

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

2012/0361(COD) - 26/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 644 votes to 14, with 6 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on occurrence reporting in civil aviation amending Regulation (EU) No 996/2010 and repealing Directive No 2003/42/EC, Commission Regulation (EC) No 1321/2007 and Commission Regulation (EC) No 1330/2007.

Parliament adopted its position in first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement between Parliament and Council. They amended the proposal as follows:

Objectives: Members specified that the Regulation should ensure:

- the **continued availability of safety information** by introducing rules on confidentiality and on the appropriate use of information and through the harmonised and enhanced protection of reporters and persons mentioned in occurrence reports; and
- that **aviation safety risks** are considered and dealt with at both Union level and national level.

Mandatory reporting: Parliament stated that **occurrences** which may represent a significant risk to aviation safety and which fall into the **following categories** shall be reported through the mandatory occurrence reporting systems:

- occurrences related to the operation of the aircraft (such as collisions, take-off and landing-related occurrences, fuel, in-flight, communication, emergencies and other critical situations, meteorological conditions or security -related occurrences);
- occurrences related to technical conditions, maintenance and repair of aircraft (such as structural defects, system malfunctions);
- occurrences related to air navigation services and facilities (such as collisions, near collisions or potential for collisions);
- occurrences related to aerodromes and ground services (such as occurrences related to aerodrome facilities, handling of passengers, baggage, mail and cargo and ground handling and related services).

The **European Aviation Safety Agency (EASA)** should establish a **mandatory reporting system** to facilitate the collection of details of occurrences, including the collection of details of occurrences collected by organisations which have been certified or approved by the Agency.

The persons concerned should report occurrences **within 72 hours** of becoming aware of the occurrence, unless exceptional circumstances prevent this.

Each organisation established in a Member State which is certified or approved by the Agency should report to the Agency the details of occurrences collected as soon as possible, and in any event no later than 72 hours after becoming aware of the occurrence.

Voluntary reporting system: each organisation established in a Member State should establish a voluntary reporting system to facilitate the collection of: (i) details of occurrences that may not be captured by the mandatory reporting system; (ii) other safety-related information which is perceived by the reporter as an actual or potential hazard to aviation safety.

Collection and storage of information: the handling of the reports should be done with a view to preventing the use of information for purposes other than safety, and should appropriately **safeguard the confidentiality of the identity of the reporter** and of the persons mentioned in occurrence reports, with a view to promoting a 'just culture'.

By agreement with the competent authority, small organisations may put in place a simplified mechanism for the collection, evaluation, processing, analysis and storage of details of occurrences.

The EASA should:

- **designate one or more persons** to establish a mechanism to independently collect, evaluate, process, analyse and store details of occurrences reported;
- **store occurrence reports in a database.**

Risk classification: occurrence reports should include a safety risk classification for the occurrence concerned. The Commission, in close cooperation with the Member States and the Agency through the **network of aviation safety analysts**, should develop a **common European risk classification scheme** to enable the organisations, Member States and the Agency to classify occurrences in terms of safety risk.

Occurrence analysis and follow-up at national level: each organisation established in a Member State shall regularly provide its employees and contracted personnel with information concerning the analysis of, and follow-up on, occurrences for which preventive or corrective action is taken.

In order to inform the public of the level of safety in civil aviation, each Member State shall publish a safety review at least once a year.

Confidentiality and protection of the information source: according to the amended Regulation, each Member State, each organisation established in a Member State, or the Agency shall process personal data only to the extent necessary **for the purposes of this Regulation** and without prejudice to national legal acts implementing Directive 95/46/EC.

The Agency should ensure that no personal details are ever recorded in the Agency database. Such **disidentified information** shall be made available to all relevant parties, for example to allow them to discharge their obligations in relation to aviation safety improvement.

If disciplinary or administrative proceedings are instituted under national law, information contained in occurrence reports **should not be used against the reporters**, or the persons mentioned in occurrence reports.

Evaluation: by five years after the entry into force of the Regulation, the Commission should publish and send to the European Parliament and to the Council an evaluation report on the implementation of this Regulation. That report should cover, in particular, the contribution made by this Regulation to reducing the number of aircraft accidents and related fatalities. If appropriate and on the basis of that report, the Commission shall make proposals for amending this Regulation.