
Occurrence Reporting
RMT.0681 — Issue 1 — 30.9.2015

<table>
<thead>
<tr>
<th>Applicability</th>
<th>Process map</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affected regulations and decisions:</td>
<td>Concept Paper: No</td>
</tr>
<tr>
<td>Reg. (EU) No 748/2012, Annex I (Part-21)</td>
<td>Rulemaking group: No</td>
</tr>
<tr>
<td>and ED Decision 2014/007/R</td>
<td>RIA type: None</td>
</tr>
<tr>
<td>(Part-145) and ED Decision 2013/034/R</td>
<td>during NPA drafting: No</td>
</tr>
<tr>
<td>Reg. (EU) No 1178/2011, Annex VI (Part-ARA); Annex</td>
<td>Publication date of the NPA: 2015/Q4</td>
</tr>
<tr>
<td>VII (Part-ORA) and ED Decisions 2014/020/R &amp;</td>
<td>Duration of NPA consultation: 2 months</td>
</tr>
<tr>
<td>2012/004/R</td>
<td>Review group: No</td>
</tr>
<tr>
<td>Reg. (EU) No 965/2012, Annex II (Part-ARO); Annex III</td>
<td></td>
</tr>
<tr>
<td>(Part-oro) and ED Decision 2014/025/R</td>
<td>Focussed consultation: No</td>
</tr>
<tr>
<td>Reg. (EU) No 139/2014 and ED Decision 2014/012/R</td>
<td>Publication date of the Opinion:</td>
</tr>
<tr>
<td>and ED Decision 2014/35/R</td>
<td></td>
</tr>
<tr>
<td>Affected stakeholders: Authorities and approved organisations within the areas listed above</td>
<td></td>
</tr>
<tr>
<td>Driver/origin: Safety</td>
<td></td>
</tr>
<tr>
<td>Reference: N/a</td>
<td></td>
</tr>
</tbody>
</table>
1. Issue and reasoning for regulatory change

Regulation (EU) No 376/2014 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 216/2008 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 2003/42, Commission Regulations (EC) No 1321/2007 or (EC) No 1330/2007 in the Implementing Rules to Regulation (EU) No 216/2008 will need to be removed, as these are repealed by Regulation (EU) No 376/2014.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


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 Regulation (EU) No 996/2010\(^6\) 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 748/2012\(^7\) Annex I (Part-21);

— Regulation (EU) No 1321/2014\(^8\) Annex I (Part-M); Annex II (Part-145);

— Regulation (EU) No 1178/2011\(^9\) Annex VI (Part-ARA); Annex VII (Part-ORA);

— Regulation (EU) No 965/2012\(^10\) Annex II (Part-ARO); Annex III (Part-ORO); Annex IV (Part-CAT);

— Regulation (EU) No 139/2014\(^11\);

— Regulations (EU) No 1034/2011\(^12\) and (EU) No 1035/2011\(^13\);

— Regulation (EU) 2015/340\(^14\).

Decision to amend:

— ED Decision 2012/020/RM\(^15\) (Part-21);
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:

- 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’

---


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’.


Continuing Airworthiness:

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.

  — 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

  — 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
- 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

- 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


— 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)


---