



ECA
Piloting Safety



Preventing Air Accidents

Position on the proposed new EU Occurrence Reporting Regulation

The European Commission adopted its proposal for a new regulation on occurrence reporting on 18th December last year (COM(2012) 776 final). The European Cockpit Association (ECA), representing over 38.000 pilots from across Europe, and the International Federation of Air Traffic Controllers' Associations (IFATCA), consider this as an important piece of safety legislation, aimed at proactively preventing aviation accident in future.

The existing EU directive 2003/42/EC had already established the basis for mandatory occurrence reporting systems. However, a number of shortcomings were identified, in particular the lack of protection of the reporters (Just Culture), the lack of harmonisation in the occurrence data collection and integration - leading to low quality reports, incomplete information and the lack of requirements regarding safety analysis and recommendations, including follow-up by the Member States. Taking these shortcomings into account, the proposal represents **a positive step into the right direction by shifting the focus from a primarily 'reactive' system to a pro-active risk- and evidence-based system.**

ECA and IFATCA strongly support the **provisions for better protection against inappropriate use of safety information and for stricter protection of the occurrence reporter** (article 15 & article 16), creating a stronger 'Just Culture' environment. The fear of prosecution and reprisals at company level after reporting an occurrence is still very much present nowadays and discourages aviation staff to report occurrences. The resulting lack of sufficient occurrence reporting breaks the experience feed-back loop and thus reduces the ability to achieve safety improvements by learning pro-actively from the past.

To remedy this, a number of **concrete tools** included in the proposed regulation – such as the adoption of internal rules **describing how the Just Culture principles are guaranteed** and implemented within each company – will allow setting a framework to report safety incidents without fear of personal repercussions from the employers and/or fear of prosecution. These provisions are a central pillar of the new regulation and should be maintained under any circumstances.

In this respect and beyond the strict legal obligations deriving from this proposed regulation, the European Institutions and Member States should actively contribute and encourage the establishment of a Just Culture environment at all levels, especially in the smaller and more fragile companies.

In addition, ECA and IFATCA fully support the aim to ensure the right balance between the need for proper administration of justice and the necessary continued availability of safety information. We therefore support related definitions that allow drawing the line between acceptable and unacceptable errors/behaviours. Both organisations also see high value in the **establishment of advance arrangements** at national level between the competent authorities for collecting, evaluating, processing, analysing and storing occurrence data and the competent authorities for the administration of justice.

IFATCA and ECA also strongly support the **mandatory establishment of voluntary occurrence reporting systems at company and state level** (article 5), which is fully in line with ICAO doc 9859 Safety Management Manual (Chapter 7) stating that voluntary reporting should be encouraged. It is of utmost importance that such a scheme facilitates the collection of occurrences that may not be captured by the mandatory reporting system but which are perceived by the reporter as an actual or potential hazard.

We **welcome the provisions of Article 5, paragraphs 4 and 5, to require organisations to submit voluntary reports to the Member States' authorities or EASA**. If used correctly, this enhances the quality of oversight by the authorities and gives a better picture of the implementation and maturity of the safety culture within the organisation than would be possible by audits alone. Also, ECA and IFATCA believe that any such reports forwarded to the authorities should be disidentified.

Both our associations are concerned about the possibility for Member States to publish disidentified occurrence reports (article 13, paragraph 10). This provision should be deleted in order to avoid a possible misinterpretation by the public, which rarely has the necessary technical expertise to adequately interpret such occurrences, especially when the information is taken out of context.

ECA and IFATCA support **the intention to improve the quality and completeness of data** (article 7). Harmonising occurrence data collection and standardising occurrence data classification and integration are a must. The same occurrence in different countries should lead to the same occurrence data being classified likewise. It is otherwise impossible to carry out robust analysis, to monitor trends and, at the end of the day, to make well-informed safety recommendations, which is the ultimate objective of any occurrence reporting system. As a consequence, the prescriptive requirements, such as the fact that "the databases shall use standardised formats to facilitate information exchange and shall be an ECCAIRS and an ADREP-compatible system" (article 7, paragraph 4), are very much welcome to ensure consistency and completeness.

Finally, ECA and IFATCA support the harmonisation of occurrences that are mandatory to be reported across Europe. **Annex 1 is therefore an important pillar** of the proposed regulation, in continuation of Directive 2003/42/EC. In this context, ECA and IFATCA welcome article 17 which provides a mechanism to update if necessary Annex 1 and to adapt it to future technological developments and emergence of new hazards.

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