



**EUROPEAN COMMISSION**

## **MEMO**

Brussels, 19 December 2012

### **Occurrence reporting in civil aviation**

- Above 820 million passengers were carried by air in 2011 in the European Union<sup>1</sup>.
- Air transport is one of the safest forms of travel. However, while the accident rate has remained more or less stable since 2004, the traffic is expected to almost double by 2030<sup>2</sup>. This could involve an increased number of accidents and related fatalities
- The EU is therefore faced with a significant challenge if it wants to continue protect its citizens and to be the world leader in aviation safety as expressed in the Transport White Paper<sup>3</sup>.

#### **1. The current aviation safety system**

The current aviation safety system is primarily a reactive system relying on technological progress, the adoption of legislation overseen by effective regulatory authorities, and detailed accident investigations leading to recommendations for safety improvements. However, whilst the ability to learn lessons from an accident is crucial, systems which are essentially reactive are showing their limits in being able to drive further improvements in the accident rate.

In the Communication on "Setting up a Safety Management System for Europe"<sup>4</sup> the Commission underlined the necessity to move from the mainly reactive current system towards a more proactive system that attempts to foresee and prevent accidents based primarily on the collection and analysis of data. The proposed Regulation on occurrence reporting in civil aviation is the core element of such a transition as the effectiveness of a proactive system greatly depends on the ability to systematically analyse all available safety information, including information on civil aviation "occurrences". An occurrence is any type of event significant in the context of aviation safety such as, for example, a near collision between two aircrafts.

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<sup>1</sup> Source: Eurostat

<sup>2</sup> EUROCONTROL CND/STATFOR Doc 415 of 17 December 2010 - Long-Term Forecast - Flight Movements 2010 - 2030

<sup>3</sup> White Paper 2011 "Roadmap to a Single European Transport Area - Towards a competitive and resource efficient transport system", COM/2011/0144 final.

<sup>4</sup> COM/2011/0670 final.

## 2. What is the problem?

The European Union and its Member States are not currently set up to use the widest possible range of data to prevent accidents and to address the risks to aviation safety in a systematic manner. This is caused by a number of elements.

- Firstly, whilst data is vital to identify safety hazards, there is not sufficient awareness of all safety occurrences. This situation is partly due to the fact that individuals are sometimes afraid to report mistakes they may have made or contributed to (the "Just Culture" issue). The insufficient clarity in occurrence reporting obligations and in the flow of information also contributes to the insufficient collection of occurrences.
- Secondly, occurrence data integration is not harmonised among Member States and it is relatively unstructured, causing sometimes poor quality of information and incomplete data. This situation affects the consistency and the usefulness of information and limits its use for safety purposes.
- Thirdly, the current EU legislation does not indicate how Member States should use the occurrences collected for contributing to the improvement of safety.

In addition, the exchange of information between the Member States is limited and important pieces of information are not accessible. This may in some cases mean that Member States are not able to exercise a full effective oversight of their airspace. This situation is notably due to the fact that Member States' access to the European Central Repository (ECR), which contains all occurrences collected in the European Member States, is limited. In addition, the safeguards are insufficient regarding the use of the information collected.

## 3. The Commission's proposal

In order to better protect European citizens, the Commission is proposing an ambitious and comprehensive set of rules to move from a principally reactive towards a more proactive and evidence based aviation safety system.

To meet this challenge, the Commission proposes in particular the following elements:

- **Establishing the appropriate environment to ensure that all occurrences which endanger or could endanger aviation safety are reported and collected.**

In order to achieve a better reporting of occurrences, the Commission proposal includes provisions ensuring the setting up of an appropriate environment to encourage aviation professionals to report safety related information by protecting them from punishment except in cases of gross negligence. It also ensures that the scope of mandatory reporting covers major potential risks and that the appropriate means to capture any safety threat are established with the establishment of voluntary reporting schemes.

- **Clarifying the flow of information**

The proposal takes into account the development of safety management processes within the industry and details the flow of information from the individual to the European Central Repository.

- **Improving the quality and completeness of data**

The proposal includes a number of provisions aiming at improving the quality and the completeness of occurrence reports and therefore enabling a better identification of key risk areas and of the need for action to be identified.

- **Better exchange of information**

The Commission proposal addresses the need for better exchange of information between Member States by granting Member States access to safety data about occurrences which took place in their airspace but were reported and assessed by another Member State Authority.

- **Better protection against inappropriate use of safety information**

The proposal ensures that the information collected is not just guaranteed to be held confidential, but also can only be made available and used for the purpose of maintaining or improving aviation safety. The proposal also attempts to diminish the negative effect that the use of such data by judicial authorities may have on aviation safety by the obligation to adopt provisions which aim at finding the right balance between the two public interests at stake: justice and aviation safety.

- **Better protection of reporter to ensure the continued availability of information**

The proposal strengthens the rules related to the protection of the "occurrence reporter" to ensure that people are confident in using the system and that appropriate safety information is reported. In that perspective, the text reaffirms the obligation to disidentify occurrence reports and limits the access to fully identified data only to certain persons. The rule establishes that employees shall not be subject to prejudice from their employer on the basis of the information reported, except in cases of gross negligence. Organisations are also asked to adopt a policy describing how the employees' protection is guaranteed. Finally, national bodies are established allowing employees to report infringements to the rules which guarantee their protection, and penalties should be adopted where appropriate.

- **Introduce requirements on information analysis and adoption of follow up actions at national level**

The proposal imposes new requirements which transpose the rules related to the analysis and follow up of occurrences collected as agreed in the context of the International Civil Aviation Organisation, into EU law. Organisations and Member States are required to analyse the information collected through occurrence reporting systems in order to identify safety risks and to take actions in order to remedy any safety deficiency identified. The effectiveness of these actions in terms of safety improvement shall be monitored and additional actions taken if necessary.

- **Stronger analysis at EU level**

Analysis at EU level will complement what is done at national level, notably by the identification of possible safety problems and key risk areas. The common EU risk classification scheme will support this task by classifying 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.

- **Improved transparency towards the general public**

The proposal, while respecting the necessary confidentiality of certain information, brings more transparency to aviation safety for the general public by the publication of annual safety reviews containing information about actions taken in application of this regulation, trends and aggregated data.

#### **4. What are the benefits expected by this proposal?**

The Commission expects that this proposal will contribute to avoid aircraft accidents to occur and therefore better protect air passengers in the European Union and beyond.

In addition, the Commission expects this proposal to bring economic benefits to the whole aviation community. Indeed aircraft accidents are very costly at many different levels and the Commission believes that the investment in safety management systems to prevent accidents will be offset by the reduced cost flowing from fewer accidents.

#### **5. What are the next steps?**

The proposal must be approved by both the European Parliament and the Council (Member States) before becoming European legislation. Once approved, the Regulation will become directly applicable in all Member States as national law.

**More information:** [IP/12/1406](#)

[http://ec.europa.eu/transport/modes/air/safety/index\\_en.htm](http://ec.europa.eu/transport/modes/air/safety/index_en.htm)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52011DC0670:EN:NOT>