Basic information

2000/0343(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Air transport safety, civil aviation: prevention of accidents, collect and dissemination of information Repealed by 2012/0361(COD) **Subject** 3.20.01.01 Air safety	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DELE EP Delegation to Conciliation Committee	COLLINS Gerard (UEN)	06/12/2002

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	COLLINS Gerard (UEN)	24/01/2001
RETT Regional Policy, Transport and Tourism	COLLINS Gerard (UEN)	24/01/2001

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2505	2003-05-13
Transport, Telecommunications and Energy	2374	2001-10-15
Transport, Telecommunications and Energy	2438	2002-06-17
Education, Youth, Culture and Sport	2484	2003-02-06

European Commission

Commission DG	Commissioner
Energy and Transport	

Key events

Date	Event	Reference	Summary
19/12/2000	Legislative proposal published	COM(2000)0847	Summary
15/01/2001	Committee referral announced in Parliament, 1st reading		
29/05/2001	Vote in committee, 1st reading		Summary
29/05/2001	Committee report tabled for plenary, 1st reading	A5-0203/2001	
13/06/2001	Debate in Parliament		
14/06/2001	Decision by Parliament, 1st reading	T5-0337/2001	Summary
25/09/2001	Modified legislative proposal published	COM(2001)0532	Summary
15/10/2001	Debate in Council		
17/06/2002	Council position published	08133/1/2002	Summary
03/07/2002	Committee referral announced in Parliament, 2nd reading		
08/10/2002	Vote in committee, 2nd reading		Summary
08/10/2002	Committee recommendation tabled for plenary, 2nd reading	A5-0347/2002	
23/10/2002	Decision by Parliament, 2nd reading	T5-0497/2002	Summary
06/02/2003	Parliament's amendments rejected by Council		
18/02/2003	Formal meeting of Conciliation Committee		
27/03/2003	Final decision by Conciliation Committee		Summary
27/03/2003	Report tabled for plenary, 3rd reading	A5-0118/2003	
09/04/2003	Joint text approved by Conciliation Committee co-chairs	3619/2003	
13/05/2003	Decision by Parliament, 3rd reading	T5-0195/2003	Summary
13/05/2003	Decision by Council, 3rd reading		
13/06/2003	Final act signed		
13/06/2003	End of procedure in Parliament		
04/07/2003	Final act published in Official Journal		

Technical information

Procedure reference	2000/0343(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2012/0361(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/16990

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0203/2001	29/05/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0337/2001 OJ C 053 28.02.2002, p. 0240-0324 E	14/06/2001	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0347/2002	08/10/2002	
Text adopted by Parliament, 2nd reading		T5-0497/2002 OJ C 300 11.12.2003, p. 0164-0268 E	23/10/2002	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0118/2003	27/03/2003	
Text adopted by Parliament, 3rd reading		T5-0195/2003 OJ C 067 17.03.2004, p. 0026-0067 E	13/05/2003	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	08133/1/2002 OJ C 197 20.08.2002, p. 0016 E	17/06/2002	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0847 OJ C 120 24.04.2001, p. 0148 E	19/12/2000	Summary
Modified legislative proposal	COM(2001)0532 OJ C 332 27.11.2001, p. 0320 E	25/09/2001	Summary
Commission communication on Council's position	SEC(2002)0757	28/06/2002	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2002)0647	18/11/2002	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1114/2001 OJ C 311 07.11.2001, p. 0008	12/09/2001	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3619/2003	09/04/2003	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Directive 2003/0042 OJ L 167 04.07.2003, p. 0023-0036	Summary

Air transport safety, civil aviation: prevention of accidents, collect and dissemination of information

2000/0343(COD) - 18/11/2002 - Commission opinion on Parliament's position at 2nd reading

The European Parliament adopted two amendments to the common position of the Council at second reading. The Commission accepts all the amendments proposed by the European Parliament. These : - reinstate the paragraph 3 of Article 8 of the Commission amended proposal which was deleted in the common position of the Council. This paragraph aims at protecting the reporter of an incident from sanctions, except in the case of gross negligence. In its communication to the European parliament on the common position, the Commission regretted the deletion of this paragraph which gave a clear political signal about the principle that the occurrence reporter should be regarded as conveying an important positive message for air safety and therefore encourage to do so without risking any counterproductive sanctions; - reinstate Article 9 of the Commission proposal which was deleted in the common position of the Council. This paragraph aims at establishing the legal framework to enable the setting up of voluntary confidential reporting systems. The Commission opposed the deletion of this article which would allows a better understanding of human factors involved in occurrences and accidents.

Air transport safety, civil aviation: prevention of accidents, collect and dissemination of information

2000/0343(COD) - 14/06/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, with a few technical amendments, the report by Mr Gerard COLLINS (UEN, IRE). (Please refer to the previous text).

Air transport safety, civil aviation: prevention of accidents, collect and dissemination of information

2000/0343(COD) - 28/06/2002 - Commission communication on Council's position

Apart from the reservation about the deletion of Article 9, the Commission considers that the text of the common position adopted unanimously by the Council is acceptable in that it respects the essential principles of the original proposal. It also takes account to a large extent as the amendments adopted by Parliament on first reading. The Commission requested the inclusion of the following statement in the Council minutes: "The Commission recalls the position that it expressed at the Council meeting of 16 October 2001, namely that in view of the importance of confidential reports for a better understanding of human factors which may be involved in the occurrence of air accidents and given the support it has received on this point from the European Parliament and the representatives of civil aviation personnel, the Commission is opposed to the deletion of this article." In addition, the Commission regrets the deletion of paragraph 3 which gave a clear political signal about the principle that the occurrence reporter should be regarded as conveying an important positive message for air safety and therefore encouraged to do so without risking any counterproductive sanctions.

Air transport safety, civil aviation: prevention of accidents, collect and dissemination of information

2000/0343(COD) - 19/12/2000 - Legislative proposal

PURPOSE : to create the necessary legal framework to collect and disseminate information on aviation incidents in order to produce a safer system. CONTENT : the general objective of this proposal is to contribute to the improvement of air safety by ensuring that safety critical information is reported and collected, stored, protected and disseminated in order to facilitate its effective analysis and monitoring. A network of national mandatory occurrence reporting systems will be based on the ECCAIRS (European Co-ordination Centre for Aviation Incident Reporting System) system developed by the Joint Research Centre in Ispra and the creation of confidential reporting systems on regional or sub-regional basis will be supported, providing they comply with Commission's operational requirements. To recall, the first piece of Community legislation specific to air transport was a Directive of 1980 on accident investigation. It then adopted its communication on 'Community initiatives concerning civil aviation incidents and accidents'. Which suggested a policy to prevent accidents by launching initiatives in three areas: accident investigation, mandatory occurrence reports and confidential reporting systems. The adoption of a Directive on accident and investigation in November 1994 was the first definitive achievement of this policy. However, the limitations of this approach was mainly that, as the number of accidents is fortunately very low, the opportunities to learn from them are limited and that lessons are drawn only after a tragedy has already happened. It is now proposed to complement this first initiative with a more proactive one that will address both mandatory and confidential reporting of incidents, defects or malfunctions which may constitute a hazard for civil aviation operations, called under the generic term of "occurrences". Therefore, it is the aim of this proposal to establish a Community mandatory reporting scheme to collect, record, exchange and disseminate information on hazardous or potentially hazardous occurrences. In this way, the Civil Aviation Authorities and persons or organisations having an influence on air safety may learn from them and an assessment of the safety implications of each occurrence can be made.

Air transport safety, civil aviation: prevention of accidents, collect and dissemination of information

2000/0343(COD) - 23/10/2002 - Text adopted by Parliament, 2nd reading

The European Parliament adopted the resolution draft by Mr Gerard COLLINS (UEN, Ire) on the common position for adopting a European Parliament and Council directive on occurrence reporting in civil aviation. Amendments made by the Parliament include the insertion of a new Article 8 (2a) which states that Member States shall refrain from instituting proceedings in respect of unpremeditated or inadvertent breaches of the law, which come to their attention only because they have been reported under the national mandatory occurrence-reporting scheme, except in cases of gross negligence. As regards the issue of confidential reporting, the Parliament has reinstated this Article (now Article 8a) that stipulates that Member States shall adapt their laws, regulations and administrative provisions to permit the disidentification of voluntary reports of non-reportable occurrences by bodies created to collect, analyse and disseminate to parties able to use it for improving safety, information on observed deficiencies in the aviation system perceived by the reporter as an actual or potential hazard.

Air transport safety, civil aviation: prevention of accidents, collect and dissemination of information

2000/0343(COD) - 13/05/2003 - Text adopted by Parliament, 3rd reading

The European Parliament adopted a resolution approving the joint text agreed by the Conciliation Committee. (Please refer to the summary dated 27/03 /03.)

Air transport safety, civil aviation: prevention of accidents, collect and dissemination of information

2000/0343(COD) - 25/09/2001 - Modified legislative proposal

This amended proposal relates to the following: - the addition of a reference to the development taking place in the International Civil Aviation Organisation (ICAO) to show that compatibility with other technical reporting requirements such as those of ICAO's ADREP (Accident/Incident Reporting) system should also be ensured. It should be noted that a representative of ICAO is participating in the ECCAIRS (European Co-ordination Centre for Aviation Incidents Reporting Systems) Steering Committee; - occurrence reporting : in the original proposal, occurrences had to be reported to the competent authority designated by each Member State. The amendment proposed by the Parliament was aiming at reporting the occurrence to the competent authority of the country where the occurrence took place, the competent authority which certified the operator. The proposed wording could have led to multiple reporting of the same occurrence to different authorities, introducing the risk of biasing the analysis by entering several times the same incidents, giving it an undue importance. For this reason, the modified proposal introduces a new paragraph which requires Member States to notify other interested authorities of occurrences entered into the database; - dissemination of information: this question has drawn many comments from the members of the Committee on Regional Policy, Transport and Tourism of the European Parliament. The Commission also received comments from the Association of European Airlines, Airports Council International and European Cockpit Association expressing concerns on this particular subject. For this reason, the Commission welcomed the amendment proposed by the European Parliament which reinforces the conditions attached to the dissemination of information; - the deletion of a paragraph which aimed to protect the persons involved in good faith in an occurrence with the only limitation that, in the legislation of most of the Member States, the judicial authorities cannot be denied access to any information in the context of an inquiry; - the protection of reporters and the information they supply; - the two year period to comply with the Directive: this time period seems to be realistic and sufficient to guarantee the earliest possible introduction of a system beneficial for safety.

Air transport safety, civil aviation: prevention of accidents, collect and dissemination of information

2000/0343(COD) - 13/06/2003 - Final act

PURPOSE : to contribute to air safety by ensuring that relevant information on safety is reported, collected, stored and disseminated. COMMUNITY MEASURE : Directive 2003/42/EC of the European Parliament and of the Council on occurrence reporting in civil aviation. CONTENT : the rate of accidents in civil aviation has remained fairly constant in the last decade; nevertheless there is concern that the forecasted traffic increase could lead to an increase in the number of accidents in the near future. Experience has shown that often before an accident occurs, a number of incidents and numerous other deficiencies have shown the existence of safety hazards. The improvement of the safety of civil aviation requires a better knowledge of these occurrences. The main points of this Directive are as follows: - when an occurrence involves aircraft registered in a Member State or operated by an undertaking established in a Member State, this occurrence must be reported even when it happened outside the Community; - each Member State should set up mandatory reporting systems. A list of examples of occurrences is given in the Annexes, but these are not comprehensive; - various categories of personnel working in civil aviation observe occurrences of interest for the prevention of accidents. These personnel are under an obligation to report occurrences; - the Commission must develop specific software for the storage of information; - there are provisions for the exchange of information between Member States; - safety information will be available to entities entrusted with regulating civil aviation safety or investigating accidents and incidents within the Community and, as appropriate, to the people who may learn from them and take or initiate the necessary action to improve safety; - the sensitive nature of safety information is such that the way to ensure its collection is by guaranteeing its confidentiality, the protection of its source and the confidence of the personnel working in civil aviation. Member States must take measures to ensure appropriate confidentiality of information; - appropriate measures should be put in place to enable the setting up of confidential reporting schemes; - there are provisions for Member States to put in place a system of voluntary reporting on matters that do not come under the system of mandatory reporting; there are also provisions stating that such voluntary reports must be "disidentified". DATE OF TRANSPOSITION : 04/07/05 ENTRY INTO FORCE : 04/07/03.

Air transport safety, civil aviation: prevention of accidents, collect and dissemination of information

2000/0343(COD) - 17/06/2002 - Council position

The Council was able to incorporate into its common position, either wholly or in substance, most of the amendments submitted by the European Parliament at first reading. In this connection, attention is drawn to the following amendments: - to underline the importance of ensuring consistency with the ICAO's technical reporting requirements, a reference to the ICAO has been added (recital 16). - in Article 8 concerning the protection of information, the Council, in agreement with the European Parliament, has deleted paragraph 3, and in order to take fuller account of Member States' national law the Council has also decided to delete paragraph 4 and has made certain other corresponding amendments to that Article. - in order to ensure that a system capable of improving safety can be established as quickly as possible, the Council has accepted the two-year deadline proposed by Parliament for the entry into force of the relevant laws. The amendments below are the main ones introduced by the Council in its common position: - scope: temporary exclusion of Gibraltar. It should be noted that a Joint statement by the Council and the Commission has been included which states that the Council and the Commission confirm that the suspension of the application of this Directive provided for in Article 2(4) is without prejudice to the fact that the EC Treaty applies to Gibraltar; - mandatory reporting: adjustment of the drafting to take account, among other things, of certain operational trends (e.g. leasing); - collection and storage of information: amended to give greater flexibility in the choice of one or more competent authorities to manage the occurrence reports; - exchange of information: simplified wording, does not affect the scope of the article; - dissemination of information: amendment of the wording to bring it more into line with the text of the regulation establishing the European Aviation Safety Agency. Given the extent of the amendments which affect the text of the Commission proposal and one of the amendments by the European Parliament, a joint Council and Commission statement will be issued announcing that additional measures will be taken by the Commission assisted by the committee provided for in Article 9; - protection of information: simplified wording and deletion of paragraph 3. The Commission regrets the deletion of paragraph 3 which gave a clear political signal about the principle that the occurrence reporter should be regarded as conveying an important positive message for air safety and therefore encouraged to do so without risking any counterproductive sanctions; - confidential reporting: Article 9 of the amended proposal has been deleted by the Council although it was supported by the European Parliament, the Economic and Social Committee and the organisations representing civil aviation personnel.