

OAV: Spain's Experience in Large-Scale Victim Assistance

OAV: la experiencia española en asistencia a víctimas a gran escala

Fernando Moreno Mielgo

Office for Assistance to Victims of Air Accidents (OAV) in the Emergency, Security, and Crisis Management Unit of the Spanish Ministry of Transport, Mobility, and Urban Agenda

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Abstract

The head of the Office for Assistance to Victims of Air Accidents (OAV) in the Emergency, Security, and Crisis Management Unit of the Spanish Ministry of Transport, Mobility, and Urban Agenda shares with us the organization's work in supporting those who have lost loved ones in aviation incidents.

Resumen

El jefe del Área de la Oficina de Asistencia a las Víctimas de Accidentes Aéreos de la Unidad de Emergencias, Seguridad y Gestión de Crisis, dependiente del Ministerio de Transportes, Movilidad y Agenda Urbana de España, nos comparte el trabajo que el organismo realiza acompañando a quienes han sufrido la pérdida de un ser querido en un suceso de aviación.

What is the origin of RD632, and what motivated its drafting?

This royal decree is issued in accordance with the provisions of Article 21 of Regulation (EU) No. 996/2010 of the European Parliament and the Council, dated October 20, 2010, on the investigation and prevention of accidents and incidents in civil aviation, repealing Directive 94/56/EC.

The aim of this regulation is to ensure a broader and harmonized response to civil aviation accidents within the community, and to achieve this, it imposes on Member States the duty to establish national emergency plans that foresee, in particular, assistance to victims and their families. Member States must also ensure that airlines registered in their territory have assistance plans for victims and their families and encourage airlines from other countries to adopt such plans.

RD632 aims to ensure that civil protection plans include civil aviation accidents as a risk capable of generating emergencies; establish the measures to be taken by public administrations to guarantee assistance to victims of civil aviation accidents and their families; and develop the obligation of airlines to have an assistance plan in accordance with Law 21/2003 on Air Safety.

In short, its purpose is to ensure a comprehensive framework for the protection of victims of air accidents and their families, and to this end, it provides measures in various areas.

In Spain, the administrations already have civil protection plans, either territorial or special, adopted in their respective areas. This guarantees a homogeneous response at the national level, regardless of where the incident occurs and its scope, as it establishes common and essential minimum contents, considering international standards (International Civil Aviation Organization - ICAO - Policy and Manual, Doc 9998 and 9973).

For legal security reasons, it is advisable to establish the minimum obligations of airlines in assisting victims and their families, and, correspondingly, the minimum content of these plans, as well as to establish the assistance measures that must be provided for airport self-protection.

How did the Victims Assistance Office (OAV) come into existence?

The 2014 Protocol, which implements the assistance provided for in RD632/2013, stipulates that the Ministry of Development (now Transport) will establish a permanent OAV integrated into its structure.

What is the primary objective of the OAV's work?

In accordance with the regulations, the OAV's functions

include providing permanent assistance to victims and their families of civil aviation accidents once the emergency situation is concluded and after the formal transfer is made by the designated contact person (PECO). Additionally, it must collaborate with the corresponding Spanish Embassy and its consular services in supporting Spanish victims of an aviation accident that occurs outside the national territory and their families, when jointly decided by the Ministries of Foreign Affairs and Cooperation and Transport.

At what point does the OAV actively intervene, and with which stakeholders does it interact?

The OAV begins to act once the emergency phase is completed, when the Family Assistance Center (CAF) is closed, and the designated contact person (PECO) formally transfers responsibility. In practice, the OAV intervenes from the early hours.

"It aims to ensure a comprehensive framework for the protection of victims of air accidents and their families and, to this end, provides measures in various areas."



What is the limit of the intervention, when does it end?

The regulations do not set a final deadline for assistance. It explicitly speaks of permanent assistance.

How is coordination at the national level with the aviation authority and those responsible for the initial response?

When an aviation accident occurs, a civil protection plan is activated at the regional (autonomous) level, which is coordinated with local emergency services, airport authorities, etc. A main command post (PMP) is established to ensure coordination of actions by all parties involved.

One tool you implemented is the single form system. Could you tell us how it works and why it is important?

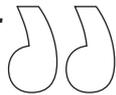
The affiliation form is the document that collects the personal information of family members who come to the airport to seek information after an accident, in order to organize their assistance as effectively as possible and assign them psychosocial support by family groups.

It was observed that family members were often asked the same questions multiple times by different parties involved (such as their name, who they were inquiring about, etc.), which naturally caused irritation and demonstrated a lack of coordination. To prevent

this, a working group reached a consensus on a single form with basic information to be shared by all parties involved, although each party can then expand on it in relation to their functions.

These forms are held by emergency services at the airports, and the information is later combined with that obtained by the airline's call center and then digitized to reach a common database.

***“The affiliation form is the document that collects the personal information of family members who come to the airport to seek information after an accident, in order to organize their assistance as effectively as possible and assign them psychosocial support by family groups.*”**



Do you have designated contact persons or PECOs at all airports?

More than an individual, it is a Unit: the PECO and their technical team. They serve as the point of contact for families to provide information about the passenger list, the extent of assistance, rights, the status and location of the injured, the recovery of personal belongings, legal and funeral needs, etc.

PECOs are not designated at the airport level but rather one PECO for each of the Spanish autonomous communities (regions). In fact, experience has shown that it is necessary to designate multiple PECOs for each autonomous community, either due to geographical characteristics (for example, there are island-based PECOs for each island in the Canary Islands) or to have an appropriate system of primary and backup PECOs.

Are these individuals volunteers? What requirements must they meet?

They are not volunteers; they are appointed by the Undersecretary of the Interior for each of the autonomous communities, following an agreement with the competent civil protection authority of the corresponding autonomous community's administration. Typically, they are individuals with experience in civil protection and emergency management and belong to either state or regional civil protection organizations.

In the case of aviation accidents that occur outside the national territory, when one of the situations specified in Article 7.4 of Royal Decree 632 applies, namely when the crashed aircraft is operated by an

airline with a Spanish operating license and/or when a significant number of Spanish citizens are on board, civil protection has no jurisdiction. Therefore, it is the OAV that will act in support of the victims and their families in accordance with the Protocol.

PECOs must receive appropriate training from the Directorate-General of Civil Protection and Emergencies through the National School of Civil Protection. The OAV is involved in determining the content and delivery of this training, which includes topics such as knowledge of the structure, plans, and resources of the state and regional civil protection systems, affected aviation legislation, the obligations and assistance that both the central government and air operators and airports must provide, medical-forensic procedures, and forensic science, especially in incidents involving multiple victims, and more.

Additionally, they must be aware of airport self-protection plans, as well as the plans of airlines for assisting victims and their families, and possess basic knowledge of accident investigation, insurance coverage, victim rights, common cultural rituals related to interpersonal communication and grief, and, finally, the implications to consider when an incident is related to a crime.

Moreover, it is important that the individuals chosen are fluent in English, have psychosocial training, and are skilled in managing and coordinating teams in emergency and crisis situations. This training includes modules on decision-making in such situations, negotiation and resolution of critical incidents, communication skills in public during emergencies, training in delivering bad news, and emotional self-control and stress management in high-emotion situations.

PECOs must also participate in any drills within their territorial scope.

Annually, technical workshops are held to update knowledge and incorporate lessons learned, which may involve all stakeholders from the public and private sectors, airlines, and airport operators.

There was an accident of particular significance that we would like to discuss, the Germanwings accident. What was the experience of the OAV?

For the OAV, the Germanwings incident, because it was not really an accident - and the families insist on this - was the greatest challenge we had to face. We had to learn quickly and in a harsh way. It was a flight from Barcelona to Düsseldorf, and when it happened in March 2015, the assistance system under RD632 was not mature yet. The training of PECOs had not been completed, and the OAV had been operational for less than a year. It affected 50 Spanish families, almost all from the Catalonia region.

The crash occurred in the French Alps with a German airline, which required international coordination and fundamental teamwork. We had a very good relationship with the French and German authorities (a special ambassador designated by Germany). Lufthansa, the parent company of Germanwings, provided a significant amount of human and material resources for assistance.

Over the course of these seven years, we have been involved in all phases; summarizing so many actions is complicated. From the very first day, we went to Barcelona airport, El Prat, and the CAF set up in Castelldefels, near Barcelona, and accompanied the families to Marseille, to the press conference by French prosecutor Robin, where it was announced that the co-pilot had intentionally crashed the plane. Then came the transfer to Le Vernet, the impact zone, and we worked alongside the Spanish Consulate in Marseille to coordinate with local authorities for the identification and repatriation process.

We participated in organizing memorial events in Barcelona and Cologne, the repatriation process for the remains, psychological support follow-ups, compensation payments, the pre-release information meeting before the final investigation report by the BEA, the placement of a commemorative memorial at the crash site, anniversary commemorative events, and more.

After that first year, we have worked closely with the association of affected individuals that was formed, and we have supported them in all their requests. When does the OAV's intervention end? Seven years later, everything is just about stabilized. The most recent milestones have been achieving tax exemption for the assistance received from Lufthansa's fund after extensive parliamentary work, and the reform of the Social Security notification system to make it more difficult for similar cases to occur where an unfit pilot takes control of an aircraft (or any other mode of public transportation).

Graph 1 – Ref: OAV Germanwings Actions Map

Germanwings 2015



You participate in commemorative events, especially anniversaries. What kind of relationship is established with families?

We try to establish a relationship of trust from the very beginning, aiming to be reliable intermediaries at all levels, whether with the administration, the airline, or any other necessary parties. I always say that affected individuals face a wide range of needs of various kinds, and we have very little in our hands to address them directly. However, what we can do is connect them with organizations that have the solutions they require. We see ourselves as facilitators in this process. The association of affected individuals has consistently appreciated and valued our role positively.

I would now like to discuss another accident, the Swiftair incident in Mali, in which Spanish individuals lost their lives. What was the specific intervention of the OAV?

In Mali (July 2014), it involved an Air Algerie flight operated by the Spanish company Swiftair under a wet-lease arrangement, flying from Ouagadougou (Burkina Faso) to Algiers, where the six Spanish crew members tragically lost their lives, and there were no survivors. The impact point in Gossi, Mali, was within an area known for jihadist activity, which greatly complicated all actions taken. Thus, the collaboration with French authorities and armed forces played a decisive role.

This was indeed our baptism of fire, as the OAV, and it provided valuable learning experiences regarding assistance, the needs of the affected individuals, and the dynamics of an international accident. We had excellent coordination with the Spanish Consulate, the special ambassador designated by France, and the French investigation authority, BEA.

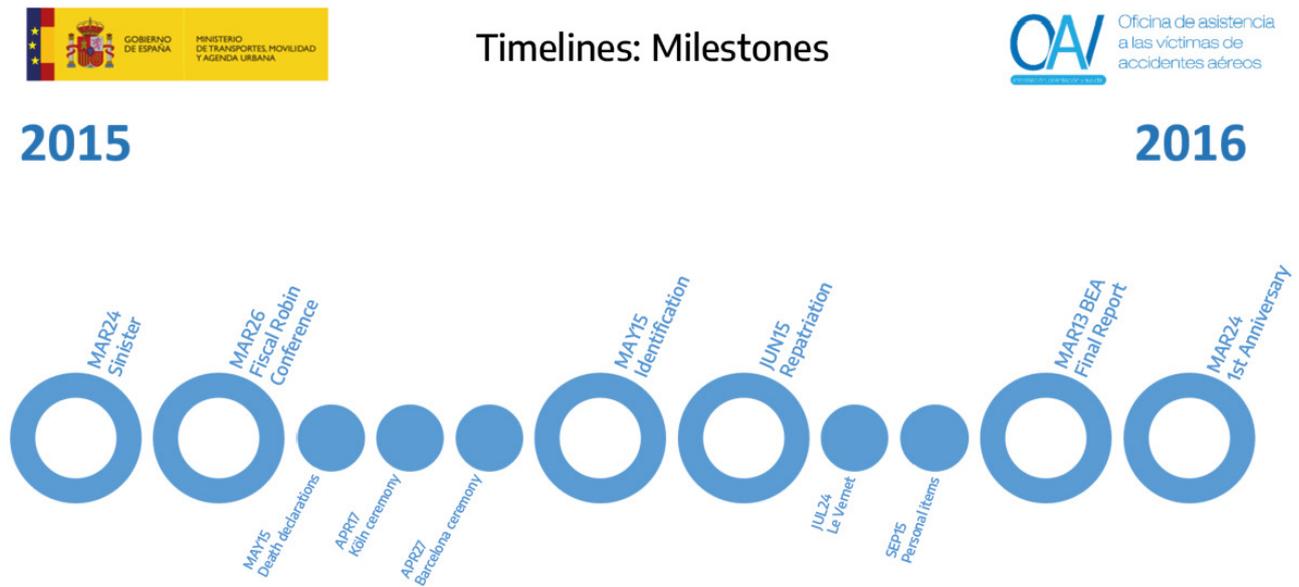
How do you intervene when there are Spanish fatalities in accidents that occur in other countries?

In such cases, the responsibility for the rescue and recovery of victims, technical investigation, and victim assistance lies with the state where the accident occurs, just like it does for any other individuals involved in the incident. The Embassy or Consulate of Spain in that country manages relations with local authorities, and the OAV makes itself available to them to perform any necessary functions.

In the cases we've mentioned (Spanish airline or a significant number of Spanish passengers on board), we act in support of the victims and their families.

Since 2013, ICAO has been attentive to the issue of family assistance; however, as of the 2021 Symposium in Las Palmas, more concrete measures have been taken, such as the mandatory inclusion of questions related to this topic in audits.

Graph 2 – Ref: OAV Germanwings Timeline



What is your opinion on these measures?

I believe that now, with ICAO elevating Recommendation 8.46 to Standard 8.47 in its 41st Assembly in September 2022, this will mark a significant change in making states take more seriously the need to adapt or create, if they didn't already have one, an assistance system aligned with the standards set by ICAO's guidance documents. Additionally, the organization anticipates the need to support many states with fewer capacities through guidance, training courses, and more.

I find it very relevant that the ICAO Council unanimously supported the thirty recommendations from the Las Palmas Symposium, as some measures, such as promoting the ratification of the Montreal Convention MC99, will require intense diplomatic efforts. But these measures are crucial to achieving a harmonized global response or at least minimum guarantees regarding compensation and other aspects. It's a complex issue that involves the best practices of insurers and international standards.

Let's delve a bit into the new directions the OAV is taking. Considering that RD632 strictly refers to civil aviation, when and how did the interest in extending this to other modes of transportation arise? What is the current situation regarding multimodality?

The Mobility 2030 strategy approved in 2021 is still in the process of being updated and consulted. As a novel development in our context, it envisions the creation of multimodal organizations, both in accident investigation (safety) and victim assistance. It's not yet clear how this will materialize, but in the case of the OAV, its capabilities, both in terms of human resources and materials, should be enhanced to enable appropriate intervention.

How do you think it might be possible to adapt the assistance plan to other modes of transportation?

In 2021, we presented a proposal with general guidelines to expand the OAV to all sectors. We believe that the needs of affected individuals will be similar, regardless of whether the passenger is traveling by plane, train, or ship. In the end, they will all need constant information, a CAF (Family Assistance Center), financial and psychological assistance, transportation, translations, repatriation, site visits, commemorative events, and so on.

The structure of assistance would generally be based on the same principles. Then there is all the work of adapting to the specific peculiarities of each mode of transportation, the obligations of operators, infrastructure managers, and so forth. There is still a lot of work to be done in this regard.

