
Notice on the Reporting, Analysis and Follow-up of Occurrences in Civil Aviation

1. Introduction

This updated Notice to Air Navigation Service Providers (NASP) is to advise all ANSPs of regulatory occurrence reporting requirements.

Regulation (EU) No. 376/2014

Regulation (EU) No. 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation became applicable on 15 November 2015.

Regulation (EU) 376/2014 repeals Directive 2003/42/EC of the European Parliament and of the Council, and Commission Regulations (EC) No. 1321/2007 and (EC) No. 1330/2007. It also amends the aircraft accident investigation Regulation (EU) No. 996/2010.

Commission Implementing Regulation (EU) 2015/1018

The European Commission has also established Implementing Regulation (EU) 2015/1018, laying down a list classifying occurrences in civil aviation to be mandatorily reported.

Both Regulation (EU) 376/2014 and Implementing Regulation (EU) 2015/1018 are applicable in each EU member State without the need for transposition in national legislation.

2. Occurrence Reporting

Regulation (EU) 376/2014 includes provisions for reporting to the competent authority by using two separate types of reports, Mandatory Occurrence Reports (MOR) and Voluntary Occurrence Reports (VOR).

Detailed guidance material issued by the European Commission on the implementation of this regulation may be found at the following link

<http://ec.europa.eu/transport/modes/air/safety/doc/guidancematerial376.pdf>

2.1 Mandatory Occurrence Reports

For a report to be considered mandatory two criteria apply:

The person considering submitting the report has to do so, as defined in Article 4 of Regulation (EU) 376/2014, and

The type of occurrence is classified as mandatory as defined in Article 4 and listed in the associated Implementing Act.

2.2. Voluntary Occurrence Reports

Within an organisation, a voluntary report is one that does not fulfil both of the criteria for mandatory reports.

The voluntary reporting systems shall be used to facilitate the collection of details of occurrences and safety-related information which is perceived by the reporter as an actual or potential hazard to aviation safety.

Information received from voluntary and mandatory reporting may be integrated into a single system.

3. Occurrence Analysis and Follow-up

Organisations shall have processes to analyse occurrences and to identify the safety hazards associated with those occurrences. Based on that analysis, each organisation shall determine any appropriate corrective or preventive action, required to improve aviation safety.

Those actions shall be implemented in a timely manner; and

Organisations shall have a process to monitor the implementation and effectiveness of the action.

Organisations shall regularly provide its employees and contracted personnel with information concerning the analysis of, and follow-up on, occurrences for which preventive or corrective action is taken.

4. Safety Risk Classification

The Commission shall develop a common European risk classification scheme (ERCS) to enable the organisations, Member States and the Agency to classify occurrences in terms of safety risk.

Until the introduction of the ERCS, Organisations may continue to use their current safety risk classification schemes (e.g. ESARR 2 Severity Classification Scheme).

Organisation's classification of occurrences shall be reviewed, if necessary amended, and shall be endorsed by the competent authority in accordance with Regulation (EU) 376/2014.

5. Timelines for Occurrence Reporting

Regulation (EU) 376/2014 lays down timelines for reporting mandatory occurrences within an organisation and where applicable, for transmitting preliminary and final analysis to the CA, following initial notification of those occurrences.

Persons shall report mandatory occurrences within 72 hours of becoming aware of the occurrence, unless exceptional circumstances prevent this.

Organisations shall report to the CA the details of occurrences collected as soon as possible and in any event no later than 72 hours after becoming aware of the occurrence.

Where applicable, organisations shall transmit preliminary results of analysis to the CA within 30 days from the date of notification of the occurrence by the reporter.

Where applicable, organisations shall report final results as soon as they are available and, in principle, no later than three months from the date of notification of the occurrence.

A graphical presentation of the reporting timelines is contained in section 3, para 3 of the Guidance material to Regulation (EU) 376/2014.

In addition to internal reporting arrangements, Organisations shall have processes in place to ensure that follow-up and final analysis to occurrences is transmitted to the CA accordingly.

6. Compatibility with the ECCAIRS software and the ADREP taxonomy

To support the function of the European Central Repository, Regulation (EU) 376/2014 requires that Organisations and Member States shall use Occurrence Reporting databases that are compatible with the ECCAIRS software and the ADREP taxonomy.

7. European Aviation Reporting Portal

The European Commission has developed the online ECCAIRS European Reporting Portal www.aviationreporting.eu. Its use is targeted at ANSPs that do not produce large numbers of Occurrence reports annually. Occurrence reports filed on this Portal will not be reviewed by the EC but will be forwarded directly to the Competent Authority.

By submitting an occurrence report via the European Reporting Portal, the requirements for compatibility with ECCAIRS and ADREP are met.

8. Anonymity, Confidentiality, Dis-identification

Reporting to the organisation is not anonymous but the Regulation requires organisations to take the necessary measures to ensure the appropriate confidentiality of the details of occurrences contained in its database. Furthermore, the competent authority shall ensure that no personal details are recorded in their database or transmitted to the ECR.

However, Organisations are required to regularly provide information concerning the analysis of, and follow-up on, occurrences for which preventive or corrective action is taken to its employees and contracted staff.

This information shall be disseminated within the organisation in a dis-identified format.

9. Just Culture

It seen that a 'Just culture' is an essential element of a broader 'safety culture'; therefore, a Just culture should encourage individuals to report safety-related information.

Regulation (EU) 376/2014 requires that each organisation established in a Member State shall, after consulting its staff representatives, adopt internal rules describing how 'just culture' principles are guaranteed and implemented within that organisation.

Those internal rules should contribute to the organisation's safety culture but also in particular to the achievement of appropriately protecting reporters and persons mentioned in occurrence reports.

Regulation (EU) 376/2014 restates the EU SES legislative definition of 'just culture', as 'a culture in which front-line operators or other persons are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but in which gross negligence, wilful violations and destructive acts are not tolerated.'

10. Interaction with existing reporting requirements

It is recognised by Regulation (EU) 376/2014 that there are a number of pre-existing occurrence reporting requirements contained in different European legislations, including Regulations (EU) 216/2008, (EU) 996/2010, (EU) 1035/2011 and (EU) 390/2013.

Reporting requirements contained in Regulation (EU) 216/2008 may need further alignment. A rulemaking task has been initiated to ensure a better fit of the requirements and support the implementation of a single reporting system.

Furthermore, Regulation (EU) 376/2014 supports the implementation of the rules laid down by the performance Regulation (EU) 390/2013, by ensuring the availability of the data necessary to provide the required information.

It is also understood by the CA that the requirements laid down by ESARR 2 and associated guidance material are commonly used within organisation's SMS'. Where those requirements are complimentary to both Regulation (EU) 376/2014 and Implementing Regulation (EU) 2015/1018, their continued use is accepted.

11. Further Information

Requests for further information on the contents of this notice should be addressed to:

ansdinfo@iaa.ie

The Regulations are available from the EC legislation site EUR-lex

<http://eur-lex.europa.eu/en/index.htm>

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