(English version)

Question for written answer E-000834/26
to the Commission
Borja Giménez Larraz (PPE)
(27 February 2026)

Subject: Removal of evidence and compliance with European Union Agency for Railways (ERA) preservation guidelines in the investigation of the Adamuz accident

On 18 January 2026, a railway accident in Adamuz killed 46 people and left many injured. The technical investigation is being carried out by Spain's Commission of Inquiry into Railway Accidents (CIAF) as an independent body (Directive (EU) 2016/798). According to published information and court testimonies, Adif — Spain's state-owned railway infrastructure manager — removed evidence from the track before the authorities concluded their inspection.

Directive (EU) 2016/798 requires the granting of immediate access to evidence in full and at the site of the incident, as well as the cooperation of the authorities and their independence. In addition, ERA ([1]) requires there to be evidence preservation mechanisms, controlled access to the site, immediate listing of evidence and controlled removal of wreckage only under the supervision of the investigator.

In light of the above:

1. Does the Commission consider the removal of items before the CIAF compiled a listing to be in compliance with Article 21(2) of Directive (EU) 2016/798, which requires cooperation and immediate access to the accident site and evidence?

2. Is the principle of independence of the investigating body compromised if third parties had physical contact with the evidence beforehand?

3. If failures are identified, what steps will the Commission take to ensure the adequacy of the Spanish procedures, including a possible infringement procedure?

Submitted: 27.2.2026

Answer given by Mr Tzitzikostas on behalf of the European Commission
(3 June 2026)

National legislation must guarantee that rail accident investigations are carried out independently, efficiently and within the shortest time.

Pursuant to Article 22(1) of Directive (EU) 2016/798 ([1]), national investigating bodies established by the Member States must be independent in their organisation, legal structure and decision-making from any party whose interests could conflict with tasks entrusted to such bodies.

Article 21 of Directive (EU) 2016/798 defines the principles and requirements to be established in national law as regards the legal status of investigations, cooperation between investigating authorities, other authorities and courts, and rights of investigators including their right to access any relevant information.

The Commission has not received evidence from the Spanish investigating body suggesting that the investigation cannot be carried out independently, nor that the national legislation fails to guarantee the rights of investigators, notably the right to access any suitable evidence.

Responsibility for guaranteeing that the procedures under national law pertaining to the investigation of rail accidents are adequate lies primarily with national authorities and courts.

The Commission, as guardian of the Treaty, may initiate an infringement procedure, as appropriate, in case of solid evidence of breach of Union law.

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[1] https://www.era.europa.eu/system/files/2022-10/Guidance%20for%20the%20establishment%20and%20work%20of%20the%20National%20Investigation%20Bodies.pdf.

([1]) http://data.europa.eu/eli/dir/2016/798/oj.