

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

2012/0361(COD) - 03/04/2014 - Final act

PURPOSE: to contribute to reduce the number of aviation accidents and accident victims by the improvement of existing systems, both at the national and European levels, by using civil aviation occurrences to address safety deficiencies and to prevent their repetition.

LEGISLATIVE ACT: Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007.

CONTENT: the Regulation aims **to improve aviation safety in the Union via a proactive approach** and by ensuring that relevant safety information relating to civil aviation is reported, collected, stored, protected, exchanged, disseminated and analysed.

The Regulation lays down rules on the **reporting of occurrences** which endanger or which, if not corrected or addressed, would endanger an aircraft, its occupants, any other person, equipment or installation affecting aircraft operations; and the reporting of other relevant safety-related information in that context.

Occurrence reporting: so as to ensure that front-line aviation professionals report occurrences that pose a significant risk to aviation safety, the Regulation provides for the implementation of **mandatory and voluntary reporting systems** of incidents linked to aviation safety in organisations, the European Aviation Safety Agency (EASA) and the competent authorities of Member States.

Within the mandatory reporting system, the persons concerned shall report occurrences **within 72 hours** of becoming aware of the occurrence, unless exceptional circumstances prevent this.

The exchange of information on occurrences should have the sole object of **the prevention of accidents and incidents**, and not the attribution of blame or liability.

Collection and storage of information: each Member State shall designate one or more organisations to implement an **independent mechanism** for the collection, evaluation, processing, analysis and storage of details of occurrences reported. Furthermore, each organisation established in a Member State shall designate one or more persons to handle independently the collection and storage of details.

The Agency (EASA) shall also designate one or more persons to establish a mechanism to independently collect and store information.

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

Risk classification: the Commission shall develop, no later than 15 May 2017, a **common European risk classification scheme** to enable the organisations, Member States and the Agency to classify occurrences in terms of safety risk. This mechanism should assist the relevant bodies to evaluate incidents and to better target their efforts.

Exchange of information: the Commission shall manage a **European Central Repository** to store all occurrence reports collected in the Union.

Member States and the Agency shall participate in an exchange of information by making all information relating to safety stored in their respective reporting databases available to the competent authorities of the other Member States, the Agency and the Commission, through the European Central Repository.

Any entity entrusted with regulating civil aviation safety, or any safety investigation authority, within the Union will have **full access**, secure and online, to information on occurrences contained in the European Central Repository.

Confidentiality and protection of sources of information: the Regulation aims to 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.

The Regulation stipulates that the handling of the reports should be done with a view to preventing the use of information for purposes other than safety. The confidentiality of the identity of the reporter and of the persons mentioned in occurrence reports must be appropriately safeguarded, with a view to promoting a 'just culture'.

In the event of possible disciplinary or administrative proceedings instituted under national law, **the information outlined in the record of events must not be used against the notifiers** or the persons mentioned in the record of events.

Review: by 16 November 2020, the Commission shall publish an evaluation report on the implementation of this Regulation. That report shall cover, in particular, the contribution made by this Regulation to reducing the number of aircraft accidents and related fatalities.

ENTRY INTO FORCE: 14/05/2014. The Regulation shall apply from 15/11/2015.

DELEGATED ACTS: the Commission may adopt delegated acts in order to complete or to amend the Regulation. The power to adopt such acts is conferred on the Commission for a period of **five years** from the entry into force of this Regulation. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification (this period can be extended for two months). If the European Parliament or the Council make objections, the delegated act will not enter into force.