



REGULATION (EU) No 376/2014 ON THE REPORTING, ANALYSIS AND FOLLOW-UP OF OCCURRENCES IN CIVIL AVIATION

DG MOVE

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European Commission
5th IORS Workshop - 4th December 2014

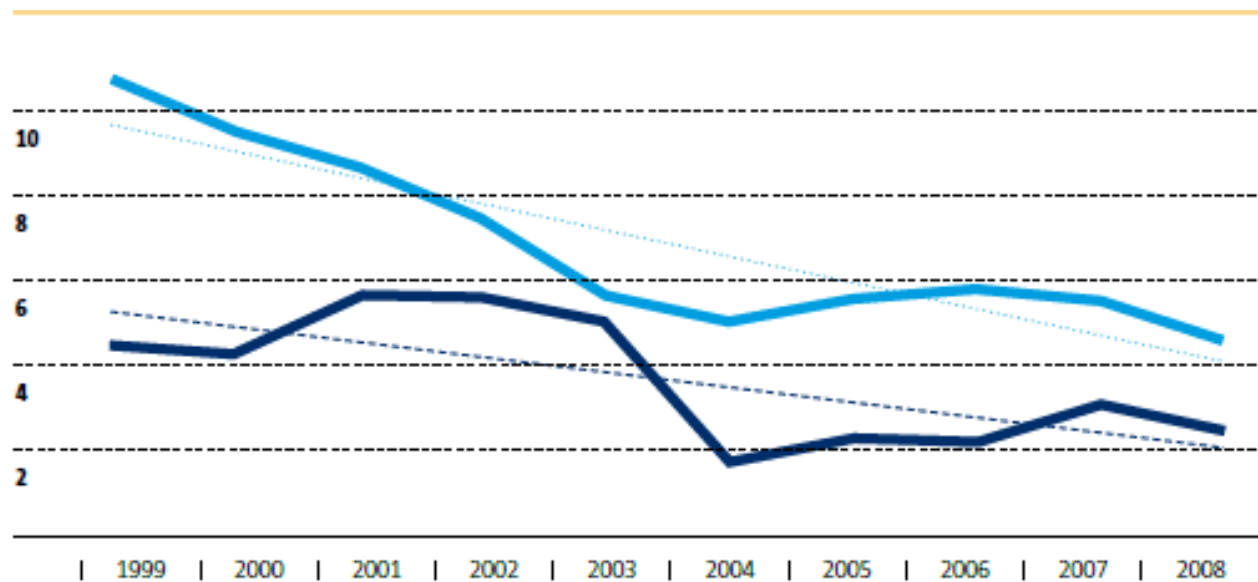
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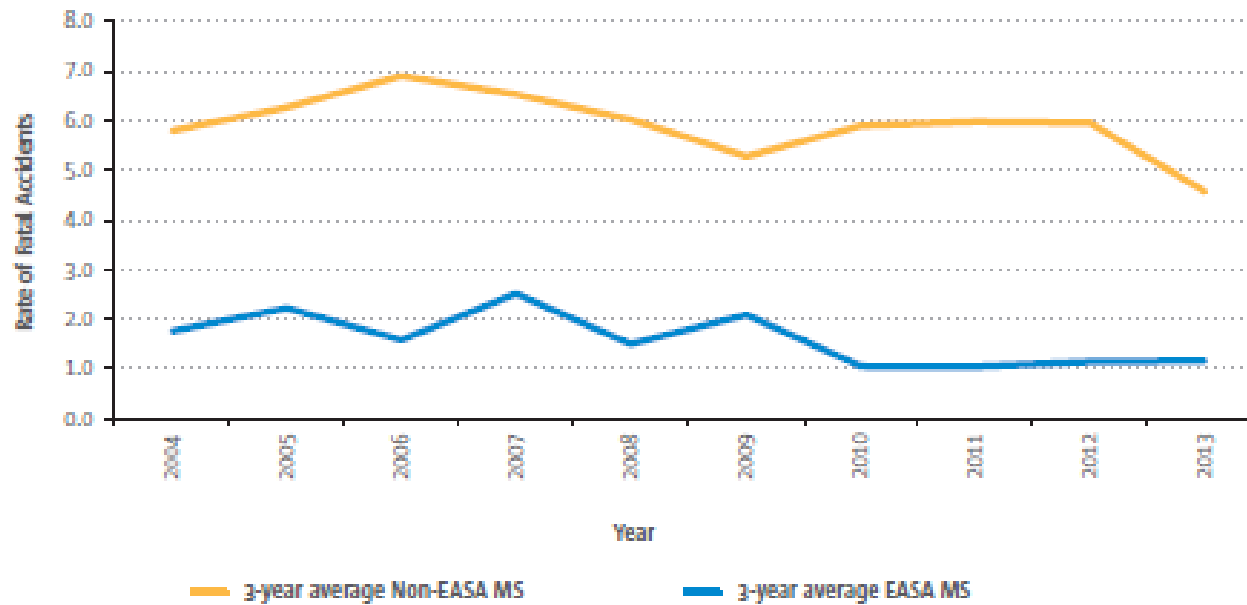
A necessity for safety

Air safety improved over the last decades:
dropped from 5 to 2 fatal accidents per 10 M flights



A necessity for safety

But annual rate more or less stable since 2004:
between 1 and 2 fatal accidents per 10 M flights

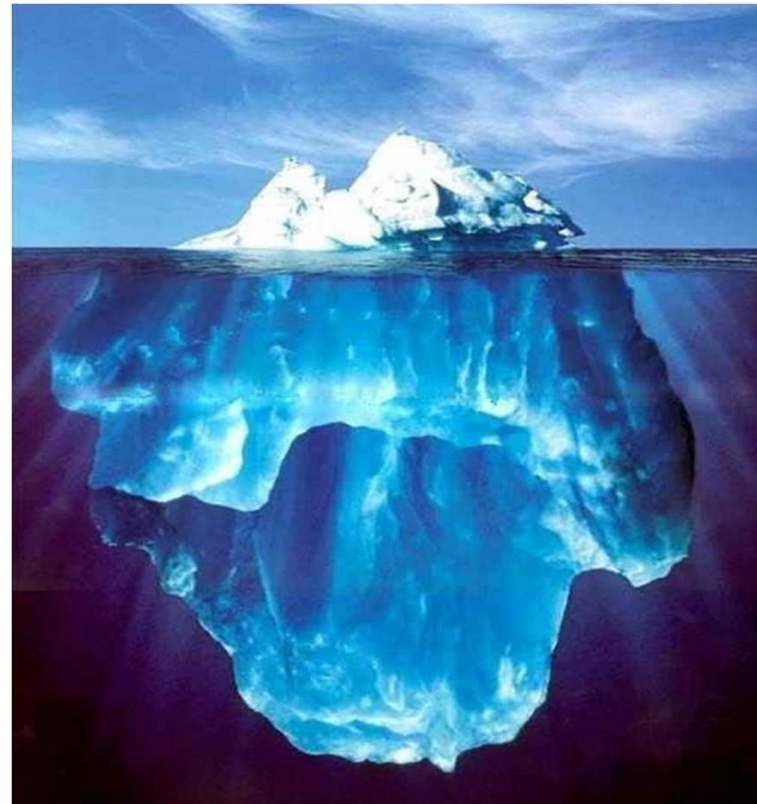


A necessity for safety

- ✓ Forecasts on traffic growth: increase to 16.9 million flights in 2030 (1.8 times the 2010 traffic)
- ✓ Risk of more accidents if no action is taken
- ✓ Shift to more proactive and evidence-based safety system

A necessity for safety

Evidence-based system depends on ability to systematically analyse all available safety information, including occurrences



A need to improve reporting culture


- ✓ Improve implementation of Just Culture:
 - Within industry
 - In the Member States
 - Draw the line
- ✓ Harmonise reporting requirements

A changed environment

✓ Commission Communication on "Setting up an Aviation Safety Management System for Europe"

✓ ICAO Annex 19

✓ Other EU legislations



International Standards
and Recommended Practices

Annex 19
to the Convention on

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► **REGULATION (EC) No 216/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**
of 20 February 2008
on common rules in the field of civil aviation and establishing a European Aviation Safety Agency,
and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive
2004/36/EC
(Text with EEA relevance)
(OJ L 79, 19.3.2008, p. 1)

Amended by:

		Official Journal		
		No	page	date
► M1	Commission Regulation (EC) No 690/2009 of 30 July 2009	L 199	6	31.7.2009
► M2	Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009	L 309	51	24.11.2009
► M3	Commission Regulation (EU) No 6/2013 of 8 January 2013	L 4	34	9.1.2013

International Civil Aviation Organization



A legislation outdated

- ✓ Organisation level not recognised (not in line with SMS)
- ✓ New business models not covered
- ✓ No requirement to analyse and follow-up occurrences
- ✓ Exchange of information through ECR limited



A request from all stakeholders

- ✓ European Parliament and Member States request:

Recital 3 Reg. 996/2010: *"The Commission should bring forward a proposal to revise Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation"*

- ✓ Most involved stakeholders requested it:

More than 90% of the replies to the public consultation supported a revision of the current legislation

In summary

- ✓ Necessary to support accidents prevention
- ✓ Adopt a single overall framework
- ✓ Need to improve reporting culture
- ✓ Adapt to changes in safety system
- ✓ Address current legislation shortcomings
- ✓ Stakeholders request for a new legislation

- Why a new legislation on occurrence?
- Regulation (EU) No 376/2014
- Roadmap towards application



Regulation (EU) No 376/2014

- Regulation of the European Parliament and of the Council
- Adopted in 1st reading in April 2014
- **Consensus on the Regulation:** unanimity of the MS, very broad majority of the EP
- Replace Directive 2003/42 and its IRs **from 15 November 2015**

Regulation (EU) No 376/2014

➤ Main objectives:

- **Prevent accidents** through **reporting, analysis and follow-up** of relevant safety information at industry, national and EU level
- **Increase information** exchange between the MS (ECR)
- Ensure continued availability of safety information (enhanced **Just Culture**)

What kind of reporting system?

- Two types of reporting systems: **mandatory** and **voluntary**
- **Member States, EASA and organisations** shall establish both mandatory and voluntary reporting systems
- Storage of occurrences in a **database** and **ECCAIRS / ADREP compatible format** to facilitate data exchange

Occurrence reporting: Who?

- **Mandatory reporting:** list in Art. 4(6) of Reg. 376/2014

Detailed information in guidelines, notably to align with reporters from DOA and POA in 216 system

- **Voluntary reporting:** anyone else

Occurrence reporting : What?

- **Mandatory reporting:** occurrences which may represent significant risk to aviation in 5 areas

Detailed list of occurrence to be reported published in an IR (February 2015)

Reporting obligations for POA and DOA aligned with 216 and its IR requirements

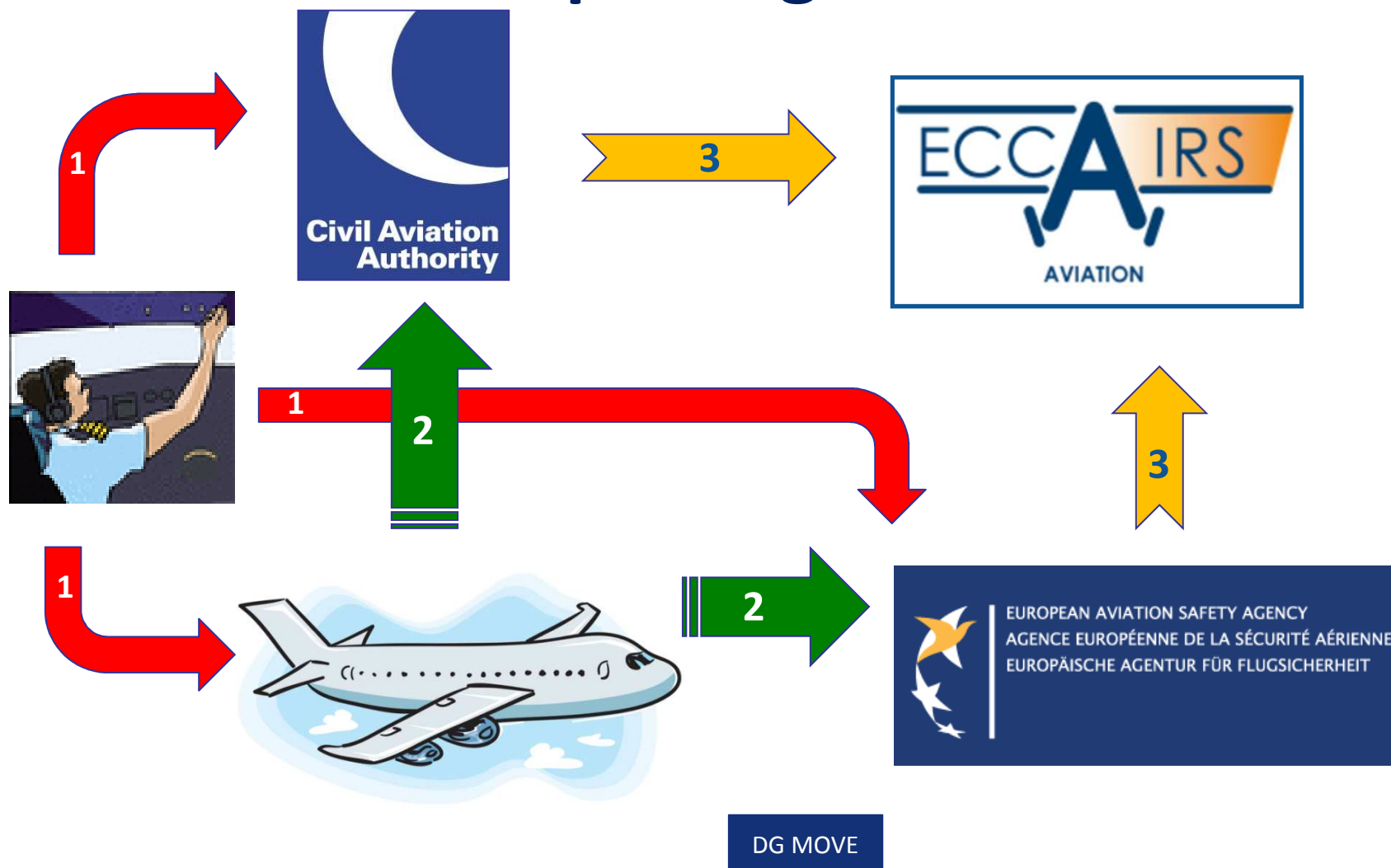
- **Voluntary reporting:** any occurrence

Interaction with 216 system

- Recital 4: not two parallel systems → **one reporting = compliance with both legislations**
- Reporting obligations for DOA/POA aligned with 216 (through 376 IR)
- Reporters for DOA/POA aligned with 216 (through guidelines)

In summary : **DOA/POA reporting unchanged**

Occurrence reporting: How and to whom?



Analysis and follow up

- **Analysis** to identify **safety hazards** and associated **risks**
- Necessary **action** shall be adopted and **implemented**
- **Effectiveness** of action shall be **monitored**
- Results of **analysis and follow-up** transmitted to MS and EASA
- **Monitoring** of action taken and additional action requested where necessary
- Analysis and follow-up **at EU level** through the NoA

Better quality and completeness

- **Mandatory data fields**
 - ✓ Initial version in Annex I, may be updated
 - ✓ Applicable to organisations, MS and EASA
- **Mandatory EU safety risk classification**
 - ✓ To be developed within 3 years
 - ✓ Organisations to classify risk as they want
 - ✓ MS and EASA to review and convert to EU scheme
- **Data quality checking processes**



Information exchange and dissemination

- **Transfer** of information by MS and EASA to ECR
- **Full access** to the ECR for MS CAAs, SIAs and EASA
- **Dissemination** of information contained in the ECR to **interested parties remains unchanged**:
 - ✓ List of interested parties limited and form to submit
 - ✓ Only access to anonymised / aggregated information

Confidentiality and use of information

- **Appropriate confidentiality** of information
- Information shall only be used for the purpose for which it has been collected and shall **not be used to attribute blame or liability**
- **Advance arrangements** between justice and the authority competent for collecting occurrences



Just Culture

- **Protection for reporter** and for persons mentioned in the report
- Rules on **confidentiality of identity**
- **Refrain to institute proceedings** and limitation of information used in proceedings
- **Protection from prejudice by employer**
- Two exceptions to protection principle
- Organisations shall adopt **internal Just Culture policy**
- Possibility for employees to appeal

- Why a new legislation on occurrence?
- Regulation (EU) No 376/2014
- Roadmap towards application



Support to implementation

The Commission, with EASA support, intends to **facilitate and support implementation** of Reg. 376/2014 by developing actions during the next months

- **Guidelines** (End February 2015):
 - ✓ To explain how the Regulation should be understood
 - ✓ To detail how it will interact with Reg. 216/2008 and its IRs
 - ✓ To propose good practices and possible means of compliance
- **Workshops** for Member States (30/03) and industry (04/12 EASA organisations; 27/04 others)

Support to implementation

- **Improved reporting culture:**
 - ✓ **Communication** and promotion material (preparation June 2015)
 - ✓ Internal **industry Just Culture policy model** (WG 18 March; 12 May; 30 June 2015)
 - ✓ Just Culture **Conference** (1st October 2015)



Support to implementation

- **ECCAIRS/ADREP compatibility** (mid-2015)
- **Taxonomy**
- **Standard reporting forms** (mid/end 2015)
- **Technical means** facilitating the implementation of the Regulation (2015/2016/2017)
- **Trainings** (2015/2016/2017)



**Thank you for
your attention!**

Any question?