



DUTCH
SAFETY BOARD

For safety

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Introduction

Safe living, safe working, safety. It sounds obvious, but safety cannot be guaranteed. Despite all available knowledge and technology, serious incidents and sometimes disasters occur. The Dutch Safety Board was established by a Kingdom Act in 2005 with the task of investigating accidents and occurrences.

The aim of all investigations is to learn from occurrences and draw lessons that help enhance safety in the future. When structural safety deficiencies are identified, the Dutch Safety Board can make recommendations for improvements. The Dutch Safety Board focuses in particular on situations in which people depend on others for their safety, such as the government or companies. In this way, the Dutch Safety Board contributes to making processes and organizations in the Netherlands safer.



What is the Dutch Safety Board?

The Dutch Safety Board is an independent administrative body. The Safety Board operates independently of the Dutch government and other parties, and can decide itself which occurrences and topics to investigate. In doing so, the Safety Board focuses in particular on situations in which people depend on third parties for their safety, such as the government or companies.

The Dutch Safety Board consists of a Board, headed by a chairperson, and a bureau. The board members have extensive knowledge of safety issues and have extensive administrative and social experience in various positions. In addition, the Dutch Safety Board can rely on the expertise of a number of associate board members with knowledge and expertise of various sectors. The Bureau of the Dutch Safety Board has about eighty employees, two-thirds of whom are investigators.



What does the Dutch Safety Board do?

The Safety Board investigates specific incidents, crises and occurrences and broader safety issues that arise gradually. It does so in the Netherlands or abroad when there is Dutch involvement in the occurrence. The Dutch Safety Board is authorised to conduct investigations into nearly all areas.

In certain cases the Board is obliged to conduct an investigation. This obligation to investigate applies to specific occurrences in aviation, shipping, railway and the chemical and petrochemical industries. Besides the mandatory investigations, the Board itself decides which topics and occurrences to investigate.

The investigation not only identifies the direct causes of an occurrence. Structural safety deficiencies and administrative processes affecting safety are also exposed. Blame and liability are explicitly not part of the investigations conducted by the Dutch Safety Board.

The aim of all investigations is to prevent future occurrences, or limit their consequences. When structural safety deficiencies are identified during an investigation, the Dutch Safety Board issues recommendations to the relevant parties.





Coordination protocols

Several investigations into the same occurrence may be initiated. In order to guarantee the independence of the Dutch Safety Board in such situations, coordination protocols have been drawn up in cooperation with the Public Prosecution Service, the various State Inspectorates and the Ministry of Defence. The protocols include agreements on coordination and information exchange. In this way, investigations for learning purposes remain separate from investigations by other parties.

Investigation abroad

Occasionally, the Dutch Safety Board conducts investigations abroad. In these situations, the Dutch Safety Board works in close cooperation with foreign safety investigation agencies. This is done on the basis of agreements laid down in treaties and European or national legislation and regulations.

Where possible, police and judicial investigations support the work performed by the Dutch Safety Board. Conversely, no information is provided by the Dutch Safety Board to the police and judiciary except in the event of murder, manslaughter, a hostage situation or acts of terrorism. In those cases, limited specific information is provided.



What powers does the Dutch Safety Board have?

Investigators from the Dutch Safety Board have far-reaching powers to obtain information relevant to their investigations. For example, they may enter buildings and locations, collect information and take material for further (technical) investigation. This includes documents, audio and video material, data carriers, equipment and wreckage. The investigators can identify themselves at all times.

The powers are laid down in law in the Kingdom Act concerning the Dutch Safety Board. Under Dutch law, everyone is obliged to cooperate with the investigators in the performance of their duties.

The legal powers of the investigators of the Dutch Safety Board are briefly outlined on the following pages.

Article 33

1. In the performance of his task an investigator shall carry an identity card, issued by the Board.
2. If requested, an investigator shall immediately produce his identity card.
3. The identity card shall include a photograph of the investigator and at any rate state his name and capacity.





Article 34

An investigator shall only avail himself of his powers in so far as this is reasonably required for the performance of his task.

Article 35

By ministerial regulation further rules may be laid down for the exercise of the powers an investigator is entitled to.

Article 36

1. An investigator is authorised to enter any location including the living quarters of a ship, with the necessary equipment. A dwelling that is not aboard a ship can only be entered with the consent of the resident.
2. If necessary, he may effect entry with the assistance of the police.
3. He is authorised to be accompanied by persons whom he has appointed for this purpose.
4. As regards areas and ships in use with Our Minister of Defence the powers referred to in the first and third paragraphs shall be exercised in agreement with Our Minister of Defence.



Article 37

An investigator is authorized to demand information.

Article 38

1. An investigator is authorised to demand inspection of relevant data and documents.
2. He is authorised to make copies of data and documents.
3. If the copies cannot be made in loco, he will be authorised to take the data and documents with him for that purpose for a short period of time against submission of written proof.

Article 39

1. An investigator is authorised to investigate objects, to inspect them and to take samples of them.
2. He is authorised to open packaging for that purpose.
3. If the investigation, inspection or the taking of samples cannot take place in loco, he will be authorised to take the objects with him for that purpose for a short period of time against submission of written proof.
4. The samples taken will be returned in so far as possible.



Article 40

1. Every person shall be obliged to provide an investigator all cooperation that he may reasonably demand in the exercise of his powers within the term he may reasonably stipulate.
2. When cooperation is provided by themselves or by persons under their authority, Our Minister, Our Minister of Defence and Our Minister of Interior and Kingdom Relations may indicate that the information thereby specified, is supplied to the Board in strict confidence. The confidential supply of information to the Board shall take place by application mutatis mutandis of Article 57. The confidentially supplied information shall not be made public.
3. Those who on account of their office, profession or a statutory provision are obliged to observe confidentiality, may refuse to render assistance in so far as this arises from their obligation of confidentiality. Those to whom a statutory provision applies by which they are bound to confidentiality, except in so far as any other statutory provision obliges them to disclosure or co-operation, may also refuse their assistance if there are serious reasons for it.



How does the Dutch Safety Board investigate an occurrence?

Following an occurrence that is of interest to the Board or an occurrence that falls within the obligation to investigate, investigators may immediately visit the site of the occurrence to conduct a preliminary investigation. If the occurrence does not fall within the obligation to investigate, the Board decides whether or not to launch an investigation based on the outcome of the preliminary investigation.

An investigation starts with the gathering of all relevant information, interviewing those involved or requesting data files and documentation. In the event of an occurrence, the Dutch Safety Board visits the accident site whenever possible and conducts technical investigations. On this basis, the Dutch Safety Board then makes a structured analysis of the course of events and the underlying causes of the occurrence.

The Dutch Safety Board includes in its analysis any (previous) investigations conducted by other parties. From the findings, the Dutch Safety Board will prepare a draft report, which is discussed in the Board meeting and, if relevant, by a supervisory committee. The draft report is sent to the parties involved for inspection. These parties check the report for factual inaccuracies and respond within a period of several weeks. Parties are legally obliged to maintain confidentiality in respect of the draft report received.





If comments from the inspection warrant it, the report is amended. The Board provides supporting arguments if it determines that certain comments are not adopted. The Board publishes the final report with accompanying documents (appendices, comments on the draft report and possibly an animation) on its website. The Board itself determines the moment of publication.

The Dutch Safety Board considers it important that parties apply the lessons learned from the investigation. Where necessary, the investigation is discussed with the organisations and individuals involved. Investigators and board members also regularly explain findings from investigations during meetings and conferences.

In many of its reports, the Board issues recommendations for improvement. Parties are obliged to respond to the recommendations addressed to them. In their response to the recommendations, these parties indicate how they intend to implement the recommendations and which changes they have made. The Board collects all reactions and assesses them in context. The Board then prepares a response, which is published on its website



What to expect from an interview with the Dutch Safety Board



In the course of an investigation, investigators of the Dutch Safety Board regularly conduct interviews. For example with involved organisations, experts or victims. A report is made of the content of the interview. This report is always sent to the interviewee.

The Dutch Safety Board does not release any information collected for the purpose of an investigation or details of its sources. This source protection aims to ensure that those involved can provide full disclosure without harming themselves or those close to them. This is the only way to guarantee the optimum learning of safety lessons from occurrences.



How does the Dutch Safety Board protect witnesses and persons involved?

An investigation by the Dutch Safety Board starts by gathering information. In order to create a clear picture of the course of events, this information must be as complete as possible. It is therefore essential that witnesses and other persons involved can speak freely to investigators of the Dutch Safety Board.

The Dutch Safety Board uses statements of witnesses and parties involved only in its own investigation. If information from statements is included in an investigation report, this is done anonymously. Statements will not be published or shared with third parties. Not even to the Public Prosecution Service or the police.

The Kingdom Act expressly states that statements, information gathered by the Dutch Safety Board and documents drafted by the Dutch Safety Board, may not be used as evidence in criminal, disciplinary or civil proceedings. The imposition of a disciplinary measure, administrative sanction or administrative order cannot be based on them either.





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For more information about the Dutch Safety Board and all published investigation reports, visit <https://www.onderzoeksraad.nl/en/>

**Incidents can be reported via telephone number
0800 6353 688**

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