

2011

Annual Report 2010 -2011



Asociación de
fectados del
Vuelo Jk5022

1. INTRODUCTION

A year after the edition of the Memory 2009-2010, the “Association of Affected by Flight JK-5022”, makes again balance of the work done through this last year, by this brochure which reflects in broad strokes the persevering work which is developing in every aspects, public and private as well, for the achievement of the objectives which collect their Statutes.

In broad outline, the principal effort is still focused on the monitoring CAUSA PENAL which is instructed at the “Juzgado N°11 de Madrid”, in the “Diligencias Previas” N° 4373/2008, where the AVJK5022 has presented 5 outstanding experts with national and international recognition, who count with the proficiency, knowledge and professionalism, in different specialties relationated with the before, the meanwhile and the after of the tragedy (electronic circuitry, aeronautic engineering, aircraft maintenance, MD Pilotage, Medicine-emergency) with the conviction that their Expert Informs are being and will be determinants in the judicial investigations which are realizing right now.

Also the AVJK5022 has followed another way, parallel to the judicial one, discussing at different forums nationals and internationals, where we talked about topics like civil aviation, air security, victims assistance, etc. The specialization is the fundamental pillar in an air tragedy and the AVJK5022 at Madrid worries and occupies of being present in all places where to explain the purposes, activities and objectives of the AVJK5022, and also to obtain all support necessary at institutional level to fulfill their task.

To point out the increase of the number of associates, until passing the 1.000 associates, with the creation of the figure of the symphatizer-associate: people who are users or not of air transport that have decided to associate to AVJK5022, without direct link to the families, but identified with the cause that defends that flying has to be safer for everyone that uses the plain as mean of transport.

From here, we animate to continue giving support to our fight, focused in correcting the mistakes that sparked the biggest air catastrophe (08.20.2008) of the last 25 years in Spain and impulse actions to deperate the responsibilities that corresponds, in memory of the passengers of the flight JK5022.

THE BOARD OF DIRECTORS OF THE AV JK 5022

2. INTERNAL COMPOSITION

After the celebration of the “General Elections” of the past 20th May 2011, the composition of the “Board of Directors” is the following:

President:

M^a Pilar Vera Palmés

Vice president:

Margarita Henríquez Espinosa

Secretary:

Ligia Yasmin Palomino Riveros

Treasurer:

Máximo Díaz Delgado

Vocals:

José Pablo Flores García

M^a de los Ángeles Piretti León

Luis Rey Nieto

Rafael Vidal Rodríguez

Magali Baton (representing french families)

Leticia Betancor Sánchez

Yazmina Cabrera Suárez

Henar Guerrero Durán

Workgroups:

The AVJK5022 functions with Workgroups composed by members of the “Board of Directors” depending on their professional skills and qualifications, focusing actually on: Legal and Reserch, Emergency, Media and Public Relations, Assistance to Families and Institutional Relations.

Furthermore each of the 4 “Charges of the Board of Directors”: President, Vice president, Secretary and Treasurer, assume the specifical functions of everyone, with the assistance of “Tax Advice” that makes the accounting and audit of the AVJK5022.

Is the intention of the AVJK5022 transact through this year 2011, the solicitude of the, declaration de “Utilidad Publica” in the “Registro de Asociaciones del Ministerio del Interior” what will bring more

3. OBJECTIVES OF THE ASSOCIATION

We remember the objectives pursued by the AVJK5022, which acts on two main:

- 1) 1.- The legal field, through the legal representation of their members, whose purposes are:
 - Clarifying the causes of the tragedy of the flight JK5022.
 - Accountability was legally established and finding the possible negligence, if any, in order to prevent their recurrence.
 - The defense of few rights correspond to the victims of the accident of their family partners.
- 2) 2.- Social field, in which two fundamental objectives sought
 - Contribute to improving air safety. This partnership is unique in that not only aims to know the truth of what happened on August 20 of 2,008 , so that a similar disaster does not happen again, but in the belief that this would have been avoided if there had been fulfilled minimally air safety standards in force, it has the strong aspiration of:
 - Impetus to enact laws through which be able to punish the airlines that breach the security rules.
 - Claim in all areas, public and private, national and international, to be changed and harden the safety standards and measures in air transport.
 - Contribution to the improvement of air safety, with the pretense of promoting the universality of criteria in the area of aviation safety, demanding that the recommendations arising from the conclusions of the reports of the commissions of inquiry foreign and Spanish are mandatory
 - Claim to guarantee and strengthen the inspections on the compliance of the elementary norms of safety in the air.
 - Assistance to the surviving victims and the families of the deceased in regard to psychological support, medical supplies, and legal.
 - Regulatory rules specific to victims of accidents in the air: to respect the 45 days as in the USA and not to come to the PROFESSIONALS families from any country to offer their Professionals services. PROFESSIONALS from any country to offer their services of any kind whatsoever.

4. GLOSSARY

ACFVA Federation of Victims of Accidents in the air in the USA

AENA Spanish Airports and Air Navigation

AESA Air Safety Government Agency

AVJK5022 Association for People Affected by the flight JK-5022

CIAIAC Commission for the investigation of accidents and incidents of Civil Aviation

COPAC Professional Association of Pilots of Civil Aviation

CRM Resource management of the crew

DGAC Directorate General of Civil Aviation

EASA European Agency for Aviation Safety

FAA Federal Aviation Administration of the United States

FENVAC National Federation of victims of disasters of France.

INTA National Institute of Aerospace Technology

MMEL Master List of Minimal Equipment

NTSB National Transport Safety Board of the United States

OACI International Civil Aviation Organization

SEPLA Spanish Trade Union of Air Line Pilots

SETSI Secretary of State for Telecommunications and audio-visual Media

SSEI Rescue Services and Fire Fighting

TOWS Take Off Warning System

5. ACTIVITIES OF THE AVJK5022

In the past 12 months, the AVJK5022 has continued to progress, not without difficulty, with the collaboration of European associations and American more than in the Spanish Administration, which both central and autonomous level promoting policies for air transport more geared to the increase in travellers that the purposes for which the association advocates.

However, all the institutional visits that have been made have had specific purposes that are detailed below:

1.- April-September 2010: TV Series

Alerted the Chairperson of the AVJK5022 in Madrid by the sister of one of the deceased victims that is found in the Academy, where he studied with a poster calling for "extras for the series on the Spanair accident", It puts the hard task to find out what's true in such information , by calling the telephone that is contained in the same poster. Contact with the producer and requests a meeting to which they gain access in the course of the same to the attending 5 members of the board of directors (including 3 survivors). We have learned through the mouth of its director that the idea emerges from its particular "Fear of flying" and that the screenplay, quite advanced, it is pending in finish, but they will show to us.

Past 5 weeks, and in view of the fact that they do not, we are putting pressure on through a pilot who is advising and finally tell us that is going to consist, superficially, the script. As is natural in a TV movie who is looking for profit from a tragedy, its "human" important component is focused to show the details of the suffering of the passengers of the JK5022 flight.

Begins the titanic task of trying to stop the project and of the refusal of the producer and the TV channel who is funding the project, we went to all the institutions of the country to request a delay in the issuance until both are asking the judicial investigation, because we believe that the TV movie may indirectly influence in society, by establishing a truth from a fiction that for nothing shall conform to the reality.

In this race against time, since the claim is emitting them with reason of the second anniversary, AVJK5022 considers that it is essential the defense of the privacy of victims and affected family members, and implemented more imagination that resources, a strategy aimed at postponing its issuance until completion of the judicial route.

There are over 25 written in all public agencies in Madrid , Canary Islands, Castilla-La Mancha and Castilla y León, in addition is maintained encounters with a good part of those responsible for those institutions with the same result: freedom of expression is one of the fundamental rights and in Spain the censorship does not exist.

The discussion then focused on determining which rights prevail in the life of the people: freedom of expression or the intimacy of the deceased, survivors and their families?

Undiscouraged, the Chairperson of the AVJK5022, promotes the collection of signatures on a national level with broad support from the population , preferably in the Canary Islands where there is a greater number of families , getting in less than a week, more than 70,000 signatures supporting the paralysis, and does not issue from the series, which were presented in 3 sets in the Register of the SETSI (Secretariat of State for Telecommunications and audio-visual Media).

Eventually led to his postponement although finally was issued a few weeks later, on a date other than that of the anniversary, proving to be a resounding failure, at the low levels of hearing that obtained: finally, the society was the silent ally of AVJK5022 that he saw both effort and work deployed was not in vain.

** See REFLECTED IN ANNEX I, p. I-1, read in the Plaza de Santa Ana in Las Palmas de GC. , the August 20, 2010, after the Mass of Anniversary which was held in the Cathedral.

2) July 20, 2010. Meeting the AVJK5022 with the Madrid City Council : Mayor, Deputy Mayor and Councilor of Social Affairs to deal with different issues, among which are: National Plan Performance Major Disasters (being presented to the Authorities of our country), aid to victims of air disasters, Draft Monument Park Juan Carlos in Madrid, etc. .

3) July 29, 2010. Meeting in the CIAIAC: Secretary and new President Ms. Rosa Maria Arnaldo, with the President and 3 members of the Board of Directors to receive information about the new departure for the Agency which had been refurbished by the Minister of Economic Development.

4) August 2, 2010. Meeting with the Secretary of State for Transport, to which he or she re-raise for the third time all the issues that were raised to the Minister at the meeting of the 9.9.2009 and that are unanswered.

5) August 20, 2010. Second Anniversary: Presentation in the Juan Carlos I Park in Madrid, of the Monument to be erected in memory and remembrance of the passengers on Flight JK5022, from the City Council of Madrid. **SEE ANNEX I, P. I-5**

Commemorative events of the Second Anniversary on Las Palmas de GC and Madrid. **SEE ANNEX I, P. I-2.**

6) August 30, 2010. Meeting for second time, with the Chief Prosecutor of the Community of Madrid and the Chief Public Prosecutor in Madrid and the President of the Association, Ms Pilar Vera, the Vocal Mr. Jose P. Flores and the Association's lawyer, Mr. Esteban Mestre, to call for reinforcements and raise the position of the AVJK5022 against the issuance of a series of TV.

7) September 10, 2010. Meeting of the President, Secretary, and Vocal of the AVJK5022 with the CIAIAC to treat about what happened after the accident , making delivery of a report on more than 100 pages with verified information on emergencies.

8) October 4-5, 2010. Are carried out in the official facilities of the INTA the second test of the relay 2.5 of the plane MD82 accidented on August 20, 2008. In these tests were present the experts as the party that they had asked, among them, which represents the AVJK5022.

9) October 20, 2010. The Chairperson and 3 of the 4 members who live in Madrid, visit the Minister for Justice, Presidency and inside the Community of Madrid who has been given our **National Plan of Action before Large Disasters** made by 3 members of the Association, and the spanish translation of the **Help Guide for Victims of Accidents Collective** in France, exposed in the web page of the Association for anyone interested (www.avjk5022.com)

10) November 4, 2010. The AVJK5022 presents in the Court the expert report carried out by its expert witness in electronic circuitry and Dr. Telecommunications Engineer, in which he pointed out to the relay **R2-5** as the key determinant of the accident.

11) December 10, 2010. The COPAC (on the occasion of the celebration of the day of its patron Nuestra Señora de Loreto (Our Lady of Loreto)), delivery to the Chairperson of the AVJK5022 the plaque of appreciation that each year gives personalities - legal or physical - for his work and contribution to the improvement of air safety with the following legend:

"The Professional Association of Pilots for the Commercial Aviation - COPAC - in recognition of the ASSOCIATION OF AFFECTED THE FLIGHT JK5022, For its work in defense of a thorough investigation and of the causes of accident August 20, 2008 and its contribution to the improvement of air safety. In Madrid, December 10, 2010 . Ntra. Señora de Loreto, Patron of Aviation".

This plaque in methacrylate is deposited at the headquarters of the AVJK5022 in Las Palmas de Gran Canaria.

12) December 12, 2010. The Chairperson and 4 members of the board of directors of the AVJK5022 meet with the President and the Secretary of the CIAIAC to discuss advances in the official investigation and date of the possible publication of the Final Report, which reported that is at the stage of allegations by the parties involved and that they expect disclosed before the third anniversary .

13) January 10, 2011. Ratification by the expert from the AVJK5022 of his Expert Report in Court No. 11 and request to perform new evidence to the relay of the aircraft, what the judge agrees, setting the days 14 to March 16, 2011.

That same day, testing is performed by the OPC in the simulation of the flight in which determines that the conditions in which it was, the plane has taken off it was very difficult or impossible to implement, as published in the Press in the following days.

14) February 14, 2011. Debate and vote in the Congress of Deputies of the Senate amendments to the draft of the law by establishing **the State Program of Operational Security** and amending the Law 21/2003 of July 7 Air Safety and Security, The AVJK5022, together to the affected in the helicopter accidents CE-FJJ happened in Tenerife and Sea Rescue Helimer 207 in Almeria, Signing a manifesto of support for the amendment 12.2 , with spirit of preventive action, which protects the decision of the Commander of an aircraft for which you can leave it on the ground to detect hazards, or deficiencies in the security, without suffering the consequences of the dismissal by the Airline.

We must not forget that the Commander of the Flight JK5022, returned to the parking to the detect a high temperature of the RAT and confident the maintenance services to try to a fateful second takeoff.

The AVJK5022 will help with all the estates of the air transport sector to that operational safety should be more secure, supporting few legislative initiatives or governmental resulting in a culture of prevention of air safety , hence is not only essential to protect the information but also the actions of professionals in whose hands the lives of the passengers.

15) February 17, 2011. Meeting with the new Secretary of State for Transport to discuss the following outstanding issues from November 2010 of completion of previous Secretary of State for Transport and are listed in **Annex II, section 8.2** of this Report.

16) February 21, 2011. The President of the Parliament of the Canary Islands receives members of the Board of Directors, since the

previous visit to the Commission on Transport and Tourism the day February 22, 2010, despite the promises that were made without exception, the 3 spokesmen of the Parliamentary groups present in the House, it was a disaster because past a year did not comply with what they have promised.

The AVJK5022 exposes the harsh reality: we are naive visiting to the same Committee of the Parliament which approves the proposal of the Government of the Canary Islands to ask the Ministry of Development that exempted from fees and public prices to low-cost airlines, that does not invest in safety because their maximum claim is cheap rates, in favor of the tourism industry of the Canary Islands as opposed to companies that invests in safety, it was therefore impossible that will help us to meet the objectives that we advocate. It was also reminds them that it has a duty the Autonomous Community of the Canary Islands to review the Emergency Plans of Canary Islands airports, powers has transferred by the State.

17) March 3, 2011. At the request of the AVJK5022 and with the aim of helping to clarify the truth, are held at the Court witnesses , which comes a survivor and the Father of TCP to recognize the voice of her son, leaving clear the doubt that, among others, has its own CIAIAC in its first report to the ascribe the identity of the third occupant in the cockpit of the MD-82, to another person.

18) March 9, 2011. The Presidency of the AVJK5022 through the relationship with other associations, and in particular with the ACFVA manages to visit the NTSB, in order to know how an investigation of the air accidents, since the American Federal Agency is a reference to the world. The President of the ACFVA reports that is going to celebrate the "International Conference on Assistance to the families" in Washington, USA, on March 28 and 29 and that will invite us officially, as finally happened. **See Annex II, p. II-15.**

19) March 14-16, 2011. Are carried out in the INTA the second tests to the relay with presence of judicial officials and the parties that requested be.

20) March 24-25, 2011. The Chairperson accompanied by 1 vocal on the first day and by the Secretary on the second, assists **the Seminar on "Safety Information: Cooperation between aviation and the Judicial Authorities. Programs State security Safety Management Systems and Accident Investigation"**, Madrid, organized by the COPAC, in collaboration with the OACI and the sponsorship of the Ministry of Development, AENA, Congress of Deputies, SEPLA and other private agencies.

This Seminar is the first step for the professionals of the air transport , pilots, to bring the issues in this sector to the judicial administration and the national and international agencies that regulate the rules and regulations by which are governed. It was attended by the President of the OACI, the Minister of Development, Members of the Commission for the Promotion of the Congress, whose headquarters was held , as well as magistrates, judges, prosecutors, air traffic controllers, handling companies, airlines and other different groups, as well as the **AVJK5022** for the victims of accidents in the air in Spain.

The conclusions of the Seminar will be dealt with by OACI in their working groups for the purpose of assisting in the revision of the current procedures for operational safety.

In 2 days, the Chairperson of the AVJK5022 unveiled at the institutional level to the Association, conversing with almost all of the members of the different tables that gave different points of view, that each one deals with, giving the work carried out to improve safety .

20) March 30 – April 2, 2011. Visit to the UN/New York: Presentation in the Service of the United Nations liaison with non-Governmental Organizations (SENG-UN), body similar to a Human Rights Commissioner, our tragedy: without a history of similar accidents in the commercial aviation in Spain, at the mercy of an official investigation into the CIAIAC and from a judicial procedure quoted there is the case of the american law firms looking for clients in Spain, when in the United States is radically forbidden to approach the victims of major disasters until after 45 days of its occurrence is being severely punished , even with the loss of license to practice law.

Equally it is explained that in Spain the professional colleges have not taken action against the professional performances based on customers that are not in a position emotional to decide for the impact of the tragedy.

21) June 1, 2011. Not to instigate Judicial responds to the request of the Prosecution Popular AVJK5022 that had requested the broadening responsibilities in the Airline, citing to declare 3 new charged and a fourth already it has been since the beginning of the instruction.

22) June 7, 2011. It is written to the Minister of Development (**ANNEX II, p. II-5**) with reference to the various meetings, maintained with all the issues that are unanswered. The AVJK5022 exposes also that after the assistance to the International Conference for Assistance to the families of the NTSB, Was able to verify the attention for which they are received by the families on the part of this Federal Agency that is also present in the majority of investigations of aircraft tragedies of the World, Including the August 20, 2008 where an active part of the investigation into the CIAIAC, a body attached to this ministry.

" From tragedy We draw knowledge to improve safety for us all", is the motto of the NTSB, that coincides with the will of the AVJK5022, almost three years after the air disaster more severe that occurred in Spain in the last 25 years, Continues to fight for that fly will be more secure, immersed in problems at the judicial level, survivors and social, waiting for the support of the Ministry that has all the powers for Air Transport.

Next to the writing, annexed part of the report of **THE EUROPEAN AGENCY EUROCONTROL (ANNEX II, P. II-1)** where appears published the appalling figure of 47 quasi-air collisions in the spanish airspace during the year 2010, incidents with A severity level, in front of the United Kingdom that appears with 0 incidents and claims for Spain, a policy of prevention against the current reactive policy, unchanging almost 3 years after our air tragedy .

The date on which closes the edition of this memory, **WITHOUT AN ANSWER.**

23) June 16, 2011. Meeting with the Justice Department Secretary, Ms Purificacion Morandeira, which deals with various issues, between which it emphasizes the request for the legislating to that, which occurred a air tragedy, prohibiting approaching families to all professionals with interests outside the human drama which prevents them from victims decide with serenity in their best interest.

24) June 18, 2011. Opening in the Juan Carlos I Park in Madrid , at the entrance to "La Rosaleda", the Monument to the Memory and remembrance of the passengers on Flight JK5022: The AVJK5022 vote among its members the choice of this monument and as was finished before the third anniversary, it was decided that it was better to inaugurate it as soon as possible, also taking into account the Pope's visit to Madrid for the World Youth Meeting from 18 to August 21. **(Annex I, p. I-9). The photo is the cover of this Memory.**

25) June 27, 2011. It submits a statement to the Government of the Canary Islands **(Annex II, p. II-7)** in similar terms to that presented to the Minister of Development but adapted to the competences transferred because it has a Ministry of Transport, on the basis of the origin of most of the passengers on Flight JK5022, to assist with the Central Administration in the search for procedures that help with after the catastrophe to the affected families, forced to associate to defend their rights.

Support is requested for institutional to achieve the objectives of that flying is safer for users of the aircraft, indispensable in the transport of the canaries and that the AVJK5022 receives the recognition and institutional support to carry out its purposes.

26) June 29, 2011. It is written to the Secretary of State for Transport in reference to the meeting held on Feb 17, 2011 in the absence of responses to different matters dealt with in the same. **(Annex II, p. II - 9).**

In addition the AVJK5022 expresses its opinion before the initiative presented by the SET concerning **the Agreement for Quality in the Air Transport** (A.C.T.A). The past June 15, 2011, which does not take into account the victims of the air transport system, but that persists in trying

aspects that do not take into account the consequences of failures of the same.

The AVJK5022 insists that detect the errors of the system has to be coupled with the correction of the same to prevent the tragedies to occur, accompanied by inspections of flight and other measures to implement a preventive culture because the safety of the passengers has to be above the objectives that advocates the ACTA. And we must not be misguided when the official data of the Ministry of Development figures alarming in the air transport sector.

In this sense, the AVJK5022 considers revealing the official data published by the CIAIAC (www.fomento.es) in the period **2000-2010, which occurred in Spain, a total of 661 events between accidents and serious incidents** (that have been investigated), **with more than 300 fatalities and more than 500 injured** between serious and minor.

27) July 27, 2011. Meeting with the President of the Congress of Deputies in the requested appearance before the Committee on Development of the Congress of the AVJK5022 to expose his vision 3 years after the tragedy of the August 20, leaving awaiting reply.

It also calls for his intercession with the Cardinal Archbishop of Madrid to the Pope can receive the representation of the AVJK5022 the day August 20, which performs.

28) JANUARY – JULY LAS PALMAS. In order to repair the monuments that have been erected in Las Palmas in memory and remembrance of passengers in flight JK5022, from the assistance to the inauguration of the monument in Madrid the June 18, once the change in the Town Hall de Las Palmas, the First Lieutenant of Mayor of the Municipality of Las Palmas in representation of the Mayor, opens a new phase with the Institution.

In addition it restarted the meetings with the Provincial Council of the island of the Monument in Las Canteras Beach, since the previous Corporation left incomplete requests made to it.

Meetings were also held with the new mayors of Telde and ingenuity of the Monuments installed in "Ojos de Garza" and "Jardín de los

Ausentes", with a view to the maintenance and commemorative events of the third anniversary.

All these meetings were led by the Vice-president of the AVJK5022 with the assistance of members of the Board of Directors and in close contact with the Chairperson of the AVJK5022, in addition to the knowledge of the entire Board .

29) July 29, 2011. After many calls, on the part of the AVJK5022 access to greet us today to tell us about the conclusions of the Final Report that they do not know when they are going to make it public. Attended by the Commission , its President Rosa M^a Arnaldo and his secretary, Francisco Soto. On the part of the AVJK5022, President, Secretary and 3 members of the Board of Directors, all of them live in Madrid.

The meeting for 2 hours and half is tense as we learn, far above what they have called the Final Report. Although it is the first time that the Ministry of Development - CIAIAC "shows" the final report to an association, there is no history in our country, it does so in compliance with the European Regulation 996/2010, adopted at October 2010 which specifies that in its art. 16

While we were at this meeting, and without knowing it, convened a press conference the same day July 29 to the 16.30 hours in the Ministry of Development to make it public. On comments!!

Taking into account that this memory was virtually complete , the assessment by the AVJK5022 is the one that made public later that day and following and quote is as follows:

“”This Report is a RESOUNDING INSTITUTIONAL FAILURE and in no way responds to the expectations that the victims had placed in the Ministry of Development and that proves once again that, who is not with the citizens.

The report has not taken into account the facts that are already being tested in the jurisdiction whose pronouncements the Administration also has to respect, on the contrary, used in some points, to hide the truth already demonstrated.

This report confirms the prevailing culture of placing blame on the dead, and leaves to investigate, despite the existence of very serious indications that are at the base of the accident, which is repeated every day in every aircraft that is flying, as a result, as does not exhaust the investigation, does not fulfill its purpose of improving air safety.

THE MINISTRY OF DEVELOPMENT is neither with the citizens nor with the victims of a transport system that has not ensured the life of users who use, therefore DO NOT TRUST that the interests that guide you are to protect us all and this Report is the most tangible proof of what we are saying.

On the contrary, we still have confidence in the Justice, where steps have already been taken firm and insurance to find the truth and debug appropriate responsibilities to, in their hands we put on ourselves to achieve the objectives of AVJK5022.”””

6. MAIN FACTS.

EUROPEAN UNION : First semester 2010, Spanish Presidency.

20th October 2010. The UE Ministers Council approves the Regulation (EU)No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation.

We sum up some of the main innovations on this EU Regulation:

- Article 20. Union airlines shall implement procedures which allow for the production as soon as possible, and at the latest within two hours of the notification (as the AV JK 5022 had required) of the occurrence of an accident of an aircraft, of a validated list of passengers. This referred list shall be made available to the safety investigation authority in charge, the authority designated by each Member State to liaise with the relatives of the persons on board and, where necessary, to medical units which may need the information for the treatment of victims.

The AV JK 5022, the Spanish Ministry of Transport, and the French European Parliament member Cristyne de Veyrac have lobbied in order to take into account in such regulation our tragedy.

- Article 21. **Assistance to the victims of air accidents and their relatives.** 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.
- Article 18. The addressee of a **safety recommendation** shall acknowledge receipt of the transmittal letter and inform the safety investigation authority which issued the recommendation within 90 days of the receipt of that letter, of the actions taken or under consideration, and where appropriate, of the time necessary for

their completion and where no action is taken, the reasons therefor. Each safety investigation authority shall implement procedures to record the responses to the safety recommendations it issued. Safety investigation authorities shall record in the central repository established under Commission Regulation (EC) No 1321/2007 of 12 November 2007 laying down implementing rules for the integration into a central repository of information on civil aviation occurrences exchanged in accordance with Directive 2003/42/EC (1) all safety recommendations issued in accordance with Article 17(1) and (2) as well as the responses thereto.

EASA (European Agency of Air Security) carries out on behalf of the Member States the functions and tasks of the State of Design, Manufacture and Registry when related to design approval. Therefore EASA, should be invited to participate in a safety investigation in order to contribute, within the scope of its competence, to its efficiency and to ensure the safety of aircraft design, without affecting the independent status of the investigation. It is recognised that the participation of EASA and of the competent authorities of the Member States in the exchange and analysis of information could benefit safety investigations through **on-line access to relevant safety related information contained in the central repository of information on civil aviation occurrences.**

The coordination role of safety investigation authorities should be recognised and reinforced in a European context, in order to generate real added value in aviation safety, by building upon the already existing cooperation between such authorities and the investigation resources available in the Member States which should be used in the most efficient manner. That recognition and reinforcement could be best achieved by the **European Network of Civil Aviation Safety Investigation Authorities (the Network)**, with clearly defined role and tasks. As it is essential to ensure clear rights for safety investigations, Member States should, in compliance with the legislation in force on the powers of the authorities responsible for judicial investigations and, where appropriate, in close collaboration with those authorities, ensure that safety investigation authorities are allowed to carry out their tasks in the best possible conditions in the interest of aviation safety (article 8).

IN SPAIN

4th March 2011. As a consequence of the Minister of Transport appearance in the Transport Commission in the Spanish Congress on the 23th September 2009, he was committed to reform Air Operational Security Laws. It was modified Law 21/2003 of Air Security and it was established the National Air Operational Security Programme for Civil Aviation. The new **Law 1/2011**, is a transposition into the Spanish legal system of the 996/2010 EU Regulation.

The AV JK 5022 has supported the Spanish Pilots Association of Civil Aviation (COPAC) during the processing of this law. This law should have protected the decision of those pilots who detect a breakdown or an incident before taking-off which could put into risk passengers and it would allow them to decide freely (and without any fear of later dismissal) the reject of any doubtful taking-off. Although this extend was accepted by the Spanish Senate, it was later rejected by the Spanish Congress following the indications of the Ministry of Transport.

The AV JK 5022 understands that acting in a preventive way must occupy a first place in any subject related to Air Security laws. If the EU 996/2010 would have been in effect on the 20 th August 2008, a second and fatal taking-off would have not happened. This is the main motivation in the AV JK 5022 and they will continue fighting until the Spanish Air Security regulations reflect those required changes.

29 th July 2011. The CIAAC published the **Final Report** which reflects the investigations about the aviation accident which took place in Barajas-Madrid Airport on the 20 th August 2008.

http://www.fomento.gob.es/MFOM/LANG_CASTELLANO/ORGANOS_COLEGIADOS/CIAIAC/INVESTIGACION/2008/SPANAIR/InfoFinalSpanair29072011.htm

The Ministry of Transport has needed nearly 3 years to present: 1) An interim report, 2) A preliminary report, 3) A progress report AND 4) a final report. We must say that in the same proportion the number of pages in the Final Report increases, the number of facts that were pointed out in the Final Report that caused the accident diminishes.

The AV JK 5022 has publicly censured this report because it does not achieve its final objective: to avoid future aviation accidents caused by the same circumstances.

Last 3th August, the AV JK 5022 jointly with the COPAC gave a press conference. The president and two members of the board of the AV JK 5022 together with the president of COPAC answered the questions asked by the media. During this Press Conference which took place on the Conference Room of COPAC , it was publicly defeated the position which is held by both institutions (AV JK 5022 and COPAC).The following day this same position was also supported by SEPLA (Civil Pilots Trade Union) in another official Press Conference.

On the same 3th August the AV JK 5022 sent a letter to the Ministry of Transport in other to show their total rejection to the Final Report. In the AV JK 5022 opinion, this report do not achieve its main and only objective which is to investigate the causes of aviation causes in order to avoid future tragedies.

This Final Report do not reach nor the family expectations, nor the air sector professionals expectations and neither the expectations of victims and survivors of aviation incidents. It is our feeling that the Spanish Air Security Authority have lost a great opportunity to modify old habits and behaviours. Unfortunately the Spanish Air Security Authority keeps considering guilty the pilots, which are just the last step in a failures chain.

During the history of aviation accidents, it is shown that, the effort and determination of third parties produces the discovery of the truth. For this reason, the AV JK 5022 supports the requirement of an independent **report made by prestigious and independent experts that would invalidate the official final report presented by the Ministry of Transport.**

The AV JK 5022 will never understand why it has taken 3 years to elaborate the Final Report by the Ministry of Transport (of 308 pages), while the NTSB, (which actively took part in the production of the Ministry of Transport Final Report), presented on the 17th August 2009 a report of only 8 pages where the main causes of the accident were described.

7. CONCLUSIONS.

Although the last year has been hard for the families and for the Association, the legal strategy followed by the Association has been consolidated. We have reach some serenity inside the Association, once it has been spread the resolution published by the NO CONVENIENCE FORUM regarding the hiring of American Law firms. Our lonely but respected work is now at a legal level being taken into account.

This report do not contain nor justice neither the hundreds hours invested in order to find the truth but it would allow us to achieve a status that will allow us lasts through time, and it would make the Association to be recognized at a legal, social and media level.

I firmly believe that LIVING IS NOT FORGETTING and I also think that where THERE IS A DREAM, THERE IS A PATH. This path is being opened by the AV JK 5022 and our purpose is to avoid in the coming future, the pain we are suffering since the tragedy of 20.08.2011. If your interest for the activities we develop, have been awaken, our main goal would have been reached.

M.PILAR VERA PALMES
PRESIDENT OF THE AV JK 5022

If you, or any of your family members, or friends are frequent flyers, help us to make flying safer. Join us as a member! Thanks in advance.

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