



EASA
European Aviation Safety Agency

7th IORS Workshop

29 June 2017

Agenda item 03:

NPA 2016-19: Alignment of EASA rules with
Regulation (EU) No. 376/2014 – Status Report

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TE.GEN.00409-001



RMT.0681 Main objective

update the EASA Implementing Rules in the area of occurrence reporting and sharing of safety information to 'increase legal certainty' by clarifying the occurrence-reporting requirements within the scope of Reg. 216/2008



prepare the ground for EASA Standardisation inspections to monitor the implementation of Regulation (EU) No 376/2014

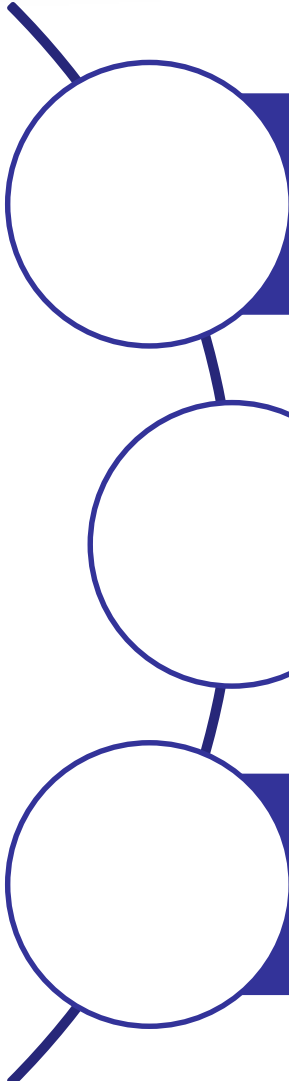
EASA Standardisation expected to start in April 2018



support the implementation of effective occurrence-reporting schemes & adoption of just culture policies by all stakeholders concerned



RMT.0681 - Main RMT difficulties (1/2)



Applicability of Regulation 376/2014 is different from the applicability of SMS (EASA Management System framework) in the EASA rules.

Regulation 376/2014 does not apply to EASA approved organisations having their principal place of business (PPB) in a third country.

More items qualifying for mandatory reporting under EASA BR & IRs than under Regulation 376 and its Implementing Rules.



RMT.0681 - Main RMT difficulties (2/2)



Different competent authorities may exist for the implementation of Regulation 376/2014 and for the oversight under the EASA BR and its Implementing Rules respectively.

EASA BR and its Implementing Rules also deal with reporting between organisations (in particular reporting to the design organisation).

Changes to align with 376/2014 have an impact on internal reporting schemes and reporting between organisations.



RMT.0681 Task history



➤ **ToRs published 30/09/2015**

- Agency task
- 'horizontal' RMT: almost all EASA Parts are affected
- will not lead to a stand-alone amendment for all domains
- resulting rule changes to be consolidated with the subsequent/pending IR & AMC/GM amendments in each particular domain

➤ **NPA 2016-19 published 19 December 2016**

➤ **Comment period ended 22 May 2017 (following extension)**

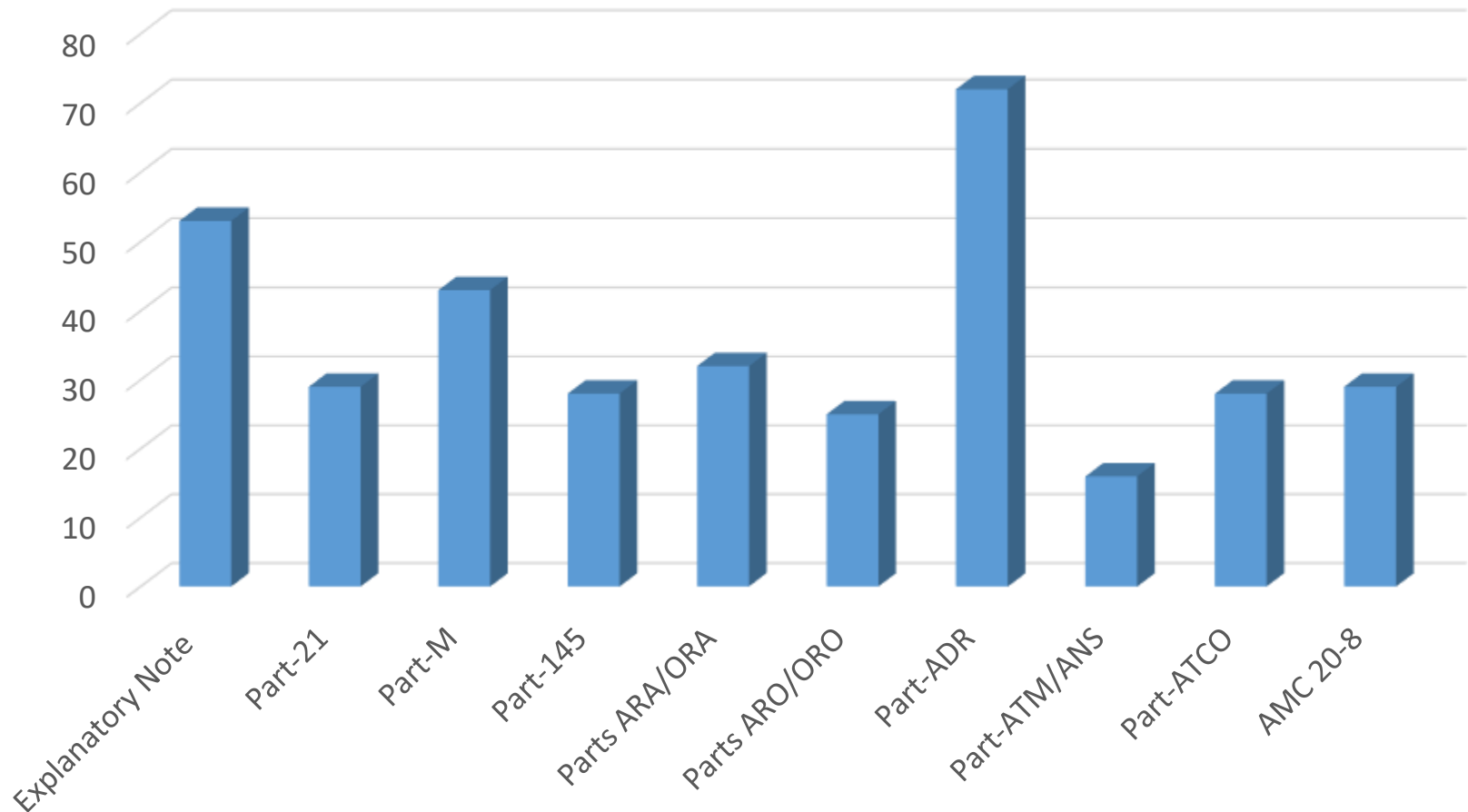
- 355 comments received from 58 organisations & individuals
- many comments from the aerodromes community and from manufacturers

➤ **NPA comment analysis just started.**



NPA 2016-19 - comment distribution

nb of comments





Two open questions included with NPA

not many comments received on those....

1 - Need for improvement of organisation requirements on safety management, across domains?

- Mixed views - some would welcome a review, others state we first need to understand existing requirements (better standardisation).
- Others would like to see a separate RMT for such improvement and to address changes introduced by ICAO Annex 19 'Safety Management' Edition 2.

2 - Should we create a 'cross-domain' AMC with common elements of organisation's management and occurrence-reporting schemes?

- General support, but some comments call for stabilisation of the existing regulatory framework before introducing more 'horizontal' elements.
- In any case EASA should minimise potential negative economic impacts on Small and Medium Sized Enterprises.



NPA 2016-19 - selection of comments

- **Mixed views as to whether EASA IRs need to refer to Regulation 376/2014.**
- **Some General Aviation stakeholders complain that :**
 - not enough feedback is provided to those reporting;
 - organisations cannot access the information in the national database(s).
- **« Consider reporting to States where services are provided in addition to the State where the organisation has its Principal Place of Business (PPB). »**
- **« Reconsider the scope of voluntary reporting to better support performance based oversight (PBO):**
 - *e.g. for POA 21.A.165 (f)(3): releases outside of design data must be reported to the next production organisation, but are not required to be made to the competent authority*
 - *The competent authority cannot use such information for effective PBO. »*



Different terminology

- « *Review terms used in EASA IR to reflect the scope of mandatory and voluntary reporting under R 376/2014: »*

Mandatory reporting (Article 4):

Occurrences which may represent a significant risk to aviation safety and which are listed in Article 4 and further detailed in IR 2015/1018

Voluntary reporting (Article 5):

details of occurrences that may not be captured by the mandatory reporting system;

other safety-related information which is perceived by the reporter as an actual or potential hazard to aviation safety.



Different terminology

➤ Reg. 376/2014 defines «'Occurrence'»:

- *any safety-related **event** which endangers or which, if not corrected or addressed, could endanger **an aircraft, its occupants or any other person** and includes in particular an accident or serious incident;*

Existing EASA IRs

Part-21: **any failure, malfunction, defect** or other **occurrence** of which it is aware related to a product, part, or appliance

Part-145: any **condition** of the aircraft or componentthat has resulted or may result in an unsafe condition that hazards seriously the flight safety.

NPA 2016-19 text for mandatory reporting

any safety-related event **or condition** that endangers or, if not corrected or addressed, could endanger **flight safety**; and

any accident and serious incident



NPA 2016-19 - specific comments to Part-21/Part-M/Part-145

- **Reporting to the organisation responsible for the design of the aircraft or component:**
 - *« NPA wording not precise enough to cover all possible situations, e.g.:*
 - *organisations holding a design approval*
 - *OEM not holding a design approval,*
 - *organisations & persons applying standard changes and repairs*
 - *etc... »*
- **Need to clarify AMO/CAMO responsibilities in relation to occurrence reporting to the Competent Authority.**
- **For organisations approved by both the FAA and EASA:**
 - need to clarify reporting obligations under bilateral agreements
 - need to clarify the 'Principal Place of Business' concept



NPA 2016-19 - specific comments to Part- ADR

- **ADR.OR.C.030 'Occurrence Reporting' versus ADR.OR.D.030 'Safety Reporting System' :**
 - « *Potential for parallel reporting systems - link between the two is not clear. »*
 - « *ADR.OR.D.030 suggests that organisations operating or providing service at the aerodrome (including ANSPs, Ground Handlers) should have to systematically report all their mandatory events through the reporting system of the aerodrome operator. »*
 - « *Many organisations have their own Reg. 376 compliant reporting system or report directly into the CAA reporting portal – no benefit in mandating these also report into the aerodrome operators system. »*





NPA 2016-19 - requests for clarification

➤ AMCs to ORX.GEN.160 Occurrence Reporting for Air Operators

- « *Why do AMCs state that bird/wildlife strikes should be reported by the operator also to ANS provider ?*
- *Regulation 376/2014 does not require the reporting to be done also to the ANS provider. »*

➤ GM1 to ORX.GEN.160 (and equivalent GM in the other domains) 'occurrence-reporting system compliant with Regulation (EU) No 376/2014'

- Need to clarify
 - voluntary reports to be transmitted to the Competent Authority are only for safety related information perceived as an actual or potential hazard to aviation safety
 - the timelines (72 hours / 30 days) do not apply to voluntary reports



NPA 2016-19 - more comments

➤ More clarification required to limit multiple reports for the same issue, e.g. by

- *« stating that the organisation is not required to comply with the reporting obligations if it determines that the issue was already reported to the Agency by another person or organisation, and*
- *clarifying that anything received from another organisation that does not qualify for mandatory reporting does not need to be provided to the competent authority. »*

➤ Need to better address multiple approved organisations:

- *« For such organisations it should be possible to fully integrate the occurrence reporting systems required under the different approvals; e.g.*
 - *e.g. an operator may report on behalf of the CAMO if they are the same organisation, or*
 - *an ANSP may report on behalf of the ATCO Training Organisation if they are the same organisation. »*



NPA 2016-19 - more comments

➤ EASA should use the RMT to confirm that:

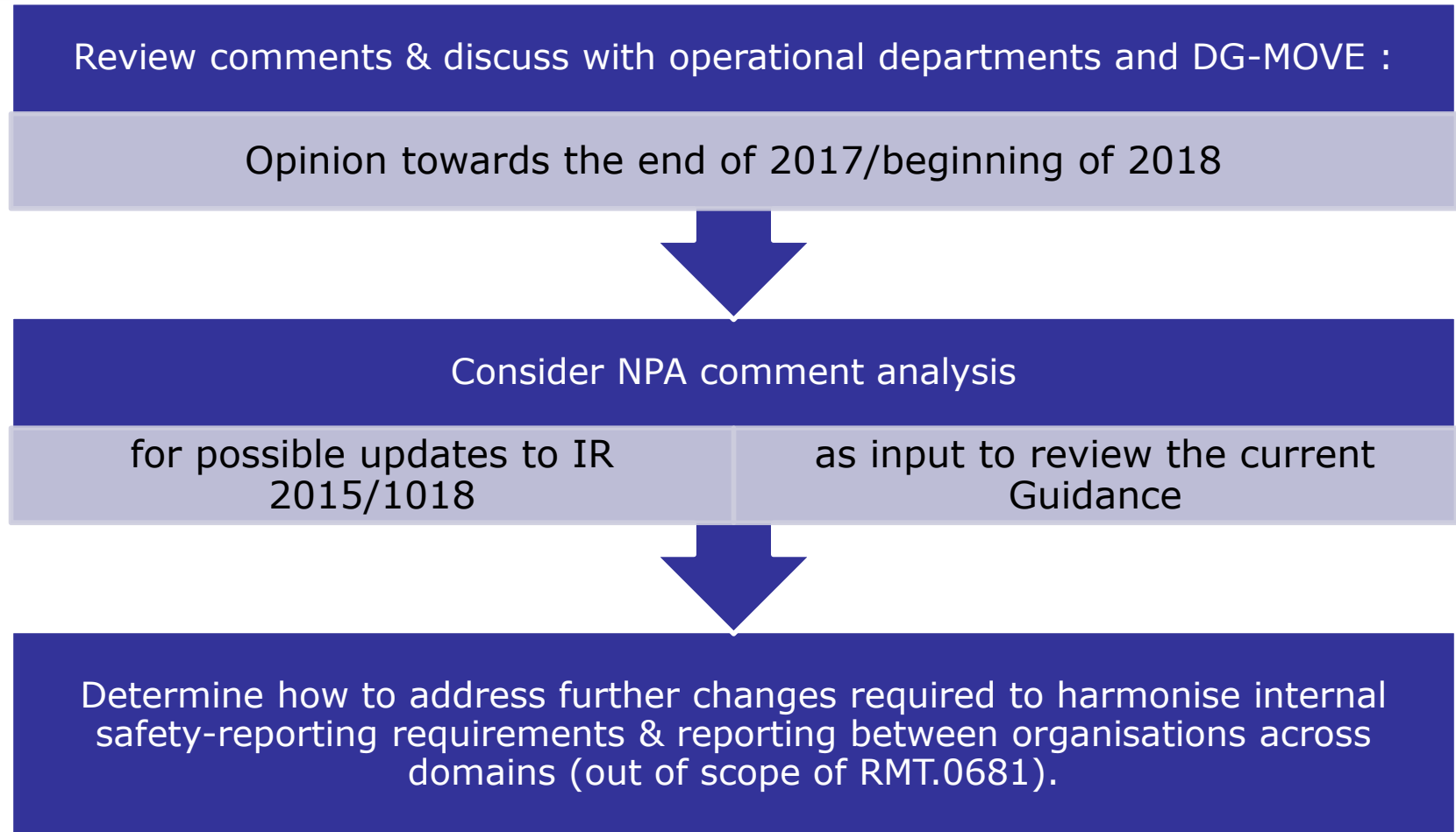
- *« The use of an ECCAIRs compliant reporting system provided by the NAA means that users of that system are automatically compliant with Reg. 376/2014 reporting system requirements (no need for an own ECCAIRs compliant system).*
- *Just culture principles need to apply both for mandatory and voluntary reporting.*
- *The occurrence reporting system should not be used to establish benchmarks for safety performance. »*

➤ EASA should review the ARX.GEN on 'Information to the Agency' and 'Immediate Reaction to a Safety Problem' to :

- better align them with Regulation 376/2014;
- clarify the role of CAGs in relation to the safety analysis of occurrence reports received;
- consider the introduction of the EU Risk Classification Scheme.



Next steps





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Thank you for your attention !



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