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**BY-LAW
FOR
TRANSPORT SAFETY INVESTIGATION CENTER**

PART ONE

Purpose, Scope, Legal Base and Definitions

Purpose and Scope

ARTICLE 1 – (1) Purpose of the present By-law; is to determine and establish rules and procedures on formation of the Transport Safety Investigation Center and Board of Assessment, and their duties, power and liabilities, working principles as well as obligations and undertakings of real or juristic person.

Legal Base

ARTICLE 2 – (1) The present By-law has been issued pursuant to Article-489/A of the Presidential Decree No.1 on the Presidential Organization published in the Official Gazette No. 30474, dated 10/7/2018.

Definitions

ARTICLE 3 – (1) Wherever used in the text of the present By-law, the following terms are described.

- a) The Minister: The Minister of Transport and Infrastructure,
- b) The Ministry: The Ministry of Transport and Infrastructure,
- c) The Chairman: The Chairman of the Transport Safety Investigation Center,
- c) The Chairmanship: The Chairmanship of the Transport Safety Investigation Center,
- d) The Chief Investigator: The expert who is designated by the Chairman to carry out the coordination mission of the unit which has been established for each and every type of transportations
- e) The Office Personnel: The Personnel assigned and authorized to carry out correspondences, archiving and performing similar tasks of the Department,
- f) The Head of Department: An Executive who manages units affiliated to himself and who is accountable to the Chairman,

g) The Board of Assessment: The board which resolves the reports related with accidents or incidents whose investigations were accomplished so as to augment safety of transportations,

ğ) The Transport Safety Investigation Group: Stands for a group composed of safety investigators and experts who have been assigned for investigation of each and every accident or incident,

h) Group Leader: It means a safety investigator vested and equipped with coordination tasks and powers in the course of investigation of each and every accident or incident,

ı) The Report (Accident/Incident Investigation Report): The report issued for the purpose of increasing the transportations safety as the result of investigation of an accident or incident,

i) Safety Investigator / Expert: He/She is a personnel in the Chairmanship and assigned from the Ministry, as well as from establishments affiliated and related therewith, who investigate the transport safety investigation activities.

PART TWO

Organization, Task, Power and Liabilities of the Chairmanship

Organization

ARTICLE 4 – (1) The Chairmanship consists of the Chairmanship Personnel and Members of the Assessment Board.

Assigning Tasks to Members of the Assessment Board and Experts

ARTICLE 5 – (1) The Chairman is the ordinary member and chairman of the Assessment Board.

(2) Members of the Assessment Board consisting of six members except chairman are assigned to serve for a term of three years with approval of the Minister. Office term of the members whose term of duty expired can be extended by approval of the Minister.

(3) It is essential that members of the Assessment Board be appointed from delegates of the relevant Ministries and departments, establishments and non-governmental organizations operating in the field of transportation or from among the academicians who have got any scientific studies in the field of transportation.

(4) Those who are to be assigned as members of the Assessment Board must bear and comply with the terms and conditions as laid down in Article-48, first paragraph (A), subparagraphs (1), (4), (5), (6), (7) and (8) of the Law No. 657, dated 14/07/1965, on Civil Service Employees.

(5) Except for the current permanent personnel of the Chairmanship, the Ministry can employ and assign experts from its affiliated, related and associated institutions to be needed for each and every type of transport within the framework of the applicable and relevant regulation.

(6) Should the need arise, expert can be assigned at the investigations of accident requiring special expertise or technical information (know how). Procedures and rules related with the entrustment of duty to an expert shall be determined by the Ministry.

(7) Furthermore, a pool of experts so as to be employed for investigation of accidents and incidents can be created by the Chairmanship within the scope of the present By-law.

(8) It is essential that the tasks and powers of the Chairmanship are to be administered and carried out primarily by means of the existing experts. However, if the Chairmanship deems it necessary, service procurement can be made, provided that it may remain within the limits of investigation and consultancy services. Costs and expenses for the service procurement can be recovered from the budget of the Ministry's Rotary/Revolving Fund/Capital Establishments, in case absence of adequate allocation in the General Budget.

Termination of Membership of the Assessment Board

MADDE 6 – (1) The Minister's approval is received for termination of the membership of the Assessment Board by the Chairman within the latest fifteen days as of the date on which an acquaintance with the fact that those who have assigned as the member of the Assessment Board have lost the pre-requisites and requirements which are set forth in Article-48, paragraph (A) of subparagraphs (1), (4), (5), (6), (7) and (8) of the Law No. 657, and eventually the member's relationship with the Assessment Board is severed and terminated.

(2) Membership of any member to the Assessment Board, who fails to attend to total three meetings of the Assessment Board within a calendar year without justifiable excuse, is terminated by the motion of the Chairman and with approval of the Minister.

Tasks of the Chairmanship

ARTICLE 7 – (1) Tasks of the Chairmanship are as follows:

a) To investigate, examine accidents and incidents happening at the types of transport and having a remarkable impact in terms of transport safety arrangements and of the safety management and to issue report on the improvement of the transportation safety and security, and to submit the reviewed and ruled report to the Minister and **the Board of the Presidential Security and Foreign Policy**.

b) to communicate when necessary the reports on the accidents or incidents, which were investigated and examined, to the related parties, national and international organizations and institutions

c) to work and be in coordination with local executive authority who is under the obligation to preserve and protect evidences up until accomplishment and completion of investigations required at the zone of accident or incident.

ç) to follow up international developments, to be a member to the related international organizations or to pay their contribution or participation shares, to provide and ensure implementation of guidelines and standards published by the international organizations to which being a member.

d) to perform other tasks which are assigned by the Minister.

Tasks and Powers of the Chairman

ARTICLE 8 – (1) The Chairman is the top executive of the unit with authority to carry out expenditures, and his tasks and powers are as follows:

a) To ensure execution of the tasks shown in Article-7.

b) To serve as a chairman for the Assessment Board.

c) To determine and designate agenda for meeting of the Assessment Board, and to direct and manage such meetings.

ç) When necessary to call and invite members of the Assessment Board to extraordinary meeting.

d) To deliver approvals for domestic/national tasks and duties related with the transport safety investigation groups to assume duty at accident or incident investigation works.

e) Whenever it becomes necessary, to carry out investigations in per se at the zone of accident or incident.

f) when necessary, to conduct meetings with the executive Establishments and Organizations of the changing and improving regulation on the matter of accident and incident investigation in respect to simultaneous following-up.

g) To take the reports (issued to augment safety of the transportation) onto the agenda of the Meeting of the Assessment Board in order to conclude and settle them.

ğ) To forward reports that have been examined and resolved by the Assessment Board to the related authorities.

h) To sign domestic/national and foreign temporary task per Diem and travel allowance notifications of members of the Assessment Board, experts and other personnel.

ı) To provide trainings for experts to be employed at the transport safety investigation activities.

i) To carry out similar tasks given by the Minister.

Transfer of Power

ARTICLE 9 – (1) Subject to determine its limits explicitly and provided that it should be specified in writing, the Chairman may delegate and transfer some portions of his powers to his lower level executives.

Tasks and Powers of Heads of Department

ARTICLE 10 – (1) Tasks and Powers of Heads of Department are as follows:

a) Except the exclusive assignments to the accident and incident investigation studies, to execute sharing of daily correspondences transferred to his department and other routine works and transactions among the experts and to submit summary information of the manager related with the said activities to the Chairman.

b) To provide information stream and coordination on the accident or incidents decided to be investigated and examined by the Chairman.

c) To make programs for performing all duties incumbent upon his Department effectively, rapidly, efficiently and in suitable for the purpose for which it will be used and to ensure to execute such programs.

ç) To provide data and information on his department required to be included in the statistics of investigation of accidents and incidents which were examined as well as included in the Annual Activity Report.

d) To fulfill tasks and duties assigned to the spending unit pursuant to the Law No. 5018 dated 10/12/2003 on Public Financial Management and Control and other regulation.

e) To carry out and accomplish administrative, financial and technical works of the Chairmanship.

f) To ensure usage of Data Processing Systems on matters related with the field of task of the Chairmanship and to follow up all developments on the Data Processing Systems and automation.

g) To execute and carry out preparation of the information architecture of the Chairmanship, installation of data bases, updating and archiving them.

ğ) To do other tasks and duties entrusted by the Chairman as the service requires it.

Tasks and Powers of The Chief Investigator of the Unit

MADDE 11 – (1) The Chief Investigator of the Unit performs the task of coordination related with the unit’s transport safety investigation activities formed for all types of transport.

(2) The Chief Investigator submits the offers/motions related with accidents or incidents ruled to be investigated and examined by the Chairman and results of the study on the safety of transportations to the Chairmanship within a reasonable period.

(3) The Chief Investigator ensures communication between the Group Leader and the Chairmanship in relation with the said activities.

Tasks and Powers of the Transport Safety Investigation Group and Experts

ARTICLE 12 – (1) Tasks and Powers of the Transport Safety Investigation Group and Experts assigned to investigations for accidents or incidents are as follows:

a) Upon a written order or approval given in due procedure, within the principles and procedures as described separately in its private By-laws, to begin forthwith investigation of accidents or incidents.

b) To consult with those who associated with the accident or incident.

c) To take books, papers, documents, maps, charts, plan and all sorts of copies of documents related with the accident or incident and when necessary to have them certified by the respective authorities that they are true copies of the original.

ç) To ensure gathering of all sorts of photograph, image, audio records and copies of similar electronics records related with the accident or incident.

d) To take reasonable measures or to cause to be taken reasonable measures in relation with any and all evidences pertaining to the accident or incident.

e) To carry out investigations and researches within Turkey and Abroad on matters included in the Chairmanship’s tasks and powers.

f) To attend and join preparation and implementation of on-the-job training programs.

g) To provide data in relation with the investigation statistics oriented towards the Transport Safety.

ğ) To execute similar tasks given by the Chairmanship.

Works which the Experts could not fulfill

ARTICLE 13 – (1) Experts entrusted with duty for investigation of an accident or incident;

a) Experts cannot give any instructions of executive nature which is nothing to do with direct relationship with investigation.

b) Experts cannot put any annotations on any document, log and record, and cannot make any additions and corrections thereon.

c) Experts cannot disclose any and all confidential information and documents obtained because of their tasks.

ç) Experts cannot act and behave such a manner as to shake their respect and feeling of confidence required by their task and capacities at their current positions.

Tasks and Powers of the Office Staff

ARTICLE 14 – (1) The Chairmanship Office consists of adequate number of staffs under the order of the Chairman.

(2) Tasks of the Office Staff:

a) to keep records and files related with activities of the Chairmanship, and to arrange archive.

b) to carry out correspondences related with the assignment to be entrusted to experts.

c) to record reports and letters coming from the Transport Safety Investigation Groups and the Experts and to send them to the relevant authorities.

ç) to keep statistics related with investigations.

d) to carry out all sorts of transactions related with movable properties of the Chairmanship.

e) to ensure recording and protection of reports, books, magazines and similar publications transferred to Library of the Chairmanship, and to keep them ready for benefiting.

f) to do other tasks given by the Chairman.

(3) The Office Staff shall not disclose information obtained due to their tasks. They shall not be allowed to present and hand over any document, log, Report and similar documents to any authority and person without prior permission of the Chairman.

Meetings of the Assessment Board

ARTICLE 15 – (1) The Assessment Board holds its ordinary meeting once a month.

(2) Upon written calling by the Chairman at least five-day prior or upon written motion by at least three of the members, extraordinary meeting can be held always. It is essential that callings should be made by means of email messages.

(3) The Assessment Board meets with the absolute majority of the number of members and likewise takes decision by the absolute majority of the number of members. Abstention voting and voting by proxy cannot be exercised at meetings of the Assessment Board. It is obligatory that the dissenting opinion of the member of the Assessment Board using a dissenting vote be attached to the minutes. In case of tie votes, the **Chairman** side shall be considered superior.

(4) The Assessment Board is independent at its decisions.

Headquarters

ARTICLE 16 – (1) Headquarters of the Chairmanship is located in Ankara.

(2) When necessary, the Assessment Board may hold meetings at places outside Ankara.

PART THREE

Working Rules and Procedures of the Experts

Assigned for the Transport Safety Investigation

Investigation Process

MADDE 17 – (1) The Investigation Process carried out by the Experts employed for the Transport Safety Investigation consists of the following stages:

- a) Receipt of the notice of accident/incident.
- b) Confirmation of the accident/incident from the relevant Authorities.
- c) Informing the Chairmanship about the accident/incident.
- ç) Receipt of the oral or written Task Approval related with the accident and/or incident for which the Chairman decided to be investigated.
- d) Arrival at the site of accident/incident as fast as possible and starting investigation process immediately.
- e) Preparation of **preliminary report** in accordance with the initial findings about the accident/incident and submittal of same to the Chairman to decide whether or not investigation is to be continued.
- f) Gathering of additional information and documents if required.

g) Analyzing findings and documents related with the accident/incident.

ğ) Writing of draft Report.

h) Sending of the draft report by Group Leader to the Chairman for his review.

1) If it deems necessary by the Chairmanship, submittal of the draft report in whole or in partial to the related parties for obtaining their opinion.

i) Should the opinions returned in due time by the relevant parties found acceptable, entering of such opinions into the draft report.

j) Submittal of the draft report to the Assessment Board.

k) Should the Assessment Board decide rearrangement about the draft report, return of same along with its written justifications to Group Leader, it is re-considered by the Transport Safety Investigation Group and re-entering of same into the process as from the subparagraph (ğ).

l) If the Assessment Board decides on the draft report to be accepted and approved, publishing wholly or partially on the internet website of the Chairmanship and attachment of same to the Archive (Library) of the Chairmanship.

m) Following up of recommendations and advices set forth in the report.

To be Entrusted with **Joint Tasks at the Unit**

ARTICLE 18 – (1) Several Experts may be employed at a work in accordance with the type and nature of the Transport Safety Investigation.

(2) In this case, operations are arranged by the Expert appointed as Group Leader and the Expert takes all reasonable measures to ensure completion of all works in due time.

Sustainability of the work and its transfer

ARTICLE 19 – (1) Experts are under the obligation to do their works personally and finish and complete their works uninterruptedly. If circumstances arise to delay works, or investigation becomes necessary to be carried out and concluded at other places, experts report the situation to the Chairmanship and shall act in accordance with the instructions to be received.

Obligation to Render Assistance to the Expert

ARTICLE 20 – (1) All related Parties are under the obligation to fulfill immediately all demands and requests related with duties of the experts assigned to the investigation of accident or incident and which are in conformity with the applicable regulation and to answer all questions directed to them.

(2) The civil service outfits and establishments, as well as real and juristic person parties related with the issues of investigation of accidents or incidents shall provide transportation service and proper working environment for their working period and allocate a contact person in order to help performing and carrying out their tasks in due manner.

(3) Access of the experts in charge of making investigations to the zone of accident or incident and provision of evidences cannot be restricted.

(4) The Parties who involved in the accident or incident, in case of request, are under the obligation to dispatch the related personnel to the Center of Chairmanship to consult them for their information.

Reports

ARTICLE 21 – (1) Group Leader shall have to submit results of the studies to the Chairmanship in the form of a report to be issued in conformity with the nature of the work and with those criteria which were defined separately in special by-laws.

(2) In case of dissidence among members of the Transport Safety Investigation Group on the matters included in Reports, such particulars in dispute shall be separately justified and signed, and then shall be submitted to the Chairmanship along with the Report.

(3) Reports are issued so as to include all advices and recommendations towards augmentation of transportation safety and prevention of similar accidents and incidents in accordance with the experiences earned from previous accidents and incidents. Determination of administrative, legal or criminal responsibilities cannot constitute the subject of reports.

(4) The Prepared Reports cannot be subjected to the legitimacy control.

Operations to be made on Reports

ARTICLE 22 – (1) The Assessment Board makes evaluations on all reports in its agenda and decides on particulars and issues pertaining to transportation infrastructures as well as improvement of transportation activities and transportation safety covering all types of transportation.

(2) In case of decision that there exist some missing particular which are required to be re-investigated or requiring additional investigations in the reports, then it can be decided that the investigation be conducted by the same Transport Safety Investigation Group or by another Transport Safety Investigation Group to be appointed for this task together with its justifications.

(3) Reports which are accepted by the Assessment Board shall be submitted to the Minister and to **the Board of the Presidential Security and Foreign Policy**.

(4) Reports shall be published at the Ministry's Website completely or partially and attached to the Ministry's Archive.

(5) Recommendations in the Report shall be traced by the Transport Safety Investigation Group which issued the report. Data and updates for implementation condition of each and every recommendation shall be entered into records.

PART FOUR

Miscellaneous and Final Provisions

Travel Per Diems and Other Rights and Allowances

ARTICLE 23 – (1) Attendance fee (money paid for attendance to a meeting) and travel fares and per diem at an amount to be found by multiplying (3000) index figure with coefficient for escalation of salaries of state employees for each and every session not more than twice per month, pursuant to the Annex Article 29 of the statutory decree No. 375 shall be paid to the Chairman and Members of the Board of Assessment out of the allocation included in the Ministry's Rotary Capital Enterprise in accordance with the Travel Per-Diem Act No. 6245 dated 10/02/1954.

Identity Card

ARTICLE 24 – (1) An Identity Card from the Chairmanship or pursuant to Annex Article-8 of the Law No. 657 the Ministry, from its affiliated, related and relative institutions shall be given to the Experts assigned to the Transport Safety Investigation Work.

(2) The Identity Card is presented when necessary or upon request.

(3) Identity Cards shall be valid for a period of five years. At the end of the fifth year Identity Cards shall be delivered to the Ministry and new Identity Cards shall be issued by the Ministry.

(4) The Legislation constituting basis for issuance of the Identity Card and Validity Expiry Date shall be printed on the Identity Card.

Costs and Expenditures Related With Movable Properties

ARTICLE 25 – (1) Costs and Expenditures for movable properties such as materials and consumables which the employees of the Chairmanship need pursuant to the relevant **regulation provisions** and the materials which are needed by the Experts according to the hardness of conditions at the scene of accident; if and when an adequate allocation is not available in the General Budget, shall be covered from the Budget of the Revolving Fund Management of The Ministry.

(2) The Law No. 5018 and regulation provisions promulgated pursuant to this law shall be applicable for protection and delivery of movable properties.

Repealed By-law

ARTICLE 26 – (1) The By-law on Ministry of Transport, Maritime and Communications Accident Investigation Board published in the Official Gazette issue no. 28639 dated 6/5/2013 has been repealed.

Effectiveness

ARTICLE 27 – (1) The present By-law shall enter into force and effect on the date of publication.

Executive

ARTICLE 28 – (1) Provisions of the present By-law shall be **executed** by the Minister of Transport and Infrastructure.