Draft AMC and GM to Part-ARA

The text of the amendment is arranged to show deleted, new or amended text as shown below:

— deleted text is marked with ~~strike through~~;

— new or amended text is highlighted in blue;

— an ellipsis '(…)' indicates that the rest of the text is unchanged.

SUBPART GEN — GENERAL REQUIREMENTS

SECTION I — GENERAL

AMC1 ARA.GEN.125(b) Information to the Agency

EXCHANGE OF SAFETY-SIGNIFICANT INFORMATION WITH THE AGENCY

Each competent authority should appoint a coordinator to act as the contact point for the exchange of safety-significant information between the competent authority and the Agency.

Draft AMC and GM to Part-ORA

The text of the amendment is arranged to show deleted, new or amended text as shown below:

— deleted text is marked with ~~strike through~~;

— new or amended text is highlighted in blue;

— an ellipsis '(…)' indicates that the rest of the text is unchanged.

SUBPART GEN — GENERAL REQUIREMENTS

SECTION I — GENERAL

AMC1 ORA.GEN.160 Occurrence reporting

GENERAL

~~(a) The organisation should report all occurrences defined in AMC 20-8, and as required by the applicable national rules implementing Directive 2003/43/EC on occurrence reporting in civil aviation.~~

~~(b) In addition to the reports required by AMC 20-8 and Directive 2003/43/EC, the organisation should report volcanic ash clouds encountered during flight.~~

(a) Where the organisation holds one or more additional organisation certificates within the scope of Regulation (EU) 2018/1139 and its delegated and implementing acts:

(1) the organisation may establish an integrated occurrence reporting system covering all certificates held; and

(2) single reports for occurrences should only be provided if the following conditions are met:

(i) the report includes all relevant information from the perspective of the different organisation certificates held;

(ii) the report addresses all relevant specific mandatory data fields and clearly identifies all certificate holders for which the report is made; and

(iii) the competent authority for all certificates is the same and such single reporting was agreed with that competent authority.

(b) The organisation should assign responsibility to one or more suitably qualified persons with clearly defined authority, for coordinating action on occurrences and for initiating any necessary further investigation and follow-up activity.

(c) If more than one person are assigned such responsibility, the organisation should identify a single person to act as the main focal point for ensuring a single reporting channel to the accountable manager is established. This should in particular apply to organisations holding one or more additional organisation certificates within the scope of Regulation (EU) 2018/1139 and its delegated and implementing acts where the occurrence reporting system is fully integrated with that required under the additional certificate(s) held.

GM1 ORA.GEN.160 Occurrence reporting

MANDATORY REPORTING — GENERAL

For organisations having their principal place of business in a Member State, Regulation (EU) 2015/1018 lays down a list classifying occurrences in civil aviation to be mandatorily reported. This list should not be understood as being an exhaustive collection of all issues that may pose a significant risk to aviation safety. Therefore, reporting should not be limited to the items listed in that Regulation and the additional items referred to in point (c) of ORA.GEN.160.

AMC1 ORA.GEN.160(c) Occurrence reporting

REPORTING BETWEEN ORGANISATIONS

(a) In addition to reporting occurrences to the competent authority, reporting between organisations should be considered. Such reporting will depend on the type of training activities, the organisation's interfaces with other organisations, their respective safety policies and procedures, as well as the extent of contracting in accordance with ORA.GEN.205.

(b) If it can be determined that the occurrence has an impact on, or is related to, an aircraft component covered by a separate design approval/authorisation (TC, STC, or ETSO), then the holders of such approval/authorisation should be informed. If an occurrence concerns a component which is covered by a TC, STC, or ETSO, then only that TC, STC, or ETSO authorisation holder needs to be informed. Any operator reporting to the design approval holder should actively support any investigations that may be initiated by that organisation. Support should be provided by a timely response to information requests and by making available affected components, parts or appliances for the purpose of the investigation, subject to an agreement with the respective component, part or appliance owners.

(c) The operator should in addition consider reporting to the continuing airworthiness management organisation managing its aircraft or to the organisation maintaining its aircraft.

(d) For air traffic, aerodrome occurrences or bird/wildlife strikes, the organisation should also notify the appropriate air navigation services (ANS) provider, aerodrome operator or groundhandling services provider.

(e) To ensure effective reporting between organisations, it is important that:

(1) an interface is established between the organisations to ensure that there is an effective and timely exchange of information relating to occurrences;

(2) any relevant safety issue is identified; and

(3) it is clearly established which party is responsible for taking further action, if so required.

(f) Organisations should establish procedures to be used for reporting between organisations, which should include as a minimum:

(1) a description of the applicable requirements for reporting;

(2) the scope of such reporting, considering the organisation's interfaces with other organisations, including organisations contracted in accordance with ORA.GEN.205;

(3) a description of the reporting mechanism, including reporting forms, means, and deadlines;

(4) safeguards to ensure confidentiality of the reporter and protection of personal data; and

(5) responsibilities of the organisations and personnel involved in reporting, including for reporting to the competent authority.

Such procedures should be included in the organisation's management system documentation.

GM1 ORA.GEN.160(c) Occurrence reporting

REPORTING BETWEEN ORGANISATIONS

Organisations may develop a customised list of occurrences to be reported between organisations, adapted to their particular aircraft or operation and the organisations they interface with. Such a customised list of occurrences to be reported between organisations is usually included or referenced in the organisation's management system documentation. Any such lists should however not be considered to be definitive or exhaustive, and the reporter's judgement of the degree of risk or potential hazard involved is essential.

GM2 ORA.GEN.160(c) Occurrence reporting

DESIGN APPROVAL HOLDER

Depending on the case, the 'design approval holder' will be the holder of a type certificate, a restricted type certificate, a supplemental type certificate, a European Technical Standard Order (ETSO) authorisation, a major repair design approval, a major change design approval or any other relevant approval or authorisation for products, parts and appliances deemed to have been issued under Commission Regulation (EU) No 748/2012.

AMC1 ORA.GEN.160(e) Occurrence reporting

ORGANISATIONS REPORTING TO THE AGENCY

(a) Mandatory reports and where possible, voluntary reports should include the information below:

(1) when: UTC date;

(2) where: State/area of occurrence — location of occurrence;

(3) aircraft-related information: aircraft identification: State of Registry, make-model-series, aircraft category, propulsion type, mass group, aircraft serial number, aircraft registration, and call sign;

(4) aircraft operation and history of flight: operator, type of operation, last departure point, planned destination, flight phase;

(5) weather: weather relevant;

(6) where relevant, ANS-related information: ATM contribution, service affected, ATS unit name;

(7) where relevant: aerodrome-related information: location indicator (ICAO airport code), location on the aerodrome; and

(8) aircraft damage or personal injury-related information: severity in terms of highest damage and injury level, number and type of injuries to persons on ground and on aircraft).

(b) Where the organisation identifies an actual or potential aviation safety risk as a result of their analysis of occurrences or group of occurrences reported to the Agency it should:

(1) transmit the following information to the Agency no later than 30 days after the date of notification of the occurrences to the Agency:

(i) the preliminary results of the risk assessment performed; and

(ii) any preliminary mitigation action to be taken; and

(2) where required, transmit the final results of the risk analysis to the Agency as soon as they are available and, in principle, no later than 3 months after the date of initial notification of the occurrences to the Agency.

(c) The below list provides examples of what needs to be mandatorily reported in addition to ORA.GEN.160 point (c). This list should not be understood as being an exhaustive collection of all issues that may pose a significant risk to aviation safety and therefore reporting should not be limited to items listed therein.

1. AIR OPERATIONS

1.1. Flight preparation

(1) Use of incorrect data or erroneous entries into equipment used for navigation or performance calculations which has or could have endangered the aircraft, its occupants or any other person

(2) Carriage or attempted carriage of dangerous goods in contravention of applicable legislation including incorrect labelling, packaging and handling of dangerous goods

1.2. Aircraft preparation

(1) Incorrect fuel type or contaminated fuel

(2) Missing, incorrect or inadequate de-icing/anti-icing treatment

1.3. Take-off and landing

(1) Taxiway or runway excursion

(2) Actual or potential taxiway or runway incursion

(3) Final approach and take-off area (FATO) incursion

(4) Any rejected take-off

(5) Inability to achieve required or expected performance during take-off, go-around or landing

(6) Actual or attempted take-off, approach or landing with incorrect configuration setting

(7) Tail, blade/wingtip or nacelle strike during take-off or landing

(8) Approach continued against air operator stabilised approach criteria

(9) Continuation of an instrument approach below published minima with inadequate visual references

(10) Precautionary or forced landing

(11) Short and long landing

(12) Hard landing

1.4. Any phase of flight

(1) Loss of control

(2) Aircraft upset, exceeding normal pitch attitude, bank angle or airspeed inappropriate for the conditions

(3) Level bust

(4) Activation of any flight envelope protection, including stall warning, stick shaker, stick pusher and automatic protections

(5) Unintentional deviation from intended or assigned track of the lowest of twice the required navigation performance or 10 nautical miles

(6) Exceedance of aircraft flight manual limitation

(7) Operation with incorrect altimeter setting

(8) Jet blast or rotor and prop wash occurrences which have or could have endangered the aircraft, its occupants or any other person

(9) Misinterpretation of automation mode or of any flight deck information provided to the flight crew which has or could have endangered the aircraft, its occupants or any other person

1.5. Other types of occurrences

(1) Unintentional release of cargo or other externally carried equipment

(2) Loss of situational awareness (including environmental, mode and system awareness, spatial disorientation, and time horizon)

(3) Any occurrence where the human performance has directly contributed to or could have contributed to an accident or a serious incident

2. TECHNICAL OCCURRENCES

2.1. Structure and systems

(1) Loss of any part of the aircraft structure in flight

(2) Loss of a system

(3) Loss of redundancy of a system

(4) Leakage of any fluid which resulted in a fire hazard or possible hazardous contamination of aircraft structure, systems or equipment, or which has or could have endangered the aircraft, its occupants or any other person

(5) Fuel system malfunctions or defects, which had an effect on fuel supply and/or distribution

(6) Malfunction or defect of any indication system when this results in misleading indications to the crew

(7) Abnormal functioning of flight controls such as asymmetric or stuck/jammed flight controls (for example: lift (flaps/slats), drag (spoilers), attitude control (ailerons, elevators, rudder) devices)

2.2. Propulsion (including engines, propellers and rotor systems) and auxiliary power units (APUs)

(1) Failure or significant malfunction of any part or controlling of a propeller, rotor or powerplant

(2) Damage to or failure of main/tail rotor or transmission and/or equivalent systems

(3) Flameout, in-flight shutdown of any engine or APU when required (for example: extended range twin engine aircraft operations (ETOPS), minimum equipment list (MEL))

(4) Engine operating limitation exceedance, including overspeed or inability to control the speed of any high-speed rotating component (for example: APU, air starter, air cycle machine, air turbine motor, propeller or rotor)

(5) Failure or malfunction of any part of an engine, powerplant, APU or transmission resulting in any one or more of the following:

(a) thrust-reversing system failing to operate as commanded;

(b) inability to control power, thrust or revolutions per minute (rpm);

(c) non-containment of components/debris.

3. INTERACTION WITH AIR NAVIGATION SERVICES (ANS) AND AIR TRAFFIC MANAGEMENT (ATM)

(1) Unsafe (air traffic control (ATC) clearance

(2) Prolonged loss of communication with air traffic services (ATS) or ATM unit

(3) Conflicting instructions from different ATS units potentially leading to a loss of separation

(4) Misinterpretation of radio-communication which has or could have endangered the aircraft, its occupants or any other person

(5) Intentional deviation from ATC instruction which has or could have endangered the aircraft, its occupants or any other person

4. EMERGENCIES AND OTHER CRITICAL SITUATIONS

(1) Any event leading to the declaration of an emergency (‘Mayday’ or ‘PAN call’)

(2) Any burning, melting, smoke, fumes, arcing, overheating, fire or explosion

(3) Contaminated air in the cockpit or in the passenger compartment which has or could have endangered the aircraft, its occupants or any other person

(4) Failure of the flight or cabin crew to apply the correct non-normal or emergency procedure to deal with an emergency

(5) Use of any emergency equipment or non-normal procedure affecting in-flight or landing performance

(6) Failure of any emergency or rescue system or equipment which has or could have endangered the aircraft, its occupants or any other person

(7) Uncontrollable cabin pressure

(8) Critically low fuel quantity or fuel quantity at destination below required final reserve fuel

(9) Any use of crew oxygen system by the crew

(10) Incapacitation of any member of the flight or cabin crew that results in the reduction below the minimum certified crew complement

(11) Crew fatigue affecting or potentially affecting their ability to perform safely their flight duties

5. EXTERNAL ENVIRONMENT AND METEOROLOGY

(1) A collision or a near collision on the ground or in the air, with another aircraft, terrain or obstacle

(2) Airborne collision avoidance system, resolution advisory (ACAS RA).

(3) Activation of genuine ground collision system such as ground proximity warning system (GPWS)/ terrain awareness and warning system (TAWS) ‘warning’

(4) Wildlife strike including bird strike

(5) Foreign object damage/debris (FOD)

(6) Unexpected encounter of poor runway surface conditions

(7) Wake-turbulence encounters

(8) Interference with the aircraft by firearms, fireworks, flying kites, laser illumination, high-powered lights, lasers, unmanned aircraft systems (UASs), model aircraft or by similar means

(9) A lightning strike which resulted in damage to the aircraft or loss or malfunction of any aircraft system

(10) A hail encounter which resulted in damage to the aircraft or loss or malfunction of any aircraft system

(11) Severe turbulence encounter or any encounter resulting in injury of occupants or deemed to require a ‘turbulence check’ of the aircraft

(12) A significant wind shear or thunderstorm encounter which has or could have endangered the aircraft, its occupants or any other person

(13) Icing encounter resulting in handling difficulties, damage to the aircraft or loss or malfunction of any aircraft system

(14) Volcanic ash encounter

6. SECURITY

(1) Bomb threat or hijack

(2) Difficulty in controlling intoxicated, violent or unruly passengers

(3) Discovery of a stowaway

SECTION II — MANAGEMENT

AMC1 ORA.GEN.200(a)(1);(2);(3);(5) Management system

NON-COMPLEX ORGANISATIONS — GENERAL

(a) Safety risk management may be performed using hazard checklists or similar risk management tools or processes, which are integrated into the activities of the organisation.

(b) The organisation should manage safety risks related to a change. The management of change should be a documented process to identify external and internal change that may have an adverse effect on safety. It should make use of the organisation's existing hazard identification, risk assessment and mitigation processes.

(c) The organisation should identify a person who fulfils the role of safety manager and who is responsible for coordinating the safety ~~-~~management ~~system~~ related processes and tasks. This person may be the accountable manager or a person with an operational role in the organisation.

(d) Within the organisation, responsibilities should be identified for hazard identification, risk assessment and mitigation.

(e) The safety policy should include a commitment to~~-~~:

(1) improve towards the highest safety standards~~,~~;

(2) comply with all applicable legal requirements~~,~~;

(3) meet all applicable standards~~,~~;

(4) consider best practices and provide appropriate resources~~.~~; and

(5) apply 'just culture' principles and, in particular, not to make available or use the information on occurrences:

(i) to attribute blame or liability to someone for reporting something that would not have been otherwise detected; or

(ii) for any purpose other than the maintenance or improvement of aviation safety.

(f) The organisation should, in cooperation with other stakeholders, develop, coordinate and maintain an emergency response plan (ERP) that ensures orderly and safe transition from normal to emergency operations and return to normal operations. The ERP should provide the actions to be taken by the organisation or specified individuals in an emergency and reflect the size, nature and complexity of the activities performed by the organisation.

AMC1 ORA.GEN.200(a)(2) Management system

COMPLEX ORGANISATIONS — SAFETY POLICY

(a) The safety policy should:

(1) be endorsed by the accountable manager;

(2) reflect organisational commitments regarding safety and its proactive and systematic management;

(3) be communicated, with visible endorsement, throughout the organisation; and

(4) include safety-reporting principles.

(b) The safety policy should include a commitment to:

(1) ~~to~~ improve towards the highest safety standards;

(2) ~~to~~ comply with all applicable legislation, meet all applicable standards and consider best practices;

(3) ~~to~~ provide appropriate resources;

(4) ~~to~~ enforce safety as one primary responsibility of all managers; and

(5) ~~not to blame someone for reporting something which would not have been otherwise detected~~ apply 'just culture' principles and, in particular, not to make available or use the information on occurrences:

(i) to attribute blame or liability to front line personnel or other persons for actions, omissions or decisions taken by them that are commensurate with their experience and training; or

(ii) for any purpose other than the maintenance or improvement of aviation safety.

(c) Senior management should:

(1) continually promote the safety policy to all personnel and demonstrate their commitment to it;

(2) provide necessary human and financial resources for its implementation; and

(3) establish safety objectives and performance standards.

GM1 ORA.GEN.200(a)(2) Management system

SAFETY POLICY

(a) The safety policy is the means whereby the organisation states its intention to maintain and, where practicable, improve safety levels in all its activities and to minimise its contribution to the risk of an aircraft accident or serious incident as far as is reasonably practicable. It reflects the management's commitment to safety, and should reflect the organisation's philosophy of safety management, as well as become the foundation on which the organisation's management system is built. It serves as a reminder of 'how we do business here'. The creation of a positive safety culture begins with the issuance of a clear, unequivocal direction.

~~The safety policy should state that the purpose of safety reporting and internal investigations is to improve safety, not to apportion blame to individuals.~~

(b) The commitment to apply 'just culture' principles forms the basis for the organisation's internal rules describing how 'just culture' principles are guaranteed and implemented.

(c) For organisations having their principal place of business in a Member State, Regulation (EU) No 376/2014 defines the 'just culture' principles to be applied (refer in particular to Article 16(11) thereof).