

## EASA's Role in Occurrence Reporting

**Proactively preventing air accidents** will only be possible if safety data – in form of safety occurrence reports – is available in sufficient quantities, from a broad range of aviation actors and countries and in a protected, harmonized and comparable format – and provided this data is centrally analysed to identify the precursors of accidents, which will allow to take corrective or preventive safety actions.

The Commission proposal on Occurrence Reporting (COM(2012) 776 final) provides a solid regulatory framework to allow for such a proactive evidence-based system to emerge and function. One **central pillar is the European Aviation Safety Agency (EASA)** which will have a key role to play. This will facilitate that data is analysed, trends are identified and actions are taken before a series of safety occurrences eventually result in an accident.

**EASA's central role is firmly enshrined** in the Commission's proposal. It entails:

- Safety occurrences collected shall be transmitted to Member States' competent authorities (by organisations certified or approved by a Member State) and to EASA (by organisations certified or approved by the Agency);
- All occurrences collected by Member States (MS), most organizations and EASA are aggregated into the European Central Repository (ECR), and EASA and MS have access to all data and information contained the ECR database;
- EASA and MS analyse (and exchange) the information contained in the ECR, and they do so 'collaboratively' within the 'Network of Aviation Safety Analysts'; the Network is chaired, prepared and organized by EASA;
- This analysis complements what is done at national level, e.g. by identifying possible safety problems and key risk areas at European level, and by informing the European Aviation Safety Program (prepared by the Commission) and the European Aviation Safety Plan (prepared by EASA);
- EASA (as well as MS and Commission) are bound by strict confidentiality requirements related to the safety information and the reporters of such information;
- EASA advises the Commission (and MS) in the so-called 'EASA Committee' (made up of Member State representatives) which will cover matters related to occurrence reporting. In case the list of occurrences that are mandatory to report (currently foreseen in Annex 1 of the Regulation) will be put into an Implementing Regulation attached to the OR Regulation (as suggested by the Council of Ministers) the EASA Committee would become involved in updating this list of occurrences.

Hence, **EASA is at the very center of the new system** to facilitate and ensure that Member States, the Commission and EASA work hand in hand in the new occurrence reporting and analysis system.

EASA, as well as MS and the Commission, do so on the basis of a **uniform list of safety occurrences** to be reported by each organization and their safety professionals (airline pilots, air traffic controllers etc.) under the mandatory reporting system. This list in **Annex I** of the proposed Regulation is another **central pillar of the system**. It ensures that the same occurrences are reported by individuals (i.e. pilots, air traffic controllers, and other aviation professionals) everywhere in the EU, thereby providing a harmonised set of comparable data. Such a harmonised approach is the precondition for a systematic analysis and identification of threats & safety actions. The list also provides (legal) certainty and clarity for aviation professionals as to exactly which occurrences they have to report.

## Attachment A: Safety Occurrences which are Mandatory to Report

One of the pillars of the new EU Occurrence Reporting system is the proposed Annex I:

- It lists the “incidents to be reported under the mandatory occurrence reporting scheme” set up by the new Regulation; at the same time, any other incident, which is considered to meet the criteria, is also to be reported.
- It creates continuity with the system currently in place, by building on the existing list contained in Dir. 2003/42/EC and being almost identical (except for very few items that were added). It covers the occurrences that *individuals* have to report.
- It covers incidents related to aircraft operations, aircraft maintenance & repair, and aircraft manufacture, as well as related to air navigation services, facilities and ground services.
- It can be amended (Art. 17) to “ensure that the scope of incidents to be reported under the mandatory scheme remains appropriate” and to adapt it to technical progress when needed.

In addition to the proposed Occurrence Reporting Regulation, EASA’s Implementing Rules on Air Operations and related Acceptable Means of Compliance (AMC) (Reg. 965/2012) contain a number of provisions related to Occurrence Reporting which are *complementary* to the current EU Directive 2003/42/EC and the future EU Regulation.

These provisions contained in *ORO.GEN.160* are relatively short, refer to Dir. 2003/42/EC and include, among others, a 72 hour deadline for making an occurrence report.

Related is the *AMC1 ORO.GEN.160*. It requires an *operator* to report all occurrences as defined in the list contained in another AMC (AMC 20-8) and as required by Dir. 2003/43/EC. For consistency purposed, AMC 20-8 currently reproduces the list of occurrences contained in Annex 1 of Dir. 2003/43/EC.

Crucially, the list in AMC 20-8 relates to occurrence to be reported by *organizations*, whereas the Occurrence Reporting Regulation’s Annex 1 relates to *individuals*, i.e. the occurrences that individual aviation professionals have to report.

Hence, the proposed new Occurrence Reporting Regulation and the existing EASA provisions are complementary. The proposed Regulation is drafted in a way that there are no contradictions and that both sets of rules can – and have to – be complied with.

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### Useful Links:

- Proposal for an [EU Occurrence Reporting Regulation](#) (COM(2012) 776 final);
- Current [Occurrence Reporting Directive 2003/42/EC](#);
- Commission [Press Release](#) & [Explanatory Memorandum](#);
- [Commission webpage](#) on occurrence reporting & accident prevention;
- EASA Basic [Regulation 216/2008](#);
- EASA Air Operation rules ([Commission Reg. 965/2012](#)) incl. Organisational & Authority Requirements (e.g. for changing AMCs).

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## **Attachment B: References to EASA in the draft Regulation (COM(2012) 776 final)**

### EXPLANATORY MEMORANDUM

#### *3.1.2. Clarification of the flow of information*

The current Directive imposes on individuals to report occurrences directly to Member States Authorities while, in reality, Member States Authorities receive most occurrence reports from organisations which collect them from individuals as part of their safety management process. The proposal takes this evolution into account and introduces requirements for organisations. Organisations and Member States are obliged to establish occurrence reporting systems which will enable the identification of safety hazards. The occurrences collected by organisations shall be transmitted to Member States competent authorities or to the European Aviation Safety Agency (EASA) when relevant. All occurrences collected by Member States, organizations and EASA are aggregated into the European Central Repository.

#### *3.1.4. Better exchange of information*

The proposal addresses the need for better exchange of information by strengthening the existing rules. In that perspective, the 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.

#### *3.1.8. Stronger analysis at EU level*

Article 19 of Regulation (EU) No 996/2010 has already established the principle that the information contained in the European Central Repository shall be analysed by EASA and the Member States. This principle is reinforced and the on-going collaboration formalised within a Network of Aviation Safety Analysts chaired by EASA.

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. The common EU risk classification scheme will support this task by the classification of all occurrences collected by Member States in a harmonised manner.

The European Aviation Safety Programme and the European Aviation Safety Plan will both benefit from the analysis and activities performed by the Network of Aviation Safety Analysts.

### RECITALS

*Recital (5):* 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. This proactive and evidence based approach should be implemented by Member States relevant aviation safety authorities, by organizations as part of their safety management system and by the European Aviation Safety Agency (EASA).

*Recital (16):* The most efficient way to ensure the exchange of a large amount of information between all the Member States, the Commission and EASA is the European Central Repository.

*Recital (19):* Safety information contained in the European Central Repository should be fully available to entities entrusted with regulating civil aviation safety, including EASA, and to the authorities in charge of investigating accidents and incidents within the Union.

### ARTICLES

#### *Article 4 (Mandatory Reporting), para. 1 and para.6.*

1. A mandatory reporting system to facilitate the collection of details on occurrences shall set up by each organisation established in a Member State.
6. Each organisation certified or approved by EASA shall report to the EASA the details on occurrences collected in accordance with paragraph 1.

#### *Article 5 (Voluntary reporting), para. 1 and para. 5.*

1. A voluntary reporting system shall set up by each organisation established in a Member State to facilitate collection of details on occurrences that may not be captured by the mandatory reporting system but which are perceived by the reporter as an actual or potential hazard.
6. Each organisation certified or approved by EASA shall report to EASA the details on occurrences collected in accordance with paragraph 1.

*Article 8 (European Central Repository), para. 3.*

EASA shall agree with the Commission the technical protocols for transferring into the European Central Repository all occurrence reports collected under Regulation (EC) No 216/2008 of the European Parliament and of the Council<sup>21</sup> and its implementing rules as well as the information collected in application of Articles 4(6) and 5(5).

*Article 9 (Exchange of information), para. 1 and para. 3.*

1. Member States and EASA shall participate in an exchange of information by making all safety related information stored in their respective reporting databases available to the competent authorities of the other Member States, EASA and the Commission, through the means of the European Central Repository. Occurrence reports shall be transferred to the European Central Repository within 30 days after the initial collection of details on the occurrence. Occurrence reports shall be updated whenever necessary with additional safety related information.
3. If a Member State or EASA, in the collection of details on occurrences or storage of occurrence reports, identifies safety matters considered to be of interest to other Member States or EASA and possibly requiring safety action to be taken, that Member State or EASA shall forward all pertinent safety related information to relevant Member States authorities or EASA as soon as possible.

*Article 14 (Occurrence analysis and follow up at European Union level)*

1. The Commission, EASA and the competent authorities of the Member States shall, in collaboration, participate regularly in the exchange and analysis of information contained in the European Central Repository.
2. The collaboration shall be carried out by a Network of Aviation Safety Analysts.
3. EASA shall support the Network of Aviation Safety Analysts activities including, but not limited to, assistance for the preparation and organisation of its meetings.
4. The Network of Aviation Safety Analysts shall contribute to the enhancement of aviation safety in the Union notably by performing safety analysis activity to support the European Aviation Safety Programme and the European Aviation Safety Plan.
5. EASA shall include information about the result of information analysis referred to in paragraph 1 in the annual safety review mentioned in Article 15(4) of Regulation (EC) No 216/2008.

*Article 15 (Protection and appropriate use of the information), para. 3.*

The Commission, EASA and the competent authorities of the Member States, when discharging their obligations referred to in Article 14, shall ensure the confidentiality of the information contained in the European Central Repository, and shall limit its use to what is strictly necessary to discharge their safety related obligations. In this respect, that information shall notably be used for analysis of safety trends which can form the basis for anonymous safety recommendations or airworthiness directives without apportioning blame or liability.

*Article 19 (Committee procedure), para. 1.*

The Commission shall be assisted by the committee established by Article 65 of Regulation (EC) No 216/2008. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

*[Note: this is the so-called "EASA Committee, chaired by the Commission and advised by EASA]*

## LEGISLATIVE FINANCIAL STATEMENT

### *1. FRAMEWORK OF THE PROPOSAL/INITIATIVE*

The achievement of specific objective No1 will notably require additional human resources for the European Aviation Safety Agency which are estimated at two persons (€300,000 per year including 2 x €130,000 on the budget line "staff expenditure" and 2 x €20,000 on the budget line "infrastructure and operating expenditure"). An additional mission budget of €40,000 will be used to support Member States on-site and €25,000 will be used to support outreach activities such as workshops and seminars across Europe.

Therefore the total estimated additional budget costs for EASA will amount to €365,000 that will fully be covered by redeployment within the existing resources of the Agency.

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