



Terms of Reference

for a rulemaking task

Alignment of Implementing Rules & AMC/GM with Regulation (EU) No 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 and repealing Directive 2003/42/EC and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007

Occurrence Reporting

RMT.0681 — ISSUE 1 — 30.9.2015

Applicability		Process map	
Affected regulations and decisions:	Reg. (EU) No 748/2012, Annex I (Part-21) and ED Decision 2014/007/R Reg. (EU) No 1321/2014, Annex I (Part-M); Annex II (Part-145) and ED Decision ED Decision 2013/034/R Reg. (EU) No 1178/2011, Annex VI (Part-ARA); Annex VII (Part-ORA) and ED Decisions 2014/020/R & 2012/004/R Reg. (EU) No 965/2012, Annex II (Part-ARO); Annex III (Part-ORO) and ED Decision 2014/025/R Reg. (EU) No 139/2014 and ED Decision 2014/012/R Reg. (EU) No 1034/2011 and Reg. (EU) No 1035/2011 and ED Decision 2014/35/R Reg. (EU) 2015/340 and ED Decision 2015/010/R	Concept Paper:	No
		Rulemaking group:	No
		RIA type:	None
		Technical consultation during NPA drafting:	No
		Publication date of the NPA:	2015/Q4
		Duration of NPA consultation:	2 months
		Review group:	No
		Focussed consultation:	No
		Publication date of the Opinion:	2016/Q1
Affected stakeholders:	Authorities and approved organisations within the areas listed above		
Driver/origin:	Safety		
Reference:	N/a		



1. Issue and reasoning for regulatory change

Regulation (EU) No 376/2014¹ on the reporting, analysis and follow-up of occurrences in civil aviation introduces specific obligations for the Agency, Member States' competent authorities, individuals and approved organisations, which are in parallel with the reporting obligations under Regulation (EU) No 216/2008² and the related Implementing Rules. While those two sets of Regulations are overall 'deemed to be consistent', in practice there are a number of potential overlaps and ambiguities that need to be addressed. In addition, to make the reporting and follow-up provisions introduced with Regulation (EU) No 376/2014 applicable to reports from organisations approved by the Agency, it is necessary to update the relevant Implementing Rules to Regulation (EU) No 216/2008. Finally, all references to EU Directive 2003/42³, Commission Regulations (EC) No 1321/2007⁴ or (EC) No 1330/2007⁵ in the Implementing Rules to Regulation (EU) No 216/2008 will need to be removed, as these are repealed by Regulation (EU) No 376/2014.

2. Objectives

Update Implementing Rules to Regulation (EU) No 216/2008 and related AMC/GM to properly reflect requirements defined in Regulation (EU) No 376/2014.

This shall:

- provide legal certainty for reporting obligations;
- clarify the scope of competent authority oversight; and
- support the promotion of a 'just culture'.

3. Activities

Update EASA authority- and organisation requirements/Section B and Section A requirements, as applicable, and related AMC/GM, to:

- clearly spell out the additional organisation and management system requirements stemming from Regulation (EU) No 376/2014;
- subject these to the organisation's internal audit/compliance monitoring function, as well as to competent authority oversight;
- remove any references to EU Directive 2003/42, Commission Regulations (EC) No 1321/2007 or (EC) No 1330/2007 and replace by references to Regulation (EU) No 376/2014 where relevant;

¹ Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OJ L 122, 24.4.2014, p. 18).

² 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 (OJ L 79, 19.3.2008, p. 1).

³ Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation (OJ L 167, 4.7.2003, p. 23).

⁴ Commission Regulation (EC) No 1321/2007 of 12 November 2007 laying down implementing rules for the integration into a central repository of information on civil aviation occurrences exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council Text with EEA relevance (OJ L 294, 13.11.2007, p. 3).

⁵ Commission Regulation (EC) No 1330/2007 of 24 September 2007 laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrences referred to in Article 7(2) of Directive 2003/42/EC of the European Parliament and of the Council (OJ L 295, 14.11.2007, p. 7).



- remove any references to Regulation (EU) No 996/2010⁶ when related to Article 19 ‘Occurrence Reporting’ thereof (repealed by Regulation (EU) No 376/2014);
- provide additional guidance on the application of just culture principles as part of an organisation’s safety policy; and
- review the lists of reportable occurrences in AMC 20-8 to align with the Implementing Rule to Regulation (EU) No 376/2014.

For the different areas under consideration, the amendments to the organisation and management system requirements stemming from Regulation (EU) No 376/2014, in particular those related to voluntary reporting, will take due account of any safety management requirements already introduced in the corresponding Implementing Rules to Regulation (EU) No 216/2008.

4. Deliverables

Opinion with draft Implementing Rule(s) to amend:

- Regulation (EU) No 748/2012⁷ Annex I (Part-21);
- Regulation (EU) No 1321/2014⁸ Annex I (Part-M); Annex II (Part-145);
- Regulation (EU) No 1178/2011⁹ Annex VI (Part-ARA); Annex VII (Part-ORA);
- Regulation (EU) No 965/2012¹⁰ Annex II (Part-ARO); Annex III (Part-ORO); Annex IV (Part-CAT);
- Regulation (EU) No 139/2014¹¹;
- Regulations (EU) No 1034/2011¹² and (EU) No 1035/2011¹³;
- Regulation (EU) 2015/340¹⁴.

Decision to amend:

- ED Decision 2012/020/RM¹⁵ (Part-21);

⁶ Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (OJ L 295, 12.11.2010, p. 35).

⁷ Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1).

⁸ Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 362, 17.12.2014, p. 1).

⁹ Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p.1).

¹⁰ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L296, 25.10.2012, p. 1).

¹¹ Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L, 44, 14.2.2014, p. 1).

¹² Commission Implementing Regulation (EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010 (OJ L 271, 18.10.2011, p. 15).

¹³ Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010 (OJ L 271, 18.10.2011, p. 23).

¹⁴ Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers’ licenses and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 (OJ L 63, 6.3.2015, p.1).

¹⁵ Decision 2012/020/RM of the Executive Director of the Agency of 30 October 2012 on acceptable means of compliance and guidance material for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations – ‘AMC and GM to Part 21’. Repealing Decision No 2003/01/RM of the Executive Director of the Agency of 17 October 2003.



- ED Decision 2003/019/RM¹⁶ (Part-M and Part-145);
- ED Decision 2012/06/RM¹⁷ (Part-ARA)
- ED Decision 2012/007/RM¹⁸ (Part-ORA)
- ED Decision 2014/012/R¹⁹ (Aerodromes);
- ED Decision 2014/017/R²⁰ (Part-ORO);
- ED Decision 2014/025/R²¹ (Part-ARO);
- ED Decision 2014/035/R²² (ATM/ANS Safety Key Performance Indicators AMC/GM – Issue 2);
- ED Decision 2003/012/RM²³ (AMC-20);
- ED Decision 2015/010/R²⁴ (Requirements on Air Traffic Controller licensing)

5. Interface issues

This rulemaking task will be closely coordinated with any other on-going rulemaking task dealing with common authority requirements, common organisation requirements or reporting obligations, in particular:

- Air Operations: RMT.0516 & RMT.0517 'Updating Air OPS Regulation (EU) No 965/2012 and related Acceptable Means of Compliance (AMC) & Guidance Material (GM)';
- Aircrew: RMT.0412 and RMT.0413 (FCL.013) 'Updating Part-ARA and Part-ORA pertaining to Flight Crew Licensing (FCL)';
- Initial Airworthiness:
 - RMT.0262, RMT.0611, RMT.0550 and RMT.0612 (MDM.060) 'Embodiment of Level of Involvement (LOI) and Safety Management System (SMS) requirements into Part-21;
 - RMT.0643 — 'Regular update of AMC-20'

¹⁶ Decision 2003/019/RM of the Executive Director of the Agency of 28 November 2003 on acceptable means of compliance and guidance material to Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks.

¹⁷ Decision 2012/006/RM of the Executive Director of the Agency of 19 April 2012 on acceptable means of compliance and guidance material to Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and the Council – 'Acceptable Means of Compliance and Guidance Material to Part-ARA'.

¹⁸ Decision 2012/007/RM of the Executive Director of the Agency of 19 April 2012 on acceptable means of compliance and guidance material to Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and the Council – 'Acceptable Means of Compliance and Guidance Material to Part-ORA'.

¹⁹ Decision 2014/012/R of the Executive Director of the Agency of 27 February 2014 adopting Acceptable Means of Compliance and Guidance Material to Regulation (EU) No 139/2014, 'AMC/GM for Aerodromes – Initial issue'.

²⁰ Decision 2014/017/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-ORO of Regulation (EU) No 965/2012 and repealing Decision 2012/017/R of the Executive Director of the Agency of 24 October 2012, 'AMC and GM to Part-ORO' – Issue 2'.

²¹ Decision 2014/025/R of the Executive Director of the Agency of 28 July 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-ARO of Regulation (EU) No 965/2012 and repealing Decision 2014/017/R of the Executive Director of the Agency of 24 April 2014, 'AMC and GM to Part-ARO – Issue 3'.

²² Decision 2014/035/R of the Executive Director of the Agency of 16 December 2014 adopting Acceptable Means of Compliance and Guidance Material for point 1 of Section 2 of Annex I to Regulation (EU) No 390/2013 and repealing Decision 2011/017/R of the Executive Director of the Agency of 16 December 2011, 'AMC and GM for the implementation and measurement of safety (Key) Performance Indicators (S(K)PIs) – Issue 2'.

²³ Decision 2003/012/RM of the Executive Director of the Agency of 5 November 2003 on general acceptable means of compliance for airworthiness of products, parts and appliances – 'AMC 20'.

²⁴ Decision 2015/010/R of the Executive Director of the Agency of 13 March 2015 adopting Acceptable Means of Compliance and Guidance Material to Commission Regulation 2015/340.



- Continuing Airworthiness:
 - RMT.0251 (MDM.055) 'Embodiment of Safety Management System (SMS) requirements into Commission Regulation (EC) No 1321/2014';
 - RMT.0547 (Part-M General Aviation Task Force) 'Part-M Light'.
- ATM/ANS: RMT.0148 (ATM.001(A)) & RMT.0149 (ATM.001(B)) 'Requirements on Air Navigation Service Provision' & RMT.0157 (ATM.004(A)) & RMT.0158 (ATM.004(B)) 'Requirements on Competent Authorities in ATM/ANS', RMT.0473 & RMT.0474 'Technical requirements and operational procedures for the provision of meteorological services' & RMT.0469 & RMT.0470 'Assessment of changes to functional systems by service providers in ATM/ANS and the oversight of these changes by competent authorities'; and
- Opinion 03/2014 'Requirements for service providers and the oversight thereof'.

6. Focussed consultation

Not applicable.

7. Profile and contribution of the rulemaking group

Not applicable.

8. Appendix I: Reference documents

8.1. Affected regulations

This non-exhaustive list provides an indication of those items that need to be reviewed and possibly amended as a minimum. Additional, consequential amendments may be necessary.

Regulation (EU) No 748/2012, Annex I (Part-21):

- 21.A.3A Failures, malfunctions and defects
- 21.A.129 Obligations of the manufacturer
- 21.A.158 Findings
- 21.A.165 Obligations of the holder
- 21.A.258 Findings
- 21.B.45 Reporting/coordination

Regulation (EU) No 1321/2014, Annex I (Part-M) and Annex II (Part-145):

- M.A.202 Occurrence reporting
- M.B.105 Mutual exchange of information
- M.B.605 Findings
- M.B.705 Findings
- 145.A.60 Occurrence reporting
- 145.B.50 Findings



Regulation (EU) No 1178/2011, Annex VI (Part-ARA) and Annex VII (Part-ORA):

- ARA.GEN.125 Information to the Agency
- ARA.GEN.135 Immediate reaction to a safety problem
- ARA.GEN.200 Management system
- ARA.GEN.350 Findings and corrective actions — organisations
- ARA.GEN.355 Findings and enforcement measures — persons
- ORA.GEN.160 Occurrence reporting
- ORA.GEN.200 Management system
 - AMC1 ORA.GEN.200(a)(1);(2);(3);(5) Management system
 - AMC1 ORA.GEN.200(a)(2) Management system
 - GM1 ORA.GEN.200(a)(3) Management system

Regulation (EU) No 965/2014, Annex II (Part-ARO) and Annex III (Part-ORO):

- ARO.GEN.125 Information to the Agency
- ARO.GEN.135 Immediate reaction to a safety problem
- ARO.GEN.200 Management system
- ARO.GEN.350 Findings and corrective actions – organisations
- ARO.GEN.355 Findings and enforcement measures – persons
- ARO.GEN.360 Findings and enforcement measures – all operators
- ORO.GEN.160 Occurrence reporting
- ORO.GEN.200 Management system
 - AMC1 ORO.GEN.200(a)(1);(2);(3);(5) Management system
 - AMC1 ORO.GEN.200(a)(2) Management system
 - GM1 ORO.GEN.200(a)(3) Management system
- ORO.FTL.120 (b)(1) Fatigue risk management policy
 - AMC1 ORO.FTL.120 (b)(1) Fatigue risk management
- ORO.FTL.120 (b)(4) Hazard identification
 - AMC1 ORO.FTL.120 (b)(4) Hazard identification
- ORO.CC.140 Recurrent training
- ORO.CC.200 Senior cabin crew member
- ORO.CC.255 Single cabin crew member operations



- Part-CAT
 - AMC1 CAT.GEN.MPA.100(b) Crew responsibilities
 - AMC2 CAT.GEN.MPA.140 Portable electronic devices
 - AMC1 CAT.GEN.MPA.200(e) Transport of dangerous goods
 - GM1 CAT.OP.MPA.290 Ground proximity detection
 - GM1 CAT.OP.MPA.295 Use of Airborne Collision Avoidance System (ACAS)

Regulation (EU) No 139/2014:

- ADR.AR.A.025 Information to the Agency
- ADR.AR.A.030 Immediate reaction to a safety problem
- ADR.AR.B.005 Management system
- ADR.AR.C.055 Findings, observations, corrective actions and enforcement measures
- ADR.OR.C.030 Occurrence reporting
- ADR.OR.D.005 Management system

Regulation (EU) No 2015/340:

- ATCO.AR.A.020 Information to the Agency
- ATCO.OR.B.040 Occurrence reporting

8.2. Reference documents

- Regulation (EU) No 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 and repealing Directive 2003/42/EC and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007
- Commission Implementing Regulation (EU) 2015/1018²⁵ of 29 June 2015 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council (Text with EEA relevance)
- ICAO Annex 19 'Safety Management' Edition 1 - Chapter 5 'Safety data collection, analysis and exchange'

²⁵ Commission Implementing Regulation (EU) 2015/1018 of 29 June 2015 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council (Text with EEA relevance) (OJ L 163, 30.6.2015, p. 1).

