

Civil aviation: reporting, analysis and follow-up of occurrences

2012/0361(COD) - 18/12/2012 - Legislative proposal

PURPOSE: to lay down common rules in the field of occurrence reporting in civil aviation in order to correct safety deficiencies and prevent them from recurring.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the average annual rate of fatal accidents in scheduled passenger operations in the EU has remained more or less stable for the past years. However, it is feared that with the air traffic growth forecast for the next decades there will be an increase in the number of accidents.

Experience has shown that often before an accident occurs, a number of incidents and numerous other deficiencies have shown the existence of safety hazards.

Whilst the ability to learn lessons from an accident is crucial, **purely reactive systems have shown their limit in continuing to bring forward improvements**. In this context, the International Civil Aviation Organisation (ICAO) has encouraged the **transition towards a more proactive and evidence-based safety approach**.

At Union level, [Directive 2003/42/EC](#) established the basis for a proactive and evidence-based aviation safety management system in the European Union by imposing the reporting of occurrences. However, the European Union and its Member States are currently not sufficiently able to use experience feedback for preventing accidents and the **current legislation is insufficient** to prevent that the number of accidents and related fatalities would increase as a consequence of the expected traffic growth.

The improvement of civil aviation safety requires that relevant civil aviation safety information should be reported, collected, stored, protected, exchanged, disseminated, analysed and that appropriate safety actions should be taken on the basis of the information collected.

IMPACT ASSESSMENT: in addition to the option of not introducing any change to the current situation, **three policy packages** were considered to assess how Directive 2003/42/EC could be revised.

- **Policy package 1** aims at improving the current system through amendment to the legislation limited to what is strictly necessary and to the adoption of recommendations and guidance wherever possible;
- **Policy package 2** consists of a more ambitious package of policy measures entailing a substantial revision of EU legislation on occurrence reporting;
- **Policy package 3** aims at improving the current system by transferring Member States occurrence reporting competencies to the EU level and establishing requirements for occurrence analysis together with the adoption of necessary safety actions and improvement in monitoring.

On the basis of the efficiency, effectiveness and consistency criteria, it is recommended that **policy package 2 should be implemented**, as its benefits would be considerably higher than the costs incurred.

LEGAL BASIS: Article 100(2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposal aims to contribute to the reduction of the number of aircraft accidents and related fatalities, through the improvement of existing systems, both at national and European level, **using civil aviation occurrences** for correcting safety deficiencies and prevent them from recurring.

The main points of the proposal are as follows:

1) Better collection of occurrences: the proposal establishes the appropriate framework for ensuring that **all occurrences that endanger or would endanger aviation safety are reported**. The proposal:

- maintains the obligation to establish mandatory occurrence reporting systems (MORS) and lists the persons obliged to report, as well as the occurrences to be reported under the MORS;
- imposes the establishment of voluntary systems whose aim is to collect occurrences which have not been captured by the MORS;
- contains provisions ensuring that aviation professionals are encouraged to report safety-related information by protecting them from punishment, except in cases of gross negligence.

2) Clarification of the flow of information: the proposal requires organisations and Member States to establish **occurrence reporting systems** which will enable the identification of safety hazards. The occurrences collected by organisations must be transmitted to Member States' competent authorities or to the European Aviation Safety Agency (EASA), when appropriate. All occurrences collected by Member States, organisations and EASA are aggregated into the European Central Repository.

3) Improved quality and completeness of data: in order to ensure better identification of key risk areas and of measures to be taken, **occurrence reports will have to contain minimum information and mandatory data fields**, such as the date of the occurrence, the occurrence category or the narrative of the occurrence, will be introduced. The proposal also includes:

- the obligation to classify occurrences in terms of risk according to a **European common risk classification scheme**;
- **procedures for implementing data quality checks**, notably to ensure consistency between an occurrence report and the initial information collected from the reporter.

The Commission will support Member States in reaching higher data quality and completeness standards by supporting the development of guidance material and the use of workshops.

4) Better exchange of information: access by Member States and EASA to the European Central Repository, which contains all occurrences collected by Member States as well as by EASA, is **extended to all data and information** contained in the database.

In addition, when, in the assessment of data collected through occurrence reporting systems, an authority identifies safety matters considered to be of interest for another authority, it shall forward the information in a timely manner.

In order to facilitate the exchange of data and information, the text requires that **all occurrence reports should be compatible with the ECCAIRS software** (this software is used by all Member States and for the European Central Repository) and with the ADREP taxonomy (the ICAO taxonomy also used in the ECCAIRS software).

5) Better protection against inappropriate use of safety information: the proposal strengthens the rules on ensuring that, besides the obligation to guarantee the confidentiality of the data collected, such information can only be made available and used for the purpose of maintaining or improving aviation safety.

6) Better protection of reporter to ensure the continued availability of information: the text reaffirms the **obligation to render anonymous occurrence reports** and it limits access to fully identified data only to certain persons. In addition, Member States are asked to refrain from instituting proceedings except in cases of gross negligence. Organisations are also asked to adopt a policy describing how the employees' protection is guaranteed.

National bodies must be established, allowing employees to report infringements to the rules which guarantee their protection and penalties should be adopted, where appropriate.

7) Introduction of requirements on information analysis and follow up actions at national level: the proposal imposes new requirements which transpose into EU law the rules related to analysis and follow up of occurrences collected, which have been agreed at international level. Organisations and Member States are required to analyse the information collected through occurrence reporting systems in order to identify safety risks and to take actions in order to remedy to any safety deficiency identified.

8) Strengthen analysis at EU level: analysis at EU level will complement what is done at national level notably by the identification of possible safety problems and key risk areas at European level.

9) Improved transparency towards the general public: the proposal provides for the publication of annual safety reviews containing information about actions taken in application of the regulation, trends and aggregated data.

BUDGETARY IMPLICATIONS: this is related to additional human resources for the European Aviation Safety Agency (involved through the Network of Analysts) and additional budget for mission and outreach activities. Both additional human resources (2 posts estimated at EUR 300 000 per year) and additional budget (mission and outreach activities estimated at EUR 65 000 per year) will be fully covered by redeployment within the existing resources of the Agency. Therefore the impact on the EU budget is neutral.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU).