the Treaties apply, shall implement procedures which allow for the production:

- a) as soon as possible, and at the latest within two hours of the notification of the occurrence of an accident to the aircraft, of a validated list, based on the best available information, of all the persons on board; and
- b) immediately after the notification of the occurrence of an accident to the aircraft, of the list of the dangerous goods on board.

Article 21

**Assistance to the victims of air accidents and their relatives**

1. In order to ensure a more comprehensive and harmonised response to accidents at EU level, each Member State shall establish a civil aviation accident emergency plan at national level. Such an emergency plan shall also cover assistance to the victims of civil aviation accidents and their relatives.

2. Member States shall ensure that all airlines established in their territory have a plan for the assistance to the victims of civil aviation accidents and their relatives. Those plans must take particular account of psychological support for victims of civil aviation accidents and their relatives and allow the airline to react to a major accident. The Member States shall audit the assistance plans of the airlines established in their territory. Member States shall also encourage third-country airlines which operate in the Union to similarly adopt a plan for the assistance of victims of civil aviation accidents and their relatives.

3. When an accident occurs, the Member State in charge of the investigation, the Member State in which the airline, the aircraft of which was involved in the accident is established, or the Member State which had a large number of its nationals on board the aircraft involved in the accident, shall provide for the appointment of a reference person as a point of contact and information for the victims and their relatives.

4. A Member State or a third country, which, by virtue of fatalities or serious injuries to its citizens, has a special interest in an accident which has occurred in the territories of the Member States to which the Treaties apply, shall be entitled to appoint an expert who shall have the right to:

- a) visit the scene of the accident;
- b) have access to the relevant factual information, which is approved for public release by the safety investigation authority in charge, and information on the progress of the investigation; and
- c) receive a copy of the final report.

5. An expert appointed in accordance with paragraph 4 may assist, subject to applicable legislation in force, in the identification of the victims and attend meetings with the survivors of its State.

6. In accordance with Article 2(1) of Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators, also third country air carriers shall fulfill the insurance obligations set out in that Regulation.

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## **JAPAN LEGISLATION RELATING TO FAMILY ASSISTANCE**

### **The Traffic Safety Measures Basic Act (Act No. 110 of June 1, 1970) [Extract]**

#### **Chapter 3 Traffic Safety Program**

(Preparation and Publication, etc. of the Fundamental Traffic Safety Program)

##### Article 22

- 1) The Central Committee on Traffic Safety Measures shall prepare the Fundamental Traffic Safety Program.
- 2) The Fundamental Traffic Safety Program shall provide for the matters listed in the following items:
  - i) An outline of comprehensive and long-term traffic safety measures;
  - ii) In addition to what is listed in the preceding item, matters necessary to comprehensively and systematically promote traffic safety measures.

(Traffic Safety Affairs Program)

##### Article 24

- 1) The head of a designated administrative organ shall prepare a Traffic Safety Affairs Program for every fiscal year in relation to the affairs under his/her jurisdiction, based on the Fundamental Traffic Safety Program.
- 2) A traffic safety affairs plan shall provide for the matters listed in the following items:
  - i) Traffic safety measures that a designated administrative organ shall take in said fiscal year;
  - ii) In addition to what is listed in the preceding item, matters to be used as the standard in preparing programs in relation to land traffic safety measures that a designated local administrative organ and the relevant prefecture shall take in said fiscal year in areas of the relevant prefecture.

### **The Ninth Fundamental Traffic Safety Program (The Central Committee on Traffic Safety Measures, March 31, 2011) [Extract]**

#### **Basic Principles of this Program**

##### **5. Enhancing rescue and emergency services and victim support**

In order to save the lives of the injured and minimize damage in the event of a traffic accident, it is important to enhance the promptness of rescue and emergency services and improve the treatment of the injured. Also, in light of the enactment of the Basic Act on Crime Victims (Act No. 161 of 2004), support for victims shall be further enhanced in the field of traffic safety.

**Part 3 Air Traffic Safety, Section 2 Measures for Air Traffic Safety, II Measures to be Taken**  
**6. Promoting victim support**

With the participation of victims' associations, etc., deliberations shall be held concerning the details of the support to be given to traffic accident victims, etc. as required in Japan. The division of roles among related organizations, such as business operators, local governments and the national government, ideal functioning of the integrated office for traffic accident victims, etc. and necessary systems for such functioning, and the necessary efforts shall be made to develop a framework and systems of support that suit the circumstances in Japan.

**Traffic Safety Affairs Program for FY2012, Ministry of Land, Infrastructure,  
Transport and Tourism (April 2012) [Extract]**

**Part 3 Air Traffic Safety Measures, Section 6 Promoting victim support**

1 Efforts during Peacetime

1) Development of support system for victims

- The ministry shall develop a system to provide support for victims, etc. of public transportation accidents and establish offices for victims, etc., and shall simultaneously prepare the necessary manuals, conduct educational training for staffs engaged in victim support activities, and create a network with related organizations.

2) Promotion of business operators' development of Family Assistance Plan

- The ministry enhances support of victims, etc. of public transportation accidents by means of preparing guidelines for business operators to follow when developing plans concerning support for victims, etc. and encouraging their development of plans and enhancing their support for victims, etc.

2 Efforts in the Event of an Accident

1) Immediate post-accident response

- When an emergency response headquarters has been set up upon the occurrence of a public transportation accident, the ministry shall establish an office for victims, etc. at the headquarters and transmit their requests for safety and accident information, etc. to the related administrative organs, public institutions, local governments, and business operators, collect and organize information helpful to victims, etc., and attempt to provide victims, etc. with accurate and detailed information in an appropriate manner.
- Furthermore, in order to ensure that the necessary support is offered to the efforts of victims, etc. to confirm safety at the accident site, the ministry shall endeavor to respond properly to inquiries and requests for consultation with victims, etc. via the office for victims, etc., in such ways as transmitting their requests to business operators, etc. for the necessary responses and by providing victims, etc. with information on the acceptance system at the accident site.
- Even where an emergency response headquarters has not been set up, the ministry shall attempt to provide necessary information and take other measures under the system to provide support for victims, etc. of public transportation accidents, in accordance with the size and type of accident.

2) Medium- to long-term response

- Under the system to provide support for victims, etc. of public transportation accidents, the ministry shall establish offices for victims, etc. and carry out the necessary coordination, based on requests from victims, etc. to review the status of accident investigations and regulations and to explain business operators' safety measures. The ministry shall also accept requests for consultation from victims, etc. and provide guidance and advice to business operators, as necessary, concerning the support provided by business operators based on the plans for the support of victims, etc. of public transportation accidents the business operators have prepared or by other means, and at the same time shall provide victims, etc. with services, such as introducing them to related organizations and mental health specialists.

**Basic Act on Disaster Control Measures (Act No. 223 of November 15, 1961) [Extract]**

(Definitions)

Article 2 In this Act, the meanings of the terms listed in the following items shall be as prescribed respectively in those items:

i) Disaster: damage caused by a storm, tornado, heavy rain, heavy snow, flood, tidal wave, earthquake, tsunami, eruption or other abnormal natural phenomena, or a large-scale fire or explosion or other causes specified by Cabinet Order as equivalent to these in terms of the level of damage caused thereby.

ii) to x) omitted

(Organization of Emergency Response Headquarters)

Article 25

1) The emergency response headquarters shall be headed by a director-general, and a Minister of State shall serve in this capacity.

2) The director-general of the emergency response headquarters shall be in charge of general coordination of the affairs of the headquarters, and shall direct and supervise the relevant officials.

3) to 11) omitted

(Affairs under the Jurisdiction of the Emergency Response Headquarters)

Article 26 The emergency response headquarters shall take charge of the following affairs:

i) Matters relating to the preparation of the policy for appropriately and promptly implementing emergency response measures;

ii) Matters relating to the comprehensive coordination of emergency response measures implemented by the head of a designated administrative organ, the head of a designated local administrative organ, the head of a local government and other executive organ, a designated public institution, and a designated local public institution in the area under its jurisdiction, based on a disaster prevention plan;

iii) Matters relating to the implementation of necessary and urgent measures in the event of an emergency;

iv) Matters that fall under the authority of the director-general of the emergency response headquarters pursuant to the provisions of Article 28;

v) In addition to what is described in the preceding items, matters that fall under the authority of the emergency response headquarters pursuant to the provisions of laws and regulations.

(Preparation and Publication, etc. of Basic Disaster Prevention Plan)

Article 34 The Central Disaster Prevention Council shall prepare the Basic Disaster Prevention Plan and review it every year taking into consideration the results of scientific research on disasters and the prevention thereof, and the status of disasters that have occurred and the effects of emergency response measures taken in connection with such disasters, and shall amend the plan when the council finds it necessary.

Article 35 The Basic Disaster Prevention Plan shall provide for the matters described in the following items:

- i) Comprehensive and long-term disaster prevention plan;
- ii) Matters to be given particular attention in Operational Disaster Prevention Plans and Local Disaster Prevention Plans;
- iii) In addition to what is listed in the preceding items, matters to be used as standards in preparing Operational Disaster Prevention Plans and Local Disaster Prevention Plans as found necessary by the Central Disaster Prevention Council

(Operational Disaster Prevention Plans of Designated Administrative Organs)

Article 36 The head of a designated administrative organ shall prepare an Operational Disaster Prevention Plan in relation to the affairs under his/her jurisdiction, based on the Basic Disaster Prevention Plan, and shall review the Operational Disaster Prevention Plan every year and amend it when he/she finds it necessary.

**Order for Enforcement of the Basic Act on Disaster Control Measures  
(Cabinet Order No. 288 of July 9, 1962) [Extract]**

(Causes Specified by Cabinet Order)

Article 1 The causes specified by Cabinet Order as set forth in Article 2, item (i) of the Basic Act on Disaster Control Measures (hereinafter referred to as the "Act") shall be a massive release of radioactive materials, the sinking of a vessel accompanied by a number of missing people and other large-scale accidents.

**Basic Disaster Prevention Plan (Central Disaster Prevention Council, September 2012) [Extract]**

**Part 8 Air Disaster Countermeasures, Chapter 1 Disaster Prevention**

**Section 6 Preparation of Prompt and Smooth Emergency Response Measures and Recovery from Disasters**

1 Information collection, liaison, and development of emergency response systems

6) Support for passenger victims

- In collaboration with air carriers and related organizations, etc., the Ministry of Land, Infrastructure, Transport and Tourism shall develop a system to provide information and other support to passenger victims, etc. in the event of an air accident.
- The Ministry of Land, Infrastructure, Transport and Tourism shall encourage air carriers to develop plans concerning support for passenger victims, etc. in the event of an air accident, or shall otherwise endeavor to enhance support for passenger victims, etc.

## **Chapter 2 Emergency Response Measures**

### **Section 4 Accurate Transmission of Information to Related Parties**

#### 1) Transmission of information to victims' families

- The emergency response headquarters, designated administrative organs, public institutions, local governments, and air carriers shall ascertain the needs of victims' families, etc. sufficiently and shall appropriately provide accurate and detailed information helpful to victims' families, etc., such as the status of the air disaster, safety information, information on medical institutions, etc., information on the measures that each organization is taking, and traffic control information.
- The emergency response headquarters shall establish an office to provide information to passenger victims, etc. and shall transmit their requests for information to the designated administrative organs, public institutions, local governments, and air carriers, compile information helpful to passenger victims, etc., provide them with accurate and detailed information in an appropriate manner, and simultaneously endeavor to respond properly to inquiries and requests for consultation from passenger victims, etc.

### **Operational Disaster Prevention Plan**

#### **Ministry of Land, Infrastructure, Transport and Tourism (Amended in September 2012) [Extract]**

#### **Part 1 General Rule, Chapter 2 Basic Disaster Prevention Measures Policy**

- The ministry shall take the following preventive measures to prevent the occurrence of disasters or minimize damage in the event of a disaster:
  - The ministry shall make efforts to enhance support for passenger victims, etc. in the event of a public transportation accident.
- The ministry shall take the following measures in order to ensure prompt and smooth implementation of emergency response measures in the event of a disaster:
  - In the event of a public transportation accident, the ministry shall make efforts to compile information helpful to passenger victims, etc. and provide accurate and detailed information in an appropriate manner, while endeavoring to respond properly to inquiries and requests for consultation from passenger victims, etc.

#### **Part 8 Air Disasters Countermeasures, Chapter 1 Prevention of Disasters**

##### **Section 9 Development of Support Systems for Victims**

- In collaboration with air carriers and related organizations, etc., the ministry shall develop a system to provide information and other support to passenger victims, etc. in the event of an air accident, and at the same time, shall prepare the necessary manuals, conduct educational training for staff engaged in passenger victim support activities, and create a network with related organizations.